

TerranearPMC Safety Share

Week of June 19, 2017 – Fender Benders

While there are millions of traffic accidents every year, only a small percentage can be classified as serious; that is, those that result in severe injuries or fatalities. According to data published by the United States Census Bureau, there are generally over 10 million vehicular accidents every year! And they range from minor fender benders to catastrophic events.

As the name implies, a *fender bender* is a minor, low-speed accident that involves a car's fender or bumper. While these accidents are usually minor, they can be surprisingly costly. Many times these accidents may involve only one driver, as the second vehicle was parked. As such, parking lots are the scene are many of these cases. Limited visibility, operating a vehicle in tight spaces, as well as intense competition for a parking space are typical contributing factors leading to fender benders.

While parking lot accidents are some of the most common types of car accidents, most people aren't clear on who is responsible for a fender bender including how to determine right-of-way.

Right of way is typically the primary factor that determines fault in auto accidents, but in a parking lot, determining fault can get a bit murky. However there are ways to know whether or not you were in the wrong if you're ever in a car accident in a parking lot.

Was your car moving? If only one car was in motion, then the driver of the moving car is typically at fault. Not always, but the majority of the time. If you are legally and correctly parked and your car is hit by a moving vehicle, it's usually that driver's fault and not yours. Of course, if you are incorrectly or illegally parked, you may be to blame.

Who has the right of way? This can get pretty sticky because some parking lots are laid out better than others. Stop signs, yield signs, and other signage and markings help to establish how traffic is intended to flow and thus establish right of way. But granted, not all parking lots have these guides. As a general rule, a driver who fails to yield or stop at a stop sign is at fault in any resulting accident.

Another Driver and I Backed into Each Other Both drivers are moving, which makes them each responsible for their actions. In this case neither driver has the right of way and therefore, each driver is responsible for ensuring that the movement of their vehicle won't result in an accident. In this scenario both drivers would be at fault (though some insurers will label the accident as "no-fault"). When it comes to filing a claim with your insurance company, each driver's payout will come from their own insurance company.

Another Driver Pulls Out Into Traffic from their Parking Space At some point you've either been the guy in the parking space or the other guy. It's incredibly common and after all, it's hard to see around the SUV parked next to you when you're driving a Mini Cooper. In this scenario, the person pulling out of the parking space is usually at fault. It's their responsibility to yield to moving traffic, even if they can't see oncoming cars. It's possible both cars are responsible since both cars were moving, but it's not a common outcome.

Another Driver Backs Out of a Parking Space into Your Car Similar to the previous scenario, both cars are moving so it's again possible that both cars are at fault. Of course, the way it tends to work



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out is that the car backing out of the parking space is liable. When it comes to handling your insurance claim, typically the each driver's insurance company will pay their own claim (as opposed to the other driver's insurance paying their claim).

Two Drivers Collide while trying for the Same Space Who's at fault? Again, good chance of both drivers being at fault, but most of the time the driver who has to cross the stream of traffic to take the parking space is the one that's liable. That means the driver who had to turn left to take the space is most likely to be at fault. Other factors such as the point of impact on the vehicles will be used as a determining factor since that information could reveal that one driver was mostly in the space or was already turning into it when another driver tried to take it. If this scenario happens to you, take pictures to provide your insurer if you feel you were not at fault.

Another Car Rear-Ends You at a Stop Sign This fender bender is common just about everywhere. Despite being large and red, people sometimes fail to see stop signs, which often results in a car accident where the driver who gets hit is free of fault. The driver who failed to stop in time is typically at fault here.

After a fender bender, assuming that no one got hurt and that the cars aren't blocking traffic, it's best for the people involved to take notes on the appearance of both cars as well as the area where the accident happened. This includes things like the street address, weather conditions, and any traffic signs or speed limit signs. Drivers should take pictures of the damage and position of the vehicles to bolster any future legal claims. It's also very important to trade insurance information with the other driver. If he or she refuses to share insurance information, then take down the vehicle's license plate number and any other information you can determine about the car, and report the incident to the police.

Is there anything that can be done to prevent these minor fender benders? The answer to that question is "YES!" Number one, be cautious when driving in parking lots. Too many times drivers are multi-tasking, such as talking on their cell phones or grabbing something to eat (that they just bought at the store). By paying attention, that is, focusing on the task-at-hand, vehicular mishaps can be prevented. And when you park and get back to your car, it's always a good idea to take a look at your surroundings to notice any children near your vehicle as well as changed conditions (i.e. cars parked next to you that weren't there when you first arrived). In the safety field, this is known as a 360 walk-around. As you take a look all around your vehicle you may notice your car has been damaged while you were gone. Cracked mirrors and back-up lights as well as small dents suddenly appear

Another practice that has been used by utility vehicles that visit residential neighborhoods is to place a traffic cone behind the vehicle, which forces the utility worker to walk around his/her truck to remove it when leaving and thereby notice if any children are near. Another method is to place tire chocks on the rear passenger tire. Similar to the traffic cone used by utility vehicles, this forces persons to walk around the vehicle prior to leaving and notice potential hazards. Chocks also provide the added benefit by wedging the wheel, thus making the driver feel resistance if they forgot to remove the chocks prior to starting the car, thereby creating a safety redundancy.

Unfortunately, we don't educate drivers enough to be respectful on the road - Mario Andretti

