

Have an Accident?

"Education is not the filling of a bucket but the starting of a fire." -- Nobel Prize-winning poet and playwright W. B. Yeats (1865-1939)

A battered man stands beside a demolished car. "Have an accident?" he is asked. "No thanks; just had one," he replies.

-- Cartoon by Rube Goldberg (1883-1970), Pulitzer Prize winning cartoonist, sculptor, and author

Knowing what to do after an accident happens is important. Here are some Q's and A's about your legal rights and obligations.

Q. What should I do first if I have a driving accident?

Your first duty is safety. If you are in a minor accident, first check for injuries. If anyone is hurt, call 911 immediately and wait for emergency responders.

Q. Can I legally move my vehicle after an accident?

Yes, except when there is serious injury. Tennessee law says you should move your vehicle out of the roadway after an accident if there is "no apparent serious personal injury or death."

By law, moving your car out of the roadway and onto the shoulder or emergency lane before an officer arrives will not cause you to be more or less at fault for the accident.

Q. I was in an accident and the other driver asked me not to call the police. Is that legal?

No, probably not. If there is any injury or apparent property damage of \$50 or more, then the driver must notify the nearest law enforcement office or the highway patrol, "immediately by the quickest means of communication."

Q. Do I have to file a report about an accident?

Yes. Each owner or driver of a vehicle involved in an accident must file a report within 20 days after the crash if an accident involves any bodily injury or death, or damage of more than \$400. Call 1-866-903-7357 for an accident report form.

Reports must be filed for accidents in public streets and roads, plus parking lots and any other places where the public can drive.

If the driver is hospitalized or killed, and there was a passenger in the vehicle capable of making a report, then the passenger must file a report within 20 days. Also, if such a driver was not the owner of the vehicle, then the owner must file the report "within 20 days after learning of the accident."

Q. What if I have a one-car accident? Do I have to call the police and file a report?

Yes. Also, here's an interesting fact: By law, a garage or repair shop that receives a car which shows evidence of having been in an accident or having been struck by a bullet must make a report to the Department of Safety within 24 hours. The report must include the engine number, registration number, and the name and address of the owner or operator of the vehicle.

Q. What is the law about an alcohol or drug test after an accident?

Tennessee has an implied consent law. This means that when you drive, you give your consent to be tested to determine the level of alcohol or drugs in your bloodstream.

If you are placed under arrest and an officer asks you to take the test and you refuse, the test will not be done – but your driver license will be suspended for one full year. Stay sober and stay safe.

by Jim Hawkins, Managing Attorney, Gallatin office, Legal Aid Society

Note: This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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