

Hit & Run Accidents Can Cost You...

Follow three simple rules of the road...



by Joerg Modellmog

Imagine you are driving to work early one morning. Suddenly and unexpectedly you hit black ice, temporarily lose control of your vehicle, and slightly scratch a car parked along the street. What do you do now? Your cell phone is uncharged. It's early, there is no one around, and you'd like to get to work on time...

First of all, what happened constitutes an accident. Even though no one was injured, property was damaged. The same would be true if you had hit a tree instead of a car. Therefore, the first rule is to **stay at the scene of the accident**, even if it happened in the middle of nowhere and the person whose property has been damaged is nowhere around. Only after you have waited for a reasonable time may you leave—depending on the individual circumstances that could be anywhere from 5 to 30 minutes. Just leaving a note under the other car's windshield wiper informing the owner of your identity and the accident is not sufficient, and will not excuse you from the charge of fleeing the scene of an accident.

If the person whose property has been damaged shows up while you are waiting, you merely need to exchange insurance information. The injured party can file his claim directly against your insurance company and your liability insurance will handle the matter. If you do not wish to have this accident on your insurance record and prefer to settle the matter yourself, you can do so afterwards by reimbursing your insurance. The injured party has a right under German law to file directly against your insurance company, and your insurance company is in a better position than you are to fully and fairly adjudicate the claim. People often severely underestimate the amount of damage. They forget that damage to trees and highway signs needs to be paid for, as well as damage to other vehicles.

For fender-benders that happen in the flow of traffic, you should always hand-signal with the other driver to arrange for a safe stop along the side of the road, in order to facilitate the immediate exchange of information. If the other driver does not stop, do not assume he will not file a claim. You should still report this accident to the police and to your insurance company, as all the other driver needs in order to file a claim against your insurer is your license plate number.

If you have waited a reasonable time at the scene of an accident and no one shows up, you can leave the scene, but German law requires that you **report the accident to the nearest German police or MP station as soon as possible**. Driving past several German police stations in order to get to an MP station could be construed as a violation of that rule. How will you explain that you "meant to report the accident" if you get stopped by the police and you already passed a police station?

Often there is a neighbor or an innocent bystander who witnessed the accident but does not come forward at that point. Maybe they are too afraid of the language barrier or just do not want to get involved. Nevertheless, they call the police and inform them of the accident. Consequently, the police show up at the scene of the accident more often than you might expect. There are also frequent police patrols. If they detect an unreported accident, they routinely start a search.

When you report the accident at a police station, it allows the police to eliminate any doubts about a possible DUI, proving that it was really merely sheer bad luck that caused the accident.

Your last – but not least – important duty is to **report the accident and any possible claim to your insurance company**. Even if you doubt you were at fault, you should nevertheless report the incident because it allows your insurance to be prepared, and because the small print in your insurance policy obligates you to report **any** accidents that could potentially give rise to claims.

Failure to follow the above rules gives your insurance company the right to seek reimbursement of up to €5,000 from you. It could also trigger a hefty German criminal fine enforced by a penal order, and you could lose your driver's license. In order to avoid being "thrown out of the game," you have to touch all three bases: reasonable waiting period, immediate police report, and timely insurance report.

Advice and assistance on any of the matters discussed above is available by making an appointment to speak with a German Attorney-Advisor. Call DSN 483-8848 or Civilian 0631-411-8848 for an appointment.