

WINTER ACCIDENTS

Who's at Fault?



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Winter weather can create many hazardous driving conditions that make driving especially dangerous. Black ice, snow, slush, and untreated or unplowed roadways all make it more difficult to control your vehicle or avoid an accident. In such conditions, many drivers feel like the weather is to blame if a collision does happen—but who or what is actually liable in winter weather accidents?

So who is liable if winter weather leads to a crash?

Although insurance companies try to blame weather conditions in severe circumstances, it remains the driver's duty to take precautions when driving during the winter. It is rare that weather conditions will excuse a driver from fault!

There are no accidents—car crashes happen because someone was negligent. Drivers must be aware of the dangers of driving in hazardous weather conditions and use the highest degree of care. In inclement weather, this means leaving longer distances to stop, driving slower, and outfitting your car for winter.

What to do after a winter car crash

Even if you try to be careful during the winter, you may still wind up in a car crash. Don't exit your vehicle unless it is safe to do so, and call for medical help immediately if you or your passengers are injured. Too many drivers make the mistake of ignoring pain, or hoping things will get better, when the reality is that injuries often don't really get noticed until after the shock of a crash wears off. Brain injuries, including serious concussions, can hide other injuries and a closed head injury isn't always apparent to the victim.



Talk about your crash

After an accident, even if it seems minor, call the police, report your crash, and tell them how it happened. If you're injured or feel any pain, go to the emergency room or urgent care if one is nearby, and talk to your doctors, nurses, and healthcare providers about your wreck.



Take pictures

Take pictures of your wreck, take pictures of your injuries, and take pictures of the intersection or area where your accident happened to help illustrate the driving conditions at the time of your crash. Don't rely on the insurance company to take pictures for you, and don't expect that the pictures they do take will be made available to you if you need them.



Hire a personal injury lawyer

After the crash, expect calls from the insurance company and investigators. They usually seem friendly and concerned about your health, and will ask for a lot of information. Do not give them a statement. Insurance companies do not like to pay money, and claims adjusters and investigators are trained professionals whose job it is to defeat your claim.

What happens if you're hurt in a crash?

If you're injured in an accident on icy or snowy roads, you're entitled to recover for your injuries, property damage, and lost wages.

Proving your case is not easy, and insurance companies know that without an attorney, you are probably not going to get very far in court. Because of that, injury victims without legal help get less money for their claims than those with lawyers.

Is weather ever the cause of a crash?

Unless it is a flash ice storm that happens seconds before a crash, the weather doesn't alleviate personal responsibility for a crash. That doesn't mean the other driver's insurance company won't try to use weather as an excuse to deny a claim. Insurance companies get rich by minimizing or denying claims for damages—if they only "get away with it" 1% of the time, they save millions of dollars.

An insurer might fight liability if they believe their insured was driving "reasonably" given the weather and road conditions. The only truth that matters in court is what you can prove, and pictures, statements and other evidence at the scene are crucial to proving your case. That's why it's important to contact a personal injury attorney as soon as possible so that he can gather evidence on your behalf. An experienced personal injury attorney is your best chance of recovering your losses.

Once you settle your car crash case, it's over. You only get one chance to do it right. You wouldn't think of heading home to stitch your own wounds or set a broken bone, and it is just as foolish to take on the insurance company on your own, or trust them to look out for you instead of their profit margin.



Contact Us Today

If you've been hurt in a winter weather car crash, contact The S.E. Farris Law Firm for a free strategy session and to discuss your claim. We never charge a fee unless we collect money for you, and most cases resolve without a court appearance.

Call 888-733-3829 or visit www.farrislaw.net