



THE AUTO ACCIDENT ACTION CHECKLIST

First 24 hours + the 5 insurance traps that cost cases

An action-checklist companion to the main guide. Read it, mark it, share it.

YO PELEO® POR TI

CHARLOTTE · RALEIGH · SMITHFIELD · ORLANDO

AVAILABLE 24/7 · 1-844-YO-PELEO (1-844-967-3536) · vasquezlawfirm.com

ACTION WORKSHEET · PRINT IT · FILL IT IN · CARRY IT

THE ACCIDENT SCENE CARD

12 photos. 8 facts. 3 sentences. Then call us — before you speak to any insurance company.

12 PHOTOS TO TAKE — TICK AS YOU GO

- 1. Wide shot of the intersection (layout, signs, lanes)
- 2. Each car's damage — close-up + wide
- 3. License plates — both cars
- 4. Other driver's license + insurance card
- 5. Skid marks on the road
- 6. Traffic signs, signals, and any obstructions
- 7. Weather + lighting conditions
- 8. Witnesses (their face only if they consent)
- 9. Your own visible injuries
- 10. The other driver
- 11. Anything they say to you — on video if possible
- 12. The responding officer + their badge number

8 FACTS — FILL IN BEFORE YOU LEAVE THE SCENE

Other driver name: _____

License # / State: _____

Plate / VIN: _____

Insurance Co + Policy #: _____

Witness #1 (name + phone): _____

Witness #2 (name + phone): _____

Officer + badge #: _____

Incident / case #: _____

3 SENTENCES — MEMORIZE THESE BEFORE THE ADJUSTER CALLS

What to say (verbatim)

1. "I am not giving a recorded statement today."
2. "I am not signing any release or authorization."
3. "My attorney will call you back — 1-844-967-3536."

NEVER SAY: "I'm sorry" · "I'm fine" · "I didn't see them"

USE TODAY · NO ATTORNEY REQUIRED

Use This Today

Verbatim language you can sign and send - no attorney required.

When the adjuster from the other driver's insurance company calls, they want a recorded statement before you can think. Don't give it. Send this letter by certified mail (and email if you have it) within the first week. It freezes the case in your favor.

Letter to Insurance Adjuster - Decline to Provide a Recorded Statement

[YOUR FULL NAME]

[YOUR STREET ADDRESS]

[CITY, STATE, ZIP]

[YOUR PHONE]

[YOUR EMAIL]

[DATE]

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

AND VIA EMAIL: [ADJUSTER EMAIL, IF KNOWN]

[ADJUSTER FULL NAME]

[INSURANCE COMPANY NAME]

[CLAIMS DEPARTMENT STREET ADDRESS]

[CITY, STATE, ZIP]

RE: Claim Number: [CLAIM NUMBER, IF KNOWN]

Date of Loss: [DATE OF ACCIDENT]

Your Insured: [OTHER DRIVER'S FULL NAME]

Claimant: [YOUR FULL NAME]

Dear [MR./MS. ADJUSTER LAST NAME]:

I am the claimant in the above-referenced matter, arising from the motor vehicle collision of [DATE OF ACCIDENT] in [CITY, STATE]. This letter is my formal written response to your inquiry and serves to place my position in the claim file.

1. Recorded Statement. I do not consent to and decline to provide a recorded, transcribed, or written

statement of any kind concerning the incident, my injuries, my medical history, my employment, or any other subject. Please do not call me to request one. I am not waiving any rights by sending this letter.

2. Medical Authorizations and Releases. I decline to sign any medical authorization, HIPAA release, employment release, or general release tendered by your company or any agent acting on its behalf. I will produce relevant medical records and bills through counsel at the appropriate time.

3. Representation. I am [currently represented by counsel / actively evaluating counsel and expect to be represented shortly]. Until you receive a letter of representation, please direct all communication to me in writing only at the address above. Do not contact me by telephone, text, or in person.

4. Documents I am Requesting. Pursuant to my rights as a third-party claimant, please produce the following within thirty (30) days:

(a) A complete certified copy of your insured's policy declarations page, including all applicable liability limits, umbrella or excess coverage, and any reservation of rights.

(b) Your insured's full legal name, current residential address, telephone number, date of birth, and driver's license number.

(c) The vehicle identification number, year, make, and model of the vehicle your insured was operating at the time of the loss.

(d) Confirmation of the adjuster of record, claims supervisor, and a direct mailing address for written correspondence.

5. Settlement Offers. Any settlement offer, advance payment, or release of any kind must be tendered in writing. I will not accept, endorse, deposit, or respond to any check, draft, or instrument delivered without a corresponding written offer that I have had a reasonable opportunity to review with counsel.

