



**BUZZARD**  
— LAW FIRM —

FREE GUIDE · PERSONAL INJURY

# After a Car Accident in *North Carolina*

What to do at the scene, in the first week, and before you talk to an insurance company. Plus the one North Carolina rule that catches most people off guard.

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Free consultations for injury cases

## WHY THIS GUIDE MATTERS

# In North Carolina, being even a little at fault can cost you everything.

Most states split the blame after a crash: if you were 20% at fault, your recovery shrinks by 20%. North Carolina is one of only a handful of states that still follows **contributory negligence**. If you are found even slightly at fault for your own injuries, you may be barred from recovering anything from the other driver.

That makes what you do and say in the hours and days after a crash unusually important. This guide walks through it step by step.

## North Carolina at a glance

### 3 years

to file most personal injury lawsuits. N.C.G.S. § 1-52(16)

### 2 years

to file a wrongful death lawsuit. N.C.G.S. § 1-53(4)

### Any fault

by you can bar recovery under contributory negligence, with narrow exceptions.

### Report it

to police right away if anyone is hurt or killed, or property damage is \$1,000 or more. N.C.G.S. §§ 20-4.01(33b), 20-166.1

## AT THE SCENE

## Ten things to do before you leave

- ☐ **Stop and stay.** Leaving the scene of a crash involving injury or damage can be a crime. N.C.G.S. § 20-166
- ☐ **Check for injuries and call 911** if anyone is hurt. Let paramedics examine you even if you feel fine; adrenaline hides pain.
- ☐ **Get to safety.** If no one is hurt and the cars can be driven, move out of traffic when it is safe. Turn on hazard lights.
- ☐ **Call the police** for any crash with injuries or significant damage, and ask how to get the crash report.
- ☐ **Exchange information:** names, phone numbers, driver's license numbers, plates, insurance companies and policy numbers.

- ☐ **Photograph everything:** all vehicles from several angles, the road, skid marks, signs and signals, weather, and your injuries.
- ☐ **Find witnesses** and get their names and numbers. Independent witnesses can decide a disputed-fault case.
- ☐ **Don't debate fault.** Be polite, but don't apologize or guess about what happened. In a contributory negligence state, "I'm sorry, I didn't see you" can be used against you.
- ☐ **Note the details** while they're fresh: time, direction of travel, speed, what you saw and heard.
- ☐ **Look for cameras** at nearby businesses or homes. Footage is often recorded over within days.

#### THE FIRST WEEK

## Protect your health and your claim

- 1 **See a doctor within a day or two.** Some injuries, like concussions and soft-tissue damage, show up later. A gap between the crash and your first treatment is one of the first things an insurance company points to.
- 2 **Follow your treatment plan.** Keep appointments and follow instructions. Missed visits are used to argue you weren't really hurt.
- 3 **Notify your own insurance company** promptly, as your policy requires. Stick to the basic facts.
- 4 **Start a folder.** Keep the crash report, photos, medical bills and records, receipts, repair estimates, and notes on missed work.
- 5 **Keep a short daily journal** of pain, sleep, limits on daily activities and missed events. It becomes evidence of how the injury affected your life.
- 6 **Stay off social media** about the crash, your injuries or your activities. Insurers look.

**Be careful with the other driver's insurance company.** An adjuster may call quickly, sound friendly, and ask for a recorded statement or a signed medical authorization. You are generally not required to give the other driver's insurer a recorded statement. Talk to a lawyer first; a single answer can be used to argue you were partly at fault.

### Watch for early settlement offers

A fast check can be tempting, especially with bills piling up. But once you accept a settlement and sign a release, the claim is usually over, even if you later learn your injuries are worse than you thought. Don't sign anything until you know the full extent of your injuries and what your claim is worth.

## CONTRIBUTORY NEGLIGENCE

## How North Carolina's fault rule works

Under contributory negligence, the other side only needs to show that you were negligent in some way that contributed to your own injury: following too closely, glancing at a phone, rolling through a stop, speeding, or misjudging a turn.

There are exceptions. The most common is the **last clear chance** doctrine, which can allow recovery if the other driver had the final opportunity to avoid the crash and failed to take it. Whether an exception applies depends on the facts, and that is why evidence gathered early matters so much.

