

ROAD ACCIDENTS

WHAT SHOULD YOU DO AT THE ACCIDENT SITE?

1. Be calm and do not panic. Neither should you take the law into your hands.

2. Take down the particulars of the vehicles involved in the accident:

- o registration numbers
- o make of the vehicle (year and model)
- o colour

3. Next, take down the particulars of the driver/passengers/witnesses:

- o name
- o address
- o identity card number
- o driving license number
- o telephone number (work and home)

4. If you have a camera with you, take some photographs of the accident site as well as the vehicles involved. Remember to keep the negatives in a safe place as photographs without their negatives may not be admissible as evidence in court.

AT THE POLICE STATION

You should make a police report within 24 hours of the accident at the nearest police station. If you are injured, seek medical aid first and then you can make a police report at the police beat base in the hospital. In your report you must explain how the accident happened.

You can write out the report in Bahasa Malaysia and then sign at the bottom of the report. If you cannot

Write in Bahasa Malaysia you can explain to the police officer on duty who will write it down for you. Always ask a certified copy of the police report.

DEALING WITH THE DAMAGE

1. Read your insurance policy carefully. You should report the accident to your insurance company within the period stated in your policy. Otherwise your insurance company will not entertain your claim.
2. Arrange for your vehicle to be towed to an authorized workshop. Here the damage to your vehicle will be assessed by assessors from the insurance company.
3. If you are injured, get medical attention immediately. Get a medical report and if possible copies of medical reports

KEEPING RECORDS

You should keep a proper record of the following:-

- o Particulars in paragraph B above
- o Certified copies of police reports
- o Medical reports
- o Receipts for expenses incurred, e.g. medical fees, transport charges, rental of vehicle, etc.
- o Documents supporting your claim: photographs and negatives, repair bills, receipts, medical reports.

CLAIMING FOR DAMAGE TO YOUR VEHICLE

There are two ways of claiming for damages to your vehicle.

1. Claim from Your Own Insurance Company

Examine your insurance policy and note the excess clause in your policy. In order to claim from your own insurance company, your claim must exceed the excess clause. Then, the insurance company will pay the difference between your claim and the excess amount. For example, if the excess clause is RM 1,000.00 and your claim is RM 800.00, you will not be able to claim from your own insurance company. But if your claim is for RM 1,800.00, then you will be paid RM 800.00. Always remember that when claim from your insurance company, you will lose your no-claim bonus.

2. Claim from the Other Party's Insurance Company.

You can also claim from the other party's insurance company. If you decide to do so, it is preferable to engage a lawyer.

ENGAGING A LAWYER

If you want to file a claim, you should engage a lawyer. Remember, you have a right to choose your own lawyer. Your lawyer will ask you to sign a warrant to act. This is a document appointing him/her as your lawyer and authorizing the lawyer to act on your behalf.

Your lawyer will take down a full statement from you and examine all the documents that you have, consider the evidence, and explain to you the types and the quantum of claims that you may be granted.

If no adequate compensation can be obtained, the lawyer will file a civil suit, prepare the documents and get

ready for trial. Even at this stage, parties are free to arrive at a settlement.

WHAT CAN YOU CLAIM?

An injured person can claim:-

1. Special damages

These are claims for specific Expenses e.g. transport, repairs to vehicles, hiring another vehicle, medical expenses. Generally, special damages deal with specific monetary expenses, incurred by the claimant as a result of the accident.

2. General damages

These are compensations for pain and suffering as a result of injuries caused to a person.

KEEPING RECORDS

If the matter goes to trial, then the Court will have decide the issues of :-

- A. Liability - Who is responsible for causing the accident?
- B. Quantum - How much should the injured party receive?

If the defendant is fully responsible for the accident, he will be said to be 100% liable.

There may also be instances when the claimant is also partly responsible for the accident. Such as, if the Court finds that the claimant is 50% liable, then Court will reduce the quantum 50%.

COLLECTING THE MONEY

The cheque will be issued by the insurance company in your name and will be forwarded to your lawyer. Your lawyer will then inform you to come to his office to collect the cheque.

ONE FINAL WARNING!

Remember you have a right to choose your own lawyer. Do not be forced into choosing a lawyer by touts.