

## What Should I Do If I'm Hit By A Drunk Driver In Houston?

### Houston car accident lawyers explain what to do, whether to file a DUI lawsuit

Drunk driving accidents often occur in Houston and throughout Texas. In fact, more people have been injured or died in drunk driving [car accidents](#) in Texas in the past decade than in any other state in the country.

Between 2009 and 2019, a total of 14,924 people died in crashes caused by drivers under the influence (DUI) of alcohol, according to the [Texas Department of Transportation \(TxDOT\)](#). That's 1,356 driving while intoxicated (DWI) deaths each year or roughly one-third of all traffic fatalities in Texas. Or to think of it another way, someone dies every six and half hours in Texas due to a crash caused by an intoxicated driver.

The numbers are just as bad in Houston's Harris County. On average, 182 people each year die in accidents caused by drunk drivers in Harris County, according to statistics compiled by the [National Highway Traffic Safety Administration \(NHTSA\)](#). That's roughly 43 percent of all motor vehicle accident fatalities each year.

So what should you do if a drunk driver crashes into your vehicle in Houston? What are your rights? What are your legal options? Below, you can learn more about exactly what to do, courtesy of our team of experienced Houston [drunk driving accident](#) lawyers.

### What should I do if a drunk driver caused my Houston car accident?

If an intoxicated driver crashed into your car in Houston, make sure you take action right away to protect your rights and your well-being. At the scene of your DWI accident, such steps include:

- Call the police and tell them you have been involved in a crash by someone who appears to be intoxicated.
- Ask the police to send an ambulance if you or anyone else appears injured. If you are not sure, ask them to send emergency medical help. Don't try to diagnose yourself. Have a medical professional examine you as soon as possible. And if you believe you sustained a serious injury, ask to be transported to the nearest emergency room hospital in Houston. There are many hospitals in the greater Houston area, including the Emergency Room at HCA Houston Medical Center and the Houston Methodist Hospital Emergency Room. Ask to be taken to the nearest hospital of your choice if possible.
- If it is safe to do so (if your vehicle is safely off the road and not in harm's way) stay in your vehicle until the police arrive. Drunk drivers can often be argumentative and unpredictable. Don't put yourself in harm's way.
- If you see someone who saw your accident, ask them to stay and wait until the police arrive. If they cannot wait, get their full name and phone number. Eyewitness testimony can be a powerful piece of evidence.

- Once the police arrive, take photos of your accident. Make sure to take pictures of the point of impact on both vehicles. Take photos of other important details as well, including the road conditions, any nearby traffic signs, the weather – anything that investigators might use to build a strong legal case.
- Give your personal information to the investigating police officer or state trooper. This includes your name, address, phone number, driver's license number, and insurance information.
- Keep your comments to the investigating officer or trooper about your accident brief. If you don't know the answer to a specific question, don't guess. Stick to the facts.
- Get the other driver's personal information from the investigating officer or state trooper. Do not talk to the other driver. Again, intoxicated drivers can often be unpredictable and dangerous.
- Do not discuss your accident with anyone else at the scene of your crash. Anything you say could later be used as evidence to deny your injury claim.
- Call a lawyer as soon as possible to learn more about your legal rights.
- Under Texas *criminal* law, a driver is considered under the influence if their blood alcohol concentration (BAC) is higher than 0.08. However, even a driver with a lower level of intoxication can be held responsible for the accident (and any injuries caused) in civil court.

### **What else should I do after my accident?**

- Soon after your accident – perhaps a few hours or days later – make sure you take these additional steps as well:
- Schedule a follow-up doctor's appointment with your physician. Even if you feel fine, you could have a life-threatening injury and not even realize it. Many car accident injuries can take several hours or days to develop, including whiplash, a concussion, or another type of traumatic brain injury (TBI).
- Write down everything