

# Motor Vehicle Crash – Property Damage

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

If you are in a car crash the law says you must do some things depending on the situation.

## I've just had an accident – what do I do?

You must exchange details with:

- Any other driver involved in the crash
- Any who was injured in the crash. and
- The owner of any property (including any vehicle) damaged in the crash.

## What details should I exchange?

You will need to exchange:

- Name
- Address
- Car registration details, and
- Insurance details of the company with whom you have a policy

If possible, check these details against the drivers licences or other documents.

## Do I need to report the crash to Police?

You do not have to report a crash to police if you have exchanged details (as above) and:

- No one was killed or injured in the crash
- You gave your details to other drivers involved in the crash
- Any other driver gave their details to you, and
- No vehicle involved in the crash was towed or carried away.

The Tasmania Police [Traffic Crash Reporting System \(TCRS\)](#) was developed to enable members of the public to report crashes which meet specific requirements and by law do not have to be reported to police. This crash report will however be able to be used for insurance purposes. At the conclusion of the Crash Report, you will be provided with a Crash Report Number for your insurance claim.

## Will I get charged?

If the police attend the accident scene, you must provide them with your name and address.

You may be asked to do a breath test.

Depending on the circumstances you may be charged with a traffic offence.

## What else should I do?

It is always useful to see if anyone witnessed the crash. This could be a bystander or a driver of another vehicle. Take their contact details and given them your contact details.

If you need to report the accident to police, be sure to give them the names, addresses and contact phone numbers of any witnesses to the accident.

## When do I tell my insurance company?

If you are insured, you should report the accident to your insurance company as soon as possible.

## Should I say the accident was my fault?

It's best to describe the accident from your perspective. If the police are involved, they will help figure out who was at fault, and you don't need to admit to causing the accident. Most insurance policies require you to report the accident to your insurer quickly. They will then make the decision about who was at fault.

## What happens when I am insured?

If you are comprehensively insured and the accident is not your fault, your insurance company will pay for the cost of repairs to your vehicle. You will not have to pay your excess.

If you have comprehensive insurance and the accident is your fault, your insurance company will generally still pay for the cost of repairs to the other vehicle and to your vehicle. However, you will have to pay the excess on your policy.

If you have third party property damage insurance and the accident is not your fault, then you will need to recover the cost of repairs to your vehicle from the other driver.

- If the other driver has insurance, then you should contact the insurer directly
- If the other driver does not have insurance, then you will need to obtain a quote and send a letter of demand to the person who is responsible for the damage.

If you have third party property insurance and the accident is your fault, then your insurer will pay for the repairs to the other vehicle. The insurer will not pay for the repairs to your vehicle. In addition, if the accident is your fault, you may have to pay the excess on your policy.

## What if I am not insured?

If you did not have insurance and the accident was your fault, then you must pay for the repairs to the other vehicle, as well as your own.

If the crash wasn't your fault, then you will need to:

- Contact the other driver's insurance company if they were insured
- If the other driver is also uninsured, you should obtain a quote and send a letter of demand to the person who is responsible for the damage.

## Why do I need to get quotes?

If you are asking the other driver to pay for the repairs or damage to your vehicle, then you must provide them with proof of that damage and a written quote of the estimated cost of repair. This is usually done by sending the other driver at least two quotes for the cost of repairs. Each quote should be from a reputable repairer and not your friend.

If you are insured, then the insurer may help you to organise this.

If the other driver is insured, the insurer may arrange to have the vehicle inspected by a reputable repairer or a loss assessor. You should agree to this as it may speed up the negotiation and repair process.

If the other driver is uninsured, that person has the option of accepting one of your quotes or negotiating with you. They may wish to inspect the vehicle or have their repairer or loss assessor inspect the vehicle. It would be sensible to allow this to occur as it may speed up the negotiation process.

## What is the legal process after a car accident?

Following a crash, you may receive a letter from the other driver, their insurance company or their lawyers. If you are insured, you should give this to your insurance company at once and they will respond on your behalf. If you are not insured, it would be best to seek legal advice. If you receive a Magistrates Court Claim or a Supreme Court writ claiming damages you must take this to your insurer without delay or, if you are uninsured, get legal advice at once. This is vital, as there are strict time limits in dealing with legal processes.

**This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.**