**Bottom line:** in North Carolina, the question isn't only "was the other driver at fault?" It's also "can they argue that I was, even a little?" Plan for that argument from day one.

## INSURANCE

## Where the money can come from

### The other driver's liability coverage

The at-fault driver's policy is usually the first source of payment for medical bills, lost wages, and pain and suffering, up to its limits.

### Your uninsured / underinsured coverage

If the other driver has no insurance or not enough, your own UM/UIM coverage may help. Check your declarations page for the limits you carry.

### Medical payments coverage

If you bought MedPay, it can cover medical bills regardless of fault, up to a set amount.

### Health insurance

Your health plan may pay for treatment and later seek repayment from any settlement. Keep track of what it pays.

## AVOID THESE

## Seven common mistakes after a crash

**01 Apologizing or guessing about fault** at the scene or on the phone with an adjuster.

**02 Skipping the doctor** or waiting weeks to get checked out.

**03 Giving a recorded statement** to the other driver's insurer without advice.

**04 Signing a medical authorization** that opens your entire medical history.

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- 05 Accepting the first offer** before you know how badly you're hurt.
- 
- 06 Posting about the crash** or your activities on social media.
- 
- 07 Waiting too long.** Evidence disappears and legal deadlines don't move.
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## When to call a lawyer

- You or a passenger were injured, especially if you needed an ER visit, imaging, surgery or ongoing care.
- The other side says you were partly at fault.
- A commercial truck, company vehicle or government vehicle was involved.
- The insurance company is delaying, denying or pressuring you.
- Someone died as a result of the crash.

### ABOUT BUZZARD LAW FIRM

## Trial lawyers who prepare every case to win.

Buzzard Law Firm represents injured people from our office on South Main Street in Lillington. Founder **Robert A. "Tony" Buzzard** is one of only a handful of North Carolina lawyers to win a jury verdict of more than \$1 million for an injured client, and he has been named to The National Trial Lawyers Top 100.

Insurance companies treat claims differently when they know the lawyer on the other side goes to trial. We prepare every injury case that way, and we offer **free consultations** for personal injury matters.



## Talk to a lawyer about your crash.

Free consultation for personal injury cases. Monday–Friday, 8 a.m.–5 p.m.

**910-893-2900**



Scan to request a consultation, or visit  
[buzzlawfirm.com/consult](https://buzzlawfirm.com/consult)

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KEEP THIS IN YOUR GLOVE BOX

# Crash information worksheet

Fill this out at the scene or as soon as you can. Bring it to your consultation.

| The crash                                                                                                                                                                                                                                                                      |                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| DATE AND TIME                                                                                                                                                                                                                                                                  | LOCATION / INTERSECTION      |
| POLICE AGENCY                                                                                                                                                                                                                                                                  | REPORT OR CASE NUMBER        |
| The other driver                                                                                                                                                                                                                                                               |                              |
| NAME                                                                                                                                                                                                                                                                           | PHONE                        |
| INSURANCE COMPANY                                                                                                                                                                                                                                                              | POLICY NUMBER                |
| VEHICLE (YEAR, MAKE, COLOR)                                                                                                                                                                                                                                                    | LICENSE PLATE                |
| Witnesses and notes                                                                                                                                                                                                                                                            |                              |
| WITNESS NAME AND PHONE                                                                                                                                                                                                                                                         | WITNESS NAME AND PHONE       |
| YOUR INSURANCE CLAIM NUMBER                                                                                                                                                                                                                                                    | THEIR INSURANCE CLAIM NUMBER |
| WHAT HAPPENED, IN YOUR OWN WORDS                                                                                                                                                                                                                                               |                              |
| YOUR INJURIES AND WHERE YOU WERE TREATED                                                                                                                                                                                                                                       |                              |
| <input type="checkbox"/> Photos of all vehicles <input type="checkbox"/> Photos of the scene <input type="checkbox"/> Photos of injuries <input type="checkbox"/> Crash report requested<br><input type="checkbox"/> Saw a doctor <input type="checkbox"/> Notified my insurer |                              |