



GUIDE TO
WHAT TO DO AFTER
A CAR ACCIDENT IN
CALIFORNIA



WEINBERG
LAW OFFICES P.C.

While no one ever plans on being in a car accident, car crashes occur every day.

After an accident, in addition to feeling shocked and angry, you may be confused about what to do next.

A **personal injury attorney** serves to assist you in the days, weeks, and months after a car accident as you rightfully pursue compensation against the liable party.

But what do you do in the immediate aftermath of an accident?

The thoughts rushing through your head may jump from worrying about potential injuries and property damages to long-term injuries and financial losses.

However, if you remember this car accident guide, it may help protect your rights in the event of a lawsuit.



TABLE OF CONTENTS

1. What to Do After a Car Accident	3
2. Do I Need to Report the Accident?	5
3. Determining Fault in a California Car Accident	6
4. What Can I Recover After a Car Accident?	7
5. What is the Statute of Limitations in California?	8
6. Are There Minimum Insurance Requirements for Drivers in California?	9
7. Contact Us	9

WHAT TO DO AFTER A CAR ACCIDENT

When the dust settles immediately after a car accident, one of the most critical steps to take is getting all involved parties to safety and out of the way of oncoming traffic.

Unfortunately, secondary accidents often occur when drivers do not pay close enough attention to their surroundings.

Understandably, people tend to be shocked or focused on the scene after an accident. But understanding these risks may prevent additional injury or property damage.

Seek Medical Attention

Even if you feel fine immediately after, be aware that injuries may not become apparent until hours, days, or even weeks after an accident.

Traumatic brain injury, internal injuries, or severe whiplash often cause delayed symptoms. However, failure to diagnose these injuries promptly may result in more severe long-term injuries.

More importantly—at least insofar as being compensated is concerned—liable parties may argue that your injuries were not the result of the accident.

Therefore, maintaining a connection between your injuries and the accident is crucial to recovering the compensation you deserve for your losses.

Share all your symptoms with your treating physician, no matter how minor. Additionally, it's vital to follow all instructions provided by your doctor.

Your attorney uses all documentation from your doctor, including after-visit summaries, discharge instructions, prescriptions, invoices, mileage incurred, and other records of expenses, to create a value for your case.

Creating a tangible record of your injury and medical expenses makes it easy for your [lawyer](#) to calculate this portion of your losses.

Contact Law Enforcement

Call 911 and request law enforcement to the scene of the accident. Under California law, drivers call the police to the scene of an accident if the crash resulted in someone's injury or death.

In these situations, the presence of police and emergency medical personnel ensures that those needing urgent medical attention receive it immediately.

Police officers may also make arrests or issue citations if any involved party caused the accident while committing a crime.

For example, if a driver causes an accident while driving under the influence of drugs or alcohol, this fact solidifies their liability in a personal injury lawsuit.

Additionally, all reporting law officers create an official police report of the accident scene. Your personal injury attorney uses this report as evidence in your case.

For example, when your injuries prevent you from writing down your record of the accident, a police report provides the crucial information needed.

Police officers obtain the names, contact information, and insurance information of all parties involved.

Reporting law enforcement also takes statements from witnesses to the accident. Juries view police officers as unbiased parties.

For this reason, many rely on accident reports to provide a clear summary of the accident. In some cases, they may even offer their opinion as to liability.

Collect Information

If you do not need immediate assistance and the area is safe from harm, collect evidence from the accident scene.

Gathering necessary evidence supports your case to assist in a finding of liability and damages.

At the very least, obtain the following from the involved parties:

- Names of all drivers and contact information,
- Insurance information,
- Drivers' license numbers, and
- Witness names and contact information.

Witnesses are essential in car accident cases. Their testimony may support your own recollection of the accident and fill in blanks in your memory.

However, memories fade quickly—even after a traumatic event. If witnesses are not promptly located and interviewed, they may be unable to recall important details.

Document The Scene

If possible, document the scene of the accident.

Documenting the scene includes taking photographs of the vehicles involved and the surrounding areas, including other damages, the street, street signs, road conditions, lighting, weather, license plates, and any debris.

Additionally, take photographs of any injuries suffered in the accident. Your attorney may use these photographs and your medical diagnosis to maintain a connection between your injuries and the accident.

Write down your immediate memory of the accident. Writing can be as simple as typing a summary into your phone, texting the sequence of events to friends or family, or writing down a summary in a journal.

Many people are surprised how quickly memories fade after an accident. Fading memories may be due to trauma or injury, but maintaining a method to refresh your memory is vital to your case.

DO I NEED TO REPORT THE ACCIDENT?

In the event of an injury or fatality, California law requires all drivers to report a crash to either the California Highway Patrol or local police department within twenty-four hours of the crash.

Even if a police officer reported to the scene of your accident and created an accident report, it's recommended to report the accident to the [California Department of Motor Vehicles](#) within ten days of the accident.

Reporting the accident is required in the following situations:

- The accident resulted in injuries or death,
- The accident resulted in property damage amounting to more than \$750.

You must also report your accident to your car insurance. If you plan to pursue a lawsuit against the liable party, showing you contacted your insurance company after your accident may help your case.

It may be harder to prove your right to coverage if you wait too long. Your insurance company may initiate an investigation to determine the cause of the accident.

