

**Special Report #3**

**“HE SLAMMED INTO MY  
CAR AND TOOK OFF!”**

**What should I do?**

**By Jeff Witten**

**McComb Witten Personal Injury Lawyers**

## I. INTRODUCTION

It happens with frightening frequency on the streets of BC's Lower Mainland.

A car crashes into you and then speeds away.

Being an honest person yourself, you've always assumed that when someone's been involved in a car accident they'll do the right thing. Unfortunately, it doesn't always work out that way.

Most of us have been raised to take responsibility for our actions. The person who hit your car and then sped away obviously didn't have this type of upbringing.

I wrote this special report in order to provide you with the information you need to know about "Hit and Run claims" in British Columbia. It's important that you read this report before you become involved in a Hit and Run accident.

The information that I've included in this special report could make the difference between success or failure with your injury claim.

I truly hope that you'll find this report full of valuable information.

If you have any questions or want to find out more about what I've discussed in this report please feel free to contact me.

I'm a partner at the law firm of McComb Witten Personal Injury Lawyers. Our phone number is 604-255-9018. Alternatively, you can send me an email at [jwitten@mccombwitten.com](mailto:jwitten@mccombwitten.com).

Dig in!

Jeff Witten

---

THIS SPECIAL REPORT IS INTENDED TO BE INFORMATIONAL IN NATURE. IT REFLECTS THE OPINIONS OF THE WRITER. THE INFORMATION IN THIS LETTER IS NOT OFFERED AS LEGAL ADVICE. IT DOES NOT CREATE A LEGAL SOLICITOR-CLIENT RELATIONSHIP. YOU SHOULD SEEK THE LEGAL ADVICE OF A QUALIFIED LAWYER ABOUT YOUR PARTICULAR MATTER.

---

## **II. WHAT IS A HIT AND RUN ACCIDENT?**

A hit and run happens when the driver of a vehicle leaves the scene of the accident without stopping to provide information.

One example of this type of accident is when the other person drives away from the scene before you can get his/her name, driver's license number or their car's license plate number.

Other examples include when a pedestrian is struck by a driver who doesn't stop after a collision, or a cyclist who's struck by a vehicle in a similar fashion.

## **III. WHAT'S SO DIFFERENT ABOUT A HIT AND RUN CLAIM?**

The law in British Columbia states that you must take all reasonable steps to identify the driver and the vehicle that hit you. Or, to put it in another way, in order to be successful with a hit and run claim you have to be able to show that you took all reasonable steps to identify the driver and vehicle which struck you but were still unable to do so.

The bottom line here is that you have to play detective. Otherwise, ICBC may be able to say that had you taken certain steps you could have identified the driver and vehicle that struck you.

## **IV. WHAT DOES ALL REASONABLE STEPS MEAN?**

The circumstances of your accident affect what amounts to all reasonable steps in your case.

However, at a minimum, you should do the following:

1. Call the police right away. Be sure you obtain a police case file number. You'll need this to be able to prove you've phoned the police to report your accident;
2. If there are people around, talk to them and find out whether or not they witnessed the accident. Witnesses are often the key to success;
3. If your accident happened in the vicinity of various businesses, houses, apartments or other buildings go and bang on some doors. It may be that you can drum up one or more witnesses to your accident;

4. Call ICBC right away to let them know you were involved in an accident;
5. Post signs at the scene of your accident looking for witnesses. Make sure you keep a copy of the signs you've posted. Also, take pictures of the various signs that you've posted to prove that you've actually put them up; and
6. Put an ad in the classified section of your local newspaper looking for witnesses. Be sure to keep a copy of the newspaper ad when it's published and your receipt for the cost of placing it. Once again, you'll need this paperwork to prove you actually ran the ad.

## **V. A FEW TRICKS THAT YOU SHOULD KEEP IN MIND IF YOU'RE INVOLVED IN A HIT AND RUN CLAIM**

Here are a few things I've learned over the years. In some cases these "tricks" have made the difference between a successful and unsuccessful Hit and Run claim on behalf of my clients.

