

# DRIVER RESPONSE TO ACCIDENTS

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An accident. No apparent injuries. Just some bent metal and broken glass on the four-wheeler.

As a professional driver you know that, despite being labeled “minor”, the mere occurrence of an accident means potential problems. Even if it is not your fault, it means time, money, and headaches.

As a transportation attorney, I have found that proper actions, from the beginning, can help to minimize the problems arising from the accident. While these suggestions are common sense, they are often forgotten in the post-accident fog.

A couple summer’s ago I had three trials involving claimed injuries from minor accidents. In each one we admitted fault, but denied that we hurt anyone. I won all three. In fact, in the third one, the jury wanted to make the other person pay my fees.

The lesson of those cases was that the proper information and handling of those accidents could have avoided them in the first place. We won, but all the drivers could have avoided the time and expense of trial by following all of the above suggestions.

You are the first line of defense in a potential lawsuit. You can control the legal damage by properly handling the situation and maintaining the discipline to perform in the following manner.

Proper handling of these matters from the outset can make the difference between dealing with some paperwork and having a trial for the other driver’s injuries. Maintaining the discipline to perform in this manner can make a major difference.

1. **BE CALM**—An accident is upsetting, particularly for a professional driver such as yourself who takes pride in your operation of your vehicle. However, those emotions can only serve to inflame the situation...and the other driver. Stay calm. Take a deep breath before you exit the cab. If the other driver lets loose a barrage of epithets, let them go. Then calmly approach dealing with the situation. There is no need to inflame the situation or the other driver. Do you know what you call a ticked-off other driver? Plaintiff. Be calm.
2. **BE COURTEOUS**—Don’t vent on the other driver. First, your comments and actions will only be replayed, and exaggerated, in later legal proceedings. The other driver’s testimony will paint you as some maniacal trucker. Second, it will

- only serve to force the other driver to demand that the police to choose sides and/or press charges. Third, you are only creating a grudge that the other driver feels a need to settle, often by filing suit. Be polite and courteous. Use your opportunity to defuse the situation.
3. **BE QUIET**—You cannot talk yourself out of a situation. You can talk yourself into one. I have seen a comment by a driver trying to explain why he rear-ended a car lead to charges of homicide by vehicle. Be quiet. What you don't say won't hurt you. Don't talk about fault. Don't give an excuse as to why you did or did not do something. Tell the officer the barest basic facts of accident. Say nothing more than necessary. Like a forward pass in football, a number of things can happen and only one of them is good. Be quiet.
  4. **BE RESPECTFUL**—The police officer is the first line in the criminal process. You gain nothing, and lose everything, if you alienate him with attitude. Your respect can go a long way to defusing any preconception he may have as to truckers. It may be the difference between getting and not getting a ticket. “Yes, sir” and “yes, m'am” can go a long way.
  5. **DOCUMENT**—You are the first investigator on the scene. Take notes about the accident. Note the lanes and speeds, resting points and skid marks. Keep a disposable camera in your cab. Photograph damage, tire marks, resting place of vehicles, or other keep physical evidence. Do not photograph people, particularly if injured. It is not only insensitive, but it also serves only to inflame the situation. Get the names and addresses of witnesses.
  6. **WRAP UP**—Get finality. Make sure the people in the other vehicle(s) are not injured and have said so to the police and/or medics. Make sure you know your status with the police. Make every effort to know what you are facing when you leave the situation. I don't know about you, but as a transportation attorney I cannot stand surprises. Avoid them by wrapping up before you head down the road.

If you can remember and maintain the discipline to perform in this manner, you may not be able to avoid all problems from an accident. However, you will surely avoid inflaming the situation and causing yourself unnecessary problems. Good luck.