However, waiting longer to report your accident makes it more difficult for your insurance company to investigate.

Your insurance company may provide you with a rental if your vehicle suffers extensive property damage.

Depending on your coverage policy, your insurance company may also compensate you for some of your medical bills in certain situations.

DETERMINING FAULT IN A CALIFORNIA CAR ACCIDENT

Determining fault in a car accident is not always straightforward. Car accident cases become exponentially more complex when multiple parties are involved.

Generally, the driver causing the accident pays for all damages caused. However, California operates as a comparative negligence state.

Comparative negligence apportions percentages of fault to each driver that contributed to causing the accident.

An injured victim may still recover compensation for their damages through comparative fault even if they are partially liable for the accident.

Therefore, unless one person holds 100% responsibility for an accident, involved parties share a portion of the overall liability.

For example, a jury may assign you a percentage of general liability if a speeding driver rear-ended you, but you were distracted and looking at your phone, causing you to slam on your brakes.

So although there is no statutory limit on a damages award in California, comparative negligence may decrease an injured victim's award.

WHAT CAN I RECOVER AFTER A CAR ACCIDENT?

California law permits the recovery of damages against the party responsible for your injuries. **Damages** are divided into two categories: economic and non-economic damages.

Economic Damages

Economic damages are generally the primary type of damages sought by injured victims after a car accident. These damages represent tangible losses directly related to the accident.

The following typically include economic damages:

- Medical expenses,
- Lost wages,
- Future lost wages, and
- Property damage.

Your attorney finds support for economic damages through invoices, bills, pay stubs, and tax returns. Therefore, it's vital to retain all documents related to your economic damages for your attorney.

Non-Economic Damages

Non-economic damages represent the subjective and less-defined impacts of an accident related to emotional and physical losses.

Non-economic damages include the following:

- Emotional distress,
- Pain and suffering,
- Loss of enjoyment of life,
- Loss of companionship,
- Loss of consortium,
- Diminished quality of life, and
- Permanent disability or disfigurement.

Although more difficult to prove due to their subjective nature, never overlook non-economic damages.

In many situations, non-economic damage awards may more adequately compensate an injured victim for their losses after an accident and far exceed the number of economic damages.

There is no fixed formula for calculating non-economic damages. A jury must consider the evidence, which may be influenced by subjective beliefs, emotional sensitivities, and other factors.

Some factors influencing calculations of non-economic damages include the duration and severity of one's injuries, the degree the injuries affect a person's life, and what qualifies as a complete recovery.

No matter how a non-economic damages award is calculated, having an attorney makes obtaining a fair non-economic damages award much more likely.

WHAT IS THE STATUTE OF LIMITATIONS IN CALIFORNIA?

California provides a **two-year statute of limitations** for pursuing a lawsuit against the at-fault party after an accident.

The statute of limitations dictates the period of time an injured party has to file their claim. After that statutory window passes, the law generally bars you from bringing the claim at any point.

When a minor is involved in an accident, the minor has until the time they turn 18 years old, plus two years from that date, to file their lawsuit.

If a loved one dies after a car accident, the family member also has two years after the death to file a **wrongful death** claim against the liable party.

You may believe you suffered no injuries after an accident in some situations. What if your injuries become apparent two years after your accident?

If your physician determines your injuries resulted from the car accident, you may still file a claim. Your statute of limitations is then six months from discovering your injuries.

Even though there are exceptions to the statute of limitations, courts rarely grant them.

ARE THERE MINIMUM INSURANCE REQUIREMENTS FOR DRIVERS IN CALIFORNIA?

California requires all drivers to show proof of insurance to register their car and obtain minimum liability car insurance.

While drivers may choose their own liability insurance coverage amounts, California dictates the minimum amount they must carry.

The purpose of minimum liability insurance serves to compensate other drivers, passengers, or pedestrians who suffer injuries, property damage, or other losses in a car accident where you are at fault.

The minimum amounts of liability coverage required in California include:

- \$15,000 for injury or death to one person in an accident you caused,
- \$30,000 for injury or death to more than one person in an accident you caused, and
- \$5,000 for property damage in an accident you caused.

Minimum liability coverage amounts rarely cover a person's losses and damages following a severe car accident. Once insurance policy limits are exhausted, the liable party may be held personally responsible for the accident.

Additionally, it's important to remember that liability insurance covers only damages and injuries to others and does not apply to your own injuries or property damage.

CONTACT US

At **Weinberg Law Offices**, we work tirelessly to ensure our clients receive just compensation.

We communicate to our clients throughout the entire process of your lawsuit, so you always feel informed. We understand how difficult this time must be.

You may feel overwhelmed by mounting medical bills and loss of work as you recover from your injuries.

Pursuing an **auto accident** claim is a taxing experience and requires the assistance of a qualified personal injury attorney.

We have years of experience assisting injured victims like you. We will open an independent investigation and preserve all relevant evidence that supports your right to compensation.

Our team fights tirelessly to protect your rights and build a strong case on your behalf. **Contact our office** today to request your free consultation.



Yoni Weinberg, Esq.

As a personal injury attorney, my mantra is that there is no such thing as a “small case”. I will give 100% matter how big or small a case may be. I am fluent in English, Hebrew, and Spanish, languages which I use regularly in my practice.