

Traffic Accident

If you are involved in a collision in Oregon, **you must:**

1. **Stop at Once** (see ORS 811.700, 811.717)
Always stop at the accident scene or as close as possible without blocking or endangering other traffic. "Hit and run" or failure to perform the duties of a driver is a serious traffic offense. Conviction can mean your driving privileges will be revoked or suspended as well as other penalties.

2. **Render Aid** (see ORS 811.705)
Give reasonable aid to injured persons. Remember, injured people should never be moved carelessly. In many cases, they should not be moved at all until it is possible to get an ambulance or someone trained in first aid to the scene. If a driver is involved in an accident in which a person is killed or rendered unconscious, the driver is required to remain at the scene of the accident until a police officer arrives. Failure to do so is classified and punishable as a "hit and run."

3. **Call the Police** (ORS 811.745 - 811.750)
The police may decide not to respond if there are no injuries but it is always recommended to call.

4. **Exchange and Gather Information**
Exchange all of the following information with the other driver and/or persons involved in the accident:

- Name
- Address
- Phone number
- Driver license number
- License plate number
- Insurance information.

*If there are witnesses, be sure to get their names, addresses, and phone numbers, as this may be extremely important later on.

5. **File an Accident Report with DMV within 72 hours if (form 735-32):**

- Damage to the vehicle you were driving is over \$1,500;

- Damage to any vehicle is over \$1,500 and any vehicle is towed from the scene as a result of damages from this accident;
- Injury or death resulted from this accident; **or**
- Damage to any one person's property other than a vehicle involved in this accident is over \$1,500. See ORS 811.720 - 811.740
- A police report does not satisfy the requirement to file an accident report with DMV

The forms can be found on the [DMV website](http://www.oregon.gov/ODOT/DMV/).
www.oregon.gov/ODOT/DMV/

KEEP A COPY FOR YOUR RECORDS

Things we suggest you do:

1. **Call your insurance company** (typically auto insurance) and report the accident, even if you are a pedestrian or a bicyclist
2. **Do Not Admit Fault**
Do not discuss the circumstances of the accident with anyone at the scene. Limit your discussions to the exchange of information discussed in this pamphlet. You do not have to answer questions from law enforcement. You may speak with an attorney before you do so. **Do not admit fault to the other party or to the police.**
3. **Take Photographs**
If you are able, take photos of the accident scene and all vehicles involved. Document road conditions, lighting, and weather. Document what you were wearing if you were hit by a car as pedestrian or bicyclist.

FAQ

Q. What if I leave the scene of an accident?

A. If you do, a police officer will likely appear at your door soon after, and present you with a ticket charging you with "hit and run" under ORS 811.700 et. seq. This may be a misdemeanor or felony. Even if charged as a misdemeanor, there will be serious consequences. Don't let this happen to you. It is far better to report the accident yourself.



Q. What if I am in an accident in which I hit an unattended vehicle?

A. In that case, you must leave a note attached to the vehicle giving your name, insurance information, address, phone number, vehicle registration, and the owner of the vehicle if it is someone other than you. You must also promptly report this to the local police and file an accident report with DMV as in any other accident.



Q. If I am injured in the collision, who pays for my medical expenses?

A. If you have automobile insurance, call your insurance company and make a claim. In Oregon, all auto insurance policies have to have a minimum of \$15,000 Personal Injury Protection (PIP) that is guaranteed to the insured, regardless of fault, for one year. If you don't have auto insurance, your personal health insurance should pay for medical bills. If you have neither of these, then the PIP coverage for the vehicle that hit you will pay your medical expenses.

Q. What if I am in an accident with something other than another vehicle— like a fence or a wall or a tree or a deer?

A. If there is damage to someone else's property, you must follow the same process that applies to hitting an unattended vehicle. As with any other accident, the incident must be promptly reported to the local police and a report filed with the state. (ORS 811.720 - 811.748)

Q. Do I have to call the police when I'm in an accident?

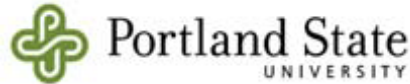
A. You, or an occupant of your car if you are not able, are required to immediately notify law enforcement by the quickest means possible if you are involved in an accident meeting any of the same criteria required by the DMV to file a report with them. Use a non-emergency contact number to notify law enforcement. If the accident results in a serious injury or death, call 911. Failure to report an accident to law enforcement when required to do so may result in a citation.

Q. What if I am in an accident with a vehicle while riding my bicycle or as a pedestrian?

A. As with any other accident, you should call the police, exchange information, take photos, call your insurance and file an accident report. Do not admit fault. If you have auto insurance, your Personal Injury Protection (PIP) coverage will pay for your medical bills for the first year following the crash. If you don't have auto insurance, your personal health insurance should pay for medical bills. If you have neither of these, then the PIP coverage for the vehicle that hit you will pay your medical expenses.

Q. If I was not at fault, how long do I have to file a lawsuit for my injuries?

A. Generally, you have two years from the date of the accident to file suit. This also means that if you are at fault, the opposing party has two years to file suit against you. However, if it is against a public body, you have to send a tort claims notice within 180 days of the collision. This is a complex area. Talk to a lawyer to understand these time limits.

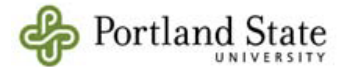


Student Legal Services
Portland State University
PO Box 791
1825 SW Broadway
Smith Memorial Student Union M343
Portland, OR 97207

Phone: 503-725-4556
Fax: 503-725-4555
www.pdx.edu/sls

Disclaimer

This pamphlet is for **informational purposes only and should not** be relied upon as legal advice. In each case, specific legal advice should be obtained, which will be responsive to the circumstances of the individual requesting this advice



STUDENT . LEGAL . SERVICES



**WHAT TO DO IF YOU
ARE IN A TRAFFIC
ACCIDENT**

Portland State University

Telephone: 503-725-4556