6. Preservation. Please preserve all recordings, notes, claim logs, photographs, internal reports, and electronically stored information relating to this claim. This letter constitutes notice of a litigation hold.

Nothing in this letter shall be construed as an admission of fault, a waiver of any claim, or a statement of injury. I reserve all rights and remedies available under the laws of [North Carolina / Florida].

Govern yourself accordingly.

Sincerely,

[YOUR FULL NAME], Claimant

cc: [YOUR ATTORNEY, IF APPLICABLE]

File



FROM THE FOUNDING PARTNER

This is the action checklist. Use it like one.

I'm William Vásquez. I served as a soldier in the United States Air Force before law school, and today I lead Vasquez Law Firm — bilingual, working-family-focused, answering the phone 24/7. We've handled over 30,000 cases in 15 years.

This companion is shorter than the main guide on purpose. It's the part you actually do this week — folders to build, words to memorize, mistakes to avoid. Print it. Mark it up. Share it with anyone you love who's in the same fight.

If something in here gives you pause, that's the call to make. We answer in English and Spanish, day or night, no fee unless we win.

YO PELEO® POR TI — I fight for you.

— **William J. Vásquez**

Founding Attorney · NC + FL Bar · USAF Veteran

KEY TAKEAWAYS

What to remember from this checklist — the 5 things that change cases.

01 In North Carolina, being even 1% at fault under pure contributory negligence (NC G.S. 1-139) can bar all recovery from the at-fault driver.

02 The statute of limitations for auto injury claims is 3 years in North Carolina and 2 years in Florida after HB 837 (2023).

03 Never give a recorded statement to the other driver's insurer without an attorney. It is evidence built to lower your settlement.

04 Adrenaline masks injury pain for 24 to 48 hours. A same-day medical record is the single most important document in your case file.

05 Represented claimants recover 2 to 3 times more than unrepresented ones per Insurance Research Council data, even after attorney fees.



01 SECTION

The First 24 Hours, In Order

Do these in sequence. Skip steps and the insurance company writes your story for you.

At the scene (first 10 minutes):

1. Call 911. Ask for police and ambulance, no matter how you feel.
2. Do not move if your neck, back, or head hurts. Wait for paramedics.
3. Do not admit fault. Not 'I am sorry,' not 'I did not see you,' not even 'I am fine.'
4. Turn on hazards. Move out of traffic only if it is safe.

First 60 minutes:

5. Photograph everything (see photo checklist).
6. Get witness names, phone numbers, and what they saw.
7. Exchange license, registration, insurance, plate with the other driver. Sign nothing they hand you.
8. Ask the officer for the incident or case number.

First 24 hours:

9. Go to the ER or your doctor the same day. Even if nothing hurts.
10. Do not speak to the other driver's insurer yet.
11. Call us for a free evaluation.
12. Start a daily pain diary. Stay off social media.



02 SECTION

The 5 Adjuster Traps and How to Shut Them Down

Every adjuster runs the same playbook. Name the trap, neutralize it in one line.

TRAP 1 - The friendly recorded statement. 'I just need to record this to be fair.'

Defense: 'I do not wish to give a recorded statement at this time.' Then hang up.

TRAP 2 - The fast lowball. '\$2,500 today if you sign.'

Defense: First offers run 5 to 20 percent of real value. Never sign without an attorney reviewing.

TRAP 3 - The open medical authorization. 'Sign here so we can process your claim.'

Defense: A blanket release gives them your entire medical history to mine for preexisting conditions. Only sign a limited authorization drafted by your attorney.

TRAP 4 - The preexisting condition trap. 'Have you ever had back pain before?'

Defense: The eggshell skull doctrine protects aggravation of prior injuries. Let your attorney answer history questions.

TRAP 5 - The stress check. A small check arrives unsolicited with 'for your inconvenience.'

Defense: Do not deposit. Cashing it can count as partial settlement acceptance. Call us first.



03 SECTION

What You Must Photograph (12-Shot Checklist)

Photos win cases. Take these before vehicles are moved. Use your phone, timestamps on.

Vehicles (4):

1. Front, rear, and both sides of your car (wide shot of all damage).
2. Same angles of the other vehicle.
3. Both license plates.
4. Both VINs (windshield, driver side).

The scene (4):

5. Final position of both cars, wide shot from a distance.
6. Skid marks, broken glass, fluids on the pavement.
7. Nearby traffic signs, signals, lane markings.
8. Weather and sky (time of day evidence).

People and documents (4):

9. Other driver's license and insurance card.

10. Responding officer's badge number and name.

11. Your visible injuries the same day (bruises, cuts).

12. Your injuries again at 24 hours and at one week. Bruises tell the truth by day two.



04 SECTION

NC Contributory Negligence: The Rule That Kills Cases

North Carolina is one of only four jurisdictions in the country using pure contributory negligence (NC G.S. 1-139, *Wade v. Sausage Co.*). The rule is brutal:

If the insurance company proves you were even 1 percent at fault, you recover zero.

Real examples where claimants lost everything:

- Rear-ended at a red light, but one headlight was out.
- Other driver ran a stop sign, but you were doing 36 in a 35 zone.
- Pedestrian crossed correctly at night wearing dark clothing.

The narrow exceptions:

1. Last Clear Chance - the other driver had the final opportunity to avoid the crash.
2. Gross negligence - DUI, road rage, intentional conduct.

3. Sudden emergency you did not cause.
4. Children under 7 cannot be contributorily negligent.

Florida is different: modified comparative negligence under HB 837 (Fla. Stat. 768.81). More than 50 percent at fault means zero recovery. 50 percent or less means reduced recovery.

This is exactly why one wrong sentence to an NC adjuster can end your case. Do not negotiate alone.



05 SECTION

When To Call Us

Some accidents you can handle yourself. Most you should not. Call within the first week if any of these apply:

- You went to the ER, urgent care, or any doctor.
- The other driver was cited or police suggest fault is disputed.
- The adjuster has already called and asked for a recorded statement.
- Anyone in your car is still in pain 48 hours later.
- The crash involved a commercial vehicle, rideshare, or government vehicle.
- The other driver was uninsured or fled the scene.
- You were offered a settlement check in the first two weeks.
- The crash happened in NC (contributory negligence makes DIY claims dangerous).

What our free evaluation covers: liability analysis, insurance coverage review (your policy and theirs), case value range, and immediate next steps. You sign nothing at consultation. No fee unless we win. We answer 24/7 in English and Spanish.

The clock started the moment of impact. NC: 3 years. FL: 2 years. Do not wait.

FREQUENTLY ASKED QUESTIONS

Real questions from our intake line — answered in plain English.

Q. Should I give a recorded statement to the other driver's insurance?

No. You are not legally required to give a recorded statement to the at-fault driver's insurer. That recording is evidence built to lower your settlement. Politely decline: 'I do not wish to give a recorded statement at this time.' Then hang up and call us. Your own insurer is different. Coordinate with an attorney before that call too.

Q. How long do I have to file a personal injury claim in NC or FL?

North Carolina gives you 3 years from the date of the accident for personal injury (NC G.S. 1-52(16)) and 2 years for wrongful death. Florida changed in March 2023 under HB 837: 2 years for personal injury (Fla. Stat. 95.11(3)(a)), 2 years for wrongful death. Miss the deadline and the case is dead, no matter how strong the facts.

Q. What if the accident was partly my fault?

In North Carolina, if the insurance company proves you were even 1 percent at fault, you recover nothing under pure contributory negligence. Limited exceptions exist (last clear chance, gross negligence, DUI). In Florida, modified comparative negligence applies: more than 50 percent at fault means zero recovery; 50 percent or less means reduced recovery proportional to your fault.

Q. The insurance company offered me \$5,000. Should I take it?

Almost certainly not. Industry data shows first offers run 5 to 20 percent of real case value. Insurance Research Council studies show represented claimants recover 2 to 3 times more even after attorney fees. Never sign a release before reaching MMI (Maximum Medical Improvement) and never sign without an attorney reading every line.

Q. Can I sue if I am undocumented?

Yes. Both North Carolina and Florida allow personal injury claims regardless of immigration status. Your status is generally inadmissible as evidence under HIPAA and standard evidence rules. We do not report to ICE. Lost wages are recoverable. Your right to compensation for injuries another driver caused does not depend on a green card.

Q. What if the other driver had no insurance?

Your own UM/UIM (Uninsured/Underinsured Motorist) coverage steps in. North Carolina raised UM minimums to \$50,000/\$100,000 in July 2025 under HB 132 (NC G.S. 20-279.21(b)(3)). Florida offers UM but does not require it

(Fla. Stat. 627.727). Pull your declarations page today and confirm you have meaningful UM/UIM limits. It is cheap and case-saving.

Q. How much does a personal injury attorney cost?

Nothing upfront. We work on contingency under NC RPC 1.5(c) and Fla. RPC 4-1.5(f): 33 percent pre-suit, 40 percent post-suit. If we recover nothing, you owe nothing. The initial evaluation is free. You sign no fee agreement at consultation. You walk away with answers either way.

FREE HELP IN NC + FL · PUBLIC, VETTED, ANSWERS 24/7

Free Help You Can Trust

When the insurance company won't negotiate fairly - these resources push back.

The system is supposed to be fair. When it isn't, these are who you call.

