

What to do in case of Auto Accident

In Mexico, auto accident procedures are totally different than in Canada and the U.S. The way it works will probably not seem fair, but living here you need to accept the cultural differences.

Information sources: Clemente Salcedo, Lloyd's Insurance Agent for 38 years, and Gabriel Rodriguez Perez, Chief of the Vialidad y Transport (auto accident police dept.)

- Do not move the car, even if people start honking horns. Authorities must view the scene to determine blame.
- Call your insurance agent **FIRST** who will appear at the accident site. If no one is hurt, a settlement can be made at the site without calling the **Auto Accident Police/Vialidad y Tranito, 765-4747 , or 076** (different than the local police) when two comprehensive insurances are involved. Transito office at 92 Hidalgo, Chapala-Ajijic H'way, Riberas .
- Obtain necessary information at the site by filling in the **Auto Accident Information Form**.
- On your own, if you try to make an on-site arrangement and the other party later reneges, you have no legal recourse. If the person responsible for the accident has no insurance or very little, it is best to call the authorities who can guarantee that payment of some kind will eventually happen. You need to call your insurance agent from the site of the accident to help.
- Under the law, both drivers will be detained until all wounds are classified and responsibility is determined.
- **If someone is hurt, the Auto Accident Police/Vialidad y Tranito: 765-4747, or 076 MUST be called. The hurt person will be taken to the nearest Red Cross station until authorities take stock of the situation and insurance agents arrive. By law authorities must intervene and check the victims. As soon as possible, the victims will be directed to a hospital of choice.**
- You need to produce a current original foreign or Mexican license, and copies of insurance papers, and the proper Mexican documents for a foreign plated car to operate in Mexico (papers/sticker you received at the MX border).
- **If someone is hurt, all vehicles involved will be taken into custody by law until damages are determined.** An official will give you a receipt and instructions for retrieving your car.
- **If someone is hurt, by law all drivers, even if you are not at fault, will be detained until responsibility is determined. This can be up to 72 hours (insurance agent can help cut time). In the case of death, holding time is longer. The guilty person is held until investigation is complete and bail is set.**
- **A breathalyzer test** is given to those in an accident (a reading of 101-150 is a fine of 30 days salary; above 150 you are transported to the Ministerio Publico for confirmation and your car impounded).
- **If you determined to be drunk while driving, you are arrested and bail is denied. Unless you accept blame for the accident, expect to spend 15 days to a month in jail. And your car will be impounded.**
- The cars will also be impounded, if there is only material damage and no agreement to guarantee damages is made at the site (a way for authorities to have some financial hold over responsible parties), or if authorities cannot determine blame without further investigation. Again, this is why you need your insurance agent at the site of the accident to try to settle matters on the spot.
- If there is no insurance, the person at fault is obligated to cover damage to vehicle and injured person. The authorities will witness the agreement at the site, including an initial exchange of

money and a receipt that will make it legally binding. In Mexico, “It is not about catching people, it is about trying to seek reconciliation.”

- At the scene you will be asked to fill out and sign a Desistimiento, resolution of the case and determination of guilt. If you are not sure of what the document says, do not sign until your insurance agent arrives with advice.
- After an auto accident, it is important that you are living in a different culture. If you insist on following “the letter of the law”, expect to lose time, money, energy, and your vehicle up to a year while the case is pending. In addition, you will need to sign in every Monday at the Ministerio Publico. Your best strategy is to follow the advice of your auto agent: mediate a settlement and reconciliation. You probably will not be satisfied, but this is the Mexican system.

Important Note:

Having auto insurance **bought in Mexico** makes the aftermath of an accident easier (With insurance bought in another country to allow you to drive in Mexico, you may have to collect receipts, hire a lawyer, pay expenses, and then receive limited reimbursement after an accident).

If the car is destroyed in a wreck, or it is not worth repairing: Go to the local Aduana office for the forms and instructions.

Note: be aware of the following: If you hit a bicycle, it’s your fault no matter what.

Print a few copies of this form and put with car papers. At the accident location, fill in one for yourself, and give one to the other party with your information.

Other numbers you might need:

District Attorney/Ministerio Publico (to report crime; investigate criminal complaints; local police DOES NOT) 765-2415.

Police Investigadora---State Detectives, La Cristiania 17 Morelos, Chapala, 765-2667/ Investigative arm of Ministerio Publico (District Attorney), execution of arrest and search warrants.

Juzgado Criminal—Penal Court, Juarez 514 second floor, Chapala, 765-2988. Prosecution and judgment of cases forwarded by District Attorney.

State Police: 01-333-837-6000 Based in Guadalajara under Procuraduria general de Justicia (State Attorney General).

Investigation and enforcement of state criminal codes, occasional backup for support of local police.

Federal Authorities:

Policia Ferderal Preventiva: 01-333-639-5085 Patrols federal highways and crime prevention.

Agencia Federal de Investigacion: Investigation of federal offenses (Mexico’s FBI).

Ministerio Publico Federal: in Ocotlan , 01-392-922-0021 Process criminal complaints for federal offenses, including drug and weapons violations.