



# VEHICLE ACCIDENTS: KNOW YOUR RIGHTS AND RESPONSIBILITIES



## FINANCIAL WELLBEING

*On average, 14,000 South Africans die from severe road accidents every year. Unfortunately, this statistic is among the highest in the world.*

[During the 2021 festive season, road accident fatalities increased by 14% from the previous year.](#) Most severe crashes involved light motor vehicles, light delivery vehicles, minibuses and trucks.

It's been estimated that [around 83% of road accident injuries and fatalities are in economically productive age groups – that is, people aged between 15 and 64 years.](#) On average, most severe accidents that result in fatalities involve four-wheel vehicles (64%) and pedestrians (31%).

The high number of road deaths in South Africa is considered a national crisis. These figures are a stark reminder of how important it is to continue promoting best practices for road safety.

Not all accidents are severe. Bumper bashings are common, and can also happen to anyone at any time. Whether you're at fault or not, do you know what to do if you are in a vehicle accident? What if the other party doesn't have insurance cover?

This, unfortunately, is a reality. [It's been estimated that as many as 70% of the more than 11 million registered vehicles in the country are not insured for accidental damage.](#)

Here, we explore what your rights and responsibilities are if you're involved in a vehicle accident, and offer tips on how to claim from an insurer or through a court.



## WHAT TO DO WHEN YOU'RE INVOLVED IN A VEHICLE ACCIDENT: YOUR 7-STEP CHECKLIST

STEP	WHAT TO DO	
01	Stop and switch on your hazard lights. No matter how minor the damage may be, it is illegal to drive away from the scene of an accident.	✓
02	<p>Check for any injuries to drivers, passengers and pedestrians. If anyone involved in the accident is injured, do not try to move them. If a driver or passenger is injured, you must not try to remove them from the vehicle. If there are injuries, call the emergency services to come to your aid.</p> <p>If there are no injuries and the damage to your vehicle seems minimal, you may move your vehicle to the side of road to help ease the traffic flow. If you cannot move your vehicle because it's damaged or won't start, keep your hazard lights on.</p> <p>You can call for a tow truck at this stage. If you have insurance, check if your insurer has an approved list of towing companies you may use. Towing may be a benefit on your insurance plan. If not, you can call a company of your own choice.</p>	✓
03	<p>Record the damage to your vehicle. Note the date and time of the accident. Use your cellphone to take pictures of any damage caused by the accident. It's a good idea to get permission from other drivers involved to take pictures of damage to their vehicles.</p> <p>If you can, try to capture how the accident took place to show the direction all vehicles involved were travelling in at the time of collision. Take note of road names, landmarks, robots and nearby intersections. You will need this information when you claim. Weather and road conditions are also good to note, as these may have contributed to the accident.</p>	✓
04	<p>Ask the other people involved for their details. Get their:</p> <ul style="list-style-type: none"><li>▪ Full names</li><li>▪ ID numbers</li><li>▪ Cellphone and other contact numbers</li><li>▪ Insurance details (the name of their insurance company)</li></ul> <p>If any of the drivers work for a delivery service, get the details of their employer too.</p> <p>Take down the details of the car or cars – their make, model, colour and registration number. Also get contact details for eye witnesses (people who saw the accident happen).</p>	✓
05	<p>Report the accident to the police within 24 hours. By law, you must do this for every accident, even if the damage seems minor. But this step is especially important if someone was injured or even killed during the accident. The police will give you a case number and investigate the incident.</p> <p>Everyone involved in the accident will file a report and get their own case number.</p>	✓
06	Tell your insurer about the accident and follow their instructions. You may need to take your vehicle to an approved assessment centre to evaluate the damage, for example. Your insurer will explain how to get quotes for repairing the vehicle.	✓
07	Stay in touch with your insurer as they process your claim. It's best to repair any damage to your vehicle as soon as possible. Putting this on hold can cause the damage to get worse, which may cause complications with your claim.	✓



## TIPS FOR A SMOOTH CLAIM PROCESS

- 01** | Start the claim process as soon as possible, even if it's for minor damage.
- 02** | Have important information with you when you contact your insurer. Usually, they will ask for:
  - Your insurance policy number
  - Full details of the accident, including information on all parties involved and any photographs taken of the accident scene and vehicle damage
  - The case number from the police and the official report from the investigating officer.
  - Witness testimonies (if there were witnesses).
- 03** | Follow your insurer's claims procedure. This should be given to you when your policy starts. Make sure you understand what you need to do at each step.
- 04** | Fill in the claim form clearly and thoroughly: Usually, you will need to fill in a form that captures all the details of the accident. The form is important, as it supports your claim – so filling it in properly is to your advantage.
- 05** | Get quotes for repairs. Your insurer may give you a list of approved repair companies you may use for a damage evaluation.

Once you have quotes for the repairs needed, you will need to send these to your insurer. Your insurer must approve the quote before you go ahead and have your vehicle repaired. It's important to agree on the quoted price with your insurer to avoid problems with your claim. If the damage is substantial, an assessor may recommend that you write off your vehicle. In this case, your insurer will agree to pay out an amount that's equal to your vehicle's value before it was damaged in the accident.



## HOW DO YOU CLAIM IF YOU DID NOT CAUSE THE ACCIDENT?

### Claims through an insurer or the legal system

If you did not cause the accident, it is your legal right to claim for compensation (payment) from the driver who was at fault. You can claim from the driver's insurer or the court if the driver does not have car insurance. If neither of you has car insurance, both of you must make a claim through the court.

The court you can use depends on the value of the claim:

- If the claim value is less than R20 000, you can process the claim through the Small Claims Court. You do not need a lawyer to represent you in the Small Claims Court.
- If it is a higher amount, you must file a claim with the Magistrate's Court or High Court. You will need a lawyer to represent you.

The way a claim is processed, will depend on the nature of the accident and the damages being claimed for. Just like an insurer will analyse all reports, a Small Claims Court will do the same. The police report serves as evidence, too.

### What about the Road Accident Fund (RAF)?

The RAF is a state-supported insurance fund. It allows you to claim damages for physical injury or death from a vehicle accident caused by another party on public roads. In the case of death, the RAF will compensate (pay) dependants of the deceased. In the case of injury, it will to compensate (pay) for a loss of income or to help pay for medical expenses.

The RAF does not pay claims for damaged vehicles or items you had on you at the time of the accident (such as a cellphone, clothing or laptop).