01 NC Department of Insurance - Consumer Services Division

Files complaints against insurers operating in NC for bad faith, delay, and unfair claims practices under NC G.S. 58-63. Free investigation, written response required from the carrier.

(855) 408-1212 · <https://www.ncdoi.gov/consumers>

02 Florida Office of Insurance Regulation - Consumer Helpline

Investigates auto insurance complaints in FL, monitors carrier conduct, enforces Fla. Stat. 624.155 bad-faith statute. File online or by phone, no cost.

(877) 693-5236 · <https://www.myfloridacfo.com/division/consumers>

03 North Carolina Bar Association - Lawyer Referral Service

Connects you with a screened NC personal injury attorney for an initial consultation (30 minutes for \$50 or less; many waive the fee for PI). Statewide coverage.

(800) 662-7660 · <https://www.ncbar.org/public-resources/find-a-lawyer/>

04 The Florida Bar - Lawyer Referral Service

Statewide referral to a Florida Bar member attorney; first 30-minute consultation is \$25 or free for PI matters. Verifies the attorney is in good standing.

(800) 342-8011 · <https://www.floridabar.org/public/lrs/>

05 Insurance Information Institute (III)

Free, consumer-facing explanations of how auto coverage works, what UM/UIM means, and how claims are valued. Useful before any call with an adjuster.

(212) 346-5500 · <https://www.iii.org/>

06 National Highway Traffic Safety Administration (NHTSA)

Free crash data, recall lookup by VIN, and federal vehicle safety information. Use to check if a defect contributed to the crash.

(888) 327-4236 · <https://www.nhtsa.gov/road-safety>

07 National Center for Victims of Crime - VictimConnect Resource Center

Confidential helpline for victims of hit-and-run, DUI crashes, and vehicular assault. Helps locate local victim compensation funds, including NC and FL state programs.

(855) 484-2846 · <https://victimconnect.org/>

08 211 (United Way)

Free 24/7 connection to local resources for rent, food, prescription assistance, transportation, and medical bill help while you cannot work. Multilingual.

211 · <https://www.211.org/>

BEFORE YOU CALL US · PREP IN 30 MIN · ANSWERS IN 15

Before You Call Us (or Anyone Else)

15 minutes of prep saves 60 minutes of fumbling. Bring this.

Walk in with these items already gathered. Your first 15 minutes will yield a real answer - not a question list.

- 1.** Date, exact time, and full street-and-intersection location of the crash, plus the direction each vehicle was traveling.
- 2.** The police crash report or, if not yet released, the responding department and report or incident number (write the officer's name and badge number next to it).
- 3.** Every photo and video from the scene: vehicle damage from all four sides, both license plates, both VINs, skid marks, debris, traffic signals, weather, and any visible injuries (the 12-shot checklist in this guide).
- 4.** All medical records, ER discharge paperwork, imaging reports, and itemized bills to date - bring the dollar totals, not just summaries.
- 5.** Your own auto insurance declarations page showing liability limits, PIP/Med-Pay, and UM/UIM coverage amounts (call your agent if you cannot find it).
- 6.** The other driver's insurance company name, policy number, claim number, adjuster name and direct phone, and the policy limit if disclosed in writing.
- 7.** A typed witness list: full name, mobile number, email if available, and a one-sentence note on what each person saw or heard.
- 8.** Wage-loss documentation: last two pay stubs, last year's W-2 or 1099, and a signed statement from your employer confirming missed days and hourly or salaried rate.
- 9.** A daily pain and symptom diary from the date of the crash forward, including sleep loss, missed activities, medications taken, and any work restrictions ordered by a doctor.
- 10.** A complete list of every provider you have seen for this crash - ER, primary care, orthopedist, chiropractor, physical therapist, mental health - with addresses and date ranges.

- 11.** Full disclosure of any prior accidents, prior injuries, prior surgeries, or pre-existing conditions affecting the same body part, with approximate dates and treating providers.

- 12.** Every recording, voicemail, text, email, and letter you have exchanged with any insurance company, plus a written log of every phone call (date, time, who called whom, what was said).



If you've been hit, the clock is already running.

Free 15-min evaluation. No fee unless we win. We answer 24/7 in English and Spanish.

1-844-YO-PELEO

(1-844-967-3536) · vasquezlawfirm.com/contact

GO DEEPER — THE FULL GUIDE

This is the action checklist. For the full strategy — every form, every deadline, every rule — read the comprehensive guide:

[Personal Injury Guide](https://www.vasquezlawnc.com/guides/personal-injury)

<https://www.vasquezlawnc.com/guides/personal-injury>

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This guide is educational only and is not legal advice. Every case is different. Reading it does not create an attorney-client relationship. For advice on your specific situation, call us for a free 15-minute evaluation.