Managing a Highway Accident

Assist your insurer in defending YOU

Vehicle and Traffic Law §1103(b)

- Liability limited to reckless conduct
- Riley v County of Broome, 719 N.Y.S.2d 623
- “reckless disregard for the safety of others”

High Standard

- “the actor has intentionally done an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow and has done so with conscious indifference to the outcome”

When we investigate

- Not looking to put you in the jackpot
- Looking for facts in order to ascertain scope of the injury, cause of the accident AND
- Are there elements of the accident that may move it from “mere negligence” to “reckless disregard”

Do’s

- If aware, report it promptly make a written report of what happened and especially why
- If aware, by all means share information with injured party
- Cooperate when your carrier investigates

Don’t

- Make promises you can’t or won’t keep; Like: “the town will take care of it”
- Fail to be courteous and empathetic
- Make promises like “it was my fault and it will be taken care of...”