

Auto Collisions

Maine laws detail what drivers **MUST** do at and after collisions in Maine.

IN GENERAL

For all collisions which result in injuries, death, and/or property damage, the State of Maine requires the drivers of vehicles involved to stop as close as safely possible to the scene of the accident, and report it immediately to a law enforcement agent or agency in the town, city, or county where the collision occurs. Failure to follow the laws as described below may result in being charged with a crime.

IF SOMEONE IS HURT OR DIES

At the time of the accident drivers **must** stop their vehicles immediately, “render reasonable assistance” to anyone injured, report the accident to law enforcement, and remain to answer the questions of responding officers.

- 1) Stop immediately.
- 2) Help the injured.
- 3) Report the accident.
- 4) Stay until police arrive.
- 5) Answer police questions.

WHEN NO ONE IS HURT

1) If vehicle damage is under \$1,000 drivers must immediately stop their vehicles and each show their driver’s license to the driver(s) or occupant(s) of the other vehicle (s) involved, and give their current addresses and vehicle registration numbers.

2) If vehicle damage is \$1,000 or more drivers must also immediately notify law enforcement and remain at the scene until the law enforcement officers say they can go.

3) When a vehicle hits a parked car the driver must stop immediately and locate the operator or owner of the unattended vehicle and exchange contact and vehicle information. If that person can’t be located, the driver must leave a note with name, address, and details of ownership of the vehicle being driven, and a description of what happened.

4) When a vehicle hits something else such as a tree, bicycle, telephone pole, or house, the driver must locate the owner or leave a note, and call law enforcement if damage could be over \$1,000.

5) When a vehicle hits a moose/deer if the damage to a vehicle appears to be \$1,000 or over, the accident must be reported to a municipal, county, or state law enforcement agency. Responding officers will be able to euthanize the animal if it is badly injured, or may report the injury to the state warden’s service if the animal needs to be tracked and dispatched. To claim the dead animal for meat, the driver must ask the responding authority to issue a permit and tag the animal at the scene. The state does not offer any reimbursement for the value of the animal if the driver does not want it.

OTHER ISSUES AT THE SCENE AND AFTER

Medical Attention

If you are injured in a vehicle collision, be sure to see a doctor or go to an emergency room promptly, even if you don’t feel your injuries are very serious. Give medical professionals a complete and accurate report of exactly what happened and any injuries you think you have. Failure to have immediate medical assistance may work against you later when you may be negotiating a settlement of the case. Since sometimes injuries don’t cause real problems until

later, tell your regular doctor about the accident and any injuries or physical complaints as soon as possible.

Get Information, Give The Facts

The time right after a collision is usually an emotionally charged period. People may be angry, frightened, in pain, overwhelmed, and confused. Some people will react by trying to make others feel better by taking the blame; some will want to blame others. The truth of the matter is that this is not the time to sort out whose fault it was. Tell your story as accurately as possible to law enforcement officers and emergency personnel on the scene, **but do not say it was your fault even if you think it was.** It may turn out that there were other factors involved that you do not know. You may not be fully at fault – and you may not be at fault at all! This will be decided later.

The important thing to do at the scene, once any immediate medical needs have been met, is to get contact information from the people in the other vehicle(s) involved, and from any witnesses: names, addresses, phone numbers, car license plates, insurance companies and policy numbers. As soon as you are able, while your memory is still fresh, make a sketch of the scene noting the location of the vehicles. before and after the collision.

Dealing with Insurance Companies

For your own protection, you must also report the collision and all the facts to your insurance company as soon as possible.

▶ It is wise to consult with an attorney before filling out any claim forms, whether from your insurance company or one representing other people involved. Anything you write or put down may be held against you at a later point in litigation, with serious consequences.

▶ If you are offered an out-of-court settlement by the other party or their insurance company, a lawyer can help you assess whether the offer is fair.

INJURIES, FAULT, AND DAMAGES

Injuries and Compensation

The right to be compensated for injuries that are the fault of another party in an accident is called “damages.” By law you’re entitled to recover not only the costs of your medical bills and medical care, but also damages for past, present and future pain and suffering, including future permanent impairment. Damages are generally based upon the nature and extent of the injury, and its duration. If you are hurt or will be losing time from work on account of your injuries, you should consult with a personal injury attorney in a timely manner, especially before accepting any offer from an insurance company.

Fault – It’s Not All Yours or All Theirs

Maine has a “comparative negligence” rule. This means that a judge or jury will decide how much each party may be to blame for the collision, and then determine whether to award damages based on this division of fault. If you have sued for damages and the court determines your fault is equal to or greater than the fault of the other party or parties, you will not recover any damages. If your fault is less than the other parties’, you will still recover, but the amount of the award will be reduced to reflect your degree of fault for the accident.

Suing for Damages

If you are seeking damages you should consult with an attorney as soon after the collision as possible. Ask the attorney about the strength of your case, how much of a monetary award you might realistically expect, what pursuing the suit would entail, and how long it might take. Then if you think you may want to hire the attorney, discuss how the attorney will expect to be paid. If the attorney believes it is very likely that the court will award you money, he or she may take your case “on contingency.” This is an agreement to collect payment only if you win, and is generally set as a specific percentage of your award. Note that even in

contingency cases, *whether or not you win*, you will be responsible for certain expenses — court fees, the cost of hiring expert witnesses, etc. — and the attorney may require you to put up money to pay for these expenses *before* taking the case.

IF YOU ARE CHARGED

If you are charged with a violation or crime in relation to the collision, you will receive a summons. You should have a lawyer explain the important difference between pleading “not guilty” and “no contest,” and help you assess your chances of success or failure if the case is tried, the cost of contesting, the range of possible fines, and the possible penalties if you lose.

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- *Agree to establish and maintain objective experience criteria for their panel attorneys,*
- *Provide a mechanism for client feedback and resolving client complaints*
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This pamphlet is intended as information only and is not intended as legal advice. For answers to questions about actual events and situations consult an attorney.

Lawyer Referral & Information Service

1-800-860-1460

or

www.mainebar.org/lawyer_need.asp

AUTO COLLISIONS



Lawyer Referral & Information Service

Auto Collisions

At the Scene and After

The Right Call for the Right Lawyer

1-800-860-1460