1. Sometimes bits of the vehicle which hit you are left at the scene of the accident. You should carefully preserve this "evidence" as it may help you to prove that a collision actually occurred;
2. Sometimes the license plate of the vehicle which struck you comes off at the scene of the accident. Have a good look around the area where the accident occurred before you leave. You might get lucky;
3. On occasion, the license plate numbers of the vehicle which ran into your car are stamped into the paint on your vehicle. Don't repair this "tattoo" before you take your car to ICBC. If the impact was a slight one, it may be that the license plate of the other vehicle is simply stamped into dirt or dust on the side of your car. Don't get your car washed before you take it into ICBC;
4. Paint from the vehicle that hit you is sometimes left on your car following an accident. Don't wipe it off. This is your "evidence". Make sure you bring it to ICBC's attention.
5. Sometimes you're unable to find witnesses immediately following an accident. Go back to the area where the accident occurred at the same time your accident happened. If you ask around it may be that you'll be able to find someone who knows of a witness to your accident. Or even better, you may actually find a witness. Remember, people are

creatures of habit. They often are found in the same place at the same time of day.

## **VI. IS THERE ANY SPECIAL PAPERWORK INVOLVED?**

The law in British Columbia says you must provide written notice of a Hit and Run claim to ICBC, "as soon as reasonably practical and in any event within 6 months after the accident that caused bodily injury, death or property damage". ICBC has a special form called a "CL-45". If this form is properly completed you'll have given proper written notice. If you don't provide written notice to ICBC within 6 months in all likelihood you'll be out of luck when it comes to advancing your claim.

## **VII. SHOULD I HIRE A LAWYER TO HANDLE THIS TYPE OF A CASE?**

The same general rules apply as with any other ICBC claim when it comes to hiring a lawyer. It really boils down to cost benefit analysis.

How bad are your injuries?

How long have they gone on for?

And what are your losses?

If there's not much here you probably don't require the services of a lawyer. But if your injuries are the type that may go on for awhile it's in all likelihood worthwhile hiring a lawyer to help you out with the case.

## **VIII. IF I'M GOING TO HIRE A LAWYER WHEN'S THE BEST TIME?**


With a Hit and Run claim, there's lots of details that need to be properly taken care of. Any mistakes, in terms of dealing with your responsibility to identify the driver and the vehicle that hit you, could mean you don't have a case.

So, if you're going to hire a lawyer to handle your case, I think it's fair to say that you might as well do so right away.

## **IX. VALUABLE ATTACHMENTS**

1. Jeff's Hit and Run checklist;
2. Sample advertisement;
3. Newspapers in which to publish your "witness" ad;
4. Websites in which to post your "witness" ad.

# #1 JEFF'S HIT AND RUN CHECKLIST

<b>STEPS TO TAKE FOLLOWING A HIT AND RUN ACCIDENT</b>	<b>DONE</b> 
Call the police	
Talk to people who were around during the accident for possible witnesses	
Knock on doors of various businesses, houses, apartments or buildings nearby for more witnesses	
Call ICBC right away	
Post signs at the scene of the accident	
Place an ad in the classified section of your local newspaper	

**#2 SAMPLE ADVERTISEMENT**

**CAR ACCIDENT  
WITNESSES NEEDED**

**FRIDAY, JAN. 1, 2010 @ 6:30 P.M.**

**KINGSWAY SAFEWAY  
PARKING LOT**

**DARK COLOURED SUV &  
BLACK 4 DOOR TOYOTA  
MATRIX**

**PLEASE CALL  
JEFF at 604-255-9018**

# **#3 STEPS TO TAKE IN PUBLISHING**

## **YOUR AD FOR WITNESSES**

1. After you've drafted your newspaper ad, send a fax request to your local newspaper;
2. Specify which section you'd like the ad to be placed, for example "under Information Wanted (section #1330)";
3. Specify which day(s) you'd like the ad to be published and for how long;
4. Request that they send you a copy of the advertised page for your own records;
5. Request for a confirmation so you know everything is set up properly.

For more details contact The Vancouver Sun & Province Classifieds at 604-605-7355.

# **#4 WEBSITES IN WHICH TO POST YOUR "WITNESS" AD**

[www.craigslist.org](http://www.craigslist.org)

[www.kijiji.com](http://www.kijiji.com)

[www.canada.com](http://www.canada.com)

[www.ebosa.com](http://www.ebosa.com)