

We've all been stuck in traffic because of a [car accident](#), and it's a frustrating experience, especially when the accident seems to be a simple fender bender. We wonder why we had to wait so long for such a minor incident.

But when you're one of the people involved in a car accident, it never seems minor. It is far more than an inconvenience. You're not sure if anyone's hurt or how bad the damage is. And you have no idea [what you should do](#). Do you stay in the same spot and wait for the police? Or do you move so you're not blocking the road? And what if you're not sure it's safe to drive?

The [laws of North Carolina](#) impose obligations that may appear contradictory. If you move in a way that could be considered leaving the scene, you could be guilty of hit and run or disturbing the scene of an accident. But if you don't move in certain situations, you could also be liable for violating the law.

Every car accident is different, so we can't give advice about what to do in a particular situation without knowing the details. Here, we offer general information on what the law requires so you can assess the situation and determine your next steps.

## Are There Injuries?

If anyone at the scene was injured in the accident, you or someone else should call 911 and wait for emergency responders. The most important issue in any accident is the health of the people at the scene. This includes not only the drivers involved but also passengers in any vehicles and those outside them, such as [pedestrians](#) and [cyclists](#) or scooter riders.

Trying to move without emergency medical assistance can worsen injuries. Unless it is necessary to move away from a fire or other immediate danger, it is best to remain in place until professionals arrive.

Staying in place in this situation also protects you legally. Evidence of the scene immediately after the collision is an extremely valuable tool for determining what caused the accident and who is at fault. When police arrive at the scene, they will document it in their report. Others—including you—can photograph how the vehicles are arranged relative to one another for use as evidence.

But if drivers move their vehicles, even slightly, then it could be difficult to reconstruct the moments leading up to and during the collision. For that reason, the law does not require drivers to move their vehicles in an accident involving injuries. In fact, drivers have a duty to stop and remain at the scene until police tell them they can leave if an accident results in injuries.

Leaving the scene of an accident with injuries can result in a felony conviction. If you move your vehicle but do not leave the scene, you could be blamed for causing the accident and trying to hide evidence.

## When You Are Required to Move Your Car

[Section 20-166 of the North Carolina Statutes](#) specifies the obligations of drivers regarding remaining on the scene. One subsection of this statute establishes a rule known as the “fender bender law.” While there is a general obligation to remain in place after certain accidents, this law establishes an obligation to move out of the way in other types of accidents. Specifically, if a collision occurs on “a main lane, ramp, shoulder, median, or adjacent area of a highway,” then the drivers should move to the shoulder or another area if:

- There are no injuries, and
- The vehicle can be “normally and safely” driven

A vehicle is considered to be capable of being “normally and safely” driven if it can operate on its own power without causing further damage to the vehicle and without posing a danger to the driver or others or the road itself.

## Preserving Evidence of Accident Causation

Regardless of whether there appear to be injuries, it is always wise to gather and preserve evidence that can indicate the cause of an accident. Sometimes, the symptoms of injuries do not appear until later. Traumatic brain injuries, for example, may not become apparent until swelling in the brain starts to impair brain function. Moreover, even when an accident only involves property damage, the cost of repairing or replacing equipment can be substantial. It will be important to have evidence to show that someone else’s actions caused the accident and that your actions did not contribute.

If possible, take photos of the accident scene and the vehicles involved right after the collision. While photos taken from outside the vehicle generally provide the most complete information, taking photos from inside the vehicle can be helpful as well, particularly if you are unable to get out or need to move your vehicle quickly. For instance, if you’re in a collision on a high-speed road, it is not safe to hop out onto the highway and take photos. Safety and health are

paramount. Take photos that can be taken without risk of harm, and make notes about what you remember before and during the accident. It can be helpful to record your observations on your phone.

Also, try to take note of the positions of vehicles on the road and photograph landmarks and traffic signs.

## It's Never a Bad Idea to Get Advice from an Attorney After an Accident

Being involved in a collision is a disturbing experience, especially when you've been hit. If you were injured in an accident, even if the symptoms don't show up immediately, it is [critical to see a doctor](#) and explain that you were in a collision. The doctor can check for signs of internal injuries.

It can also be helpful to get advice from a personal injury attorney soon after an accident, once you've addressed your health concerns and followed the police's instructions at the scene. At [Martin & Jones](#), we have decades of experience helping accident victims, and we know how unsettling collisions are mentally as well as physically. We offer free case evaluations to explain your options for recovering compensation and discuss the assistance our firm may provide. While our team is not able to help in every accident, people are often surprised to learn how much of a difference it can make to talk to an attorney sooner rather than later. To schedule your free case evaluation, call our team at 800-662-1234 or [contact us online](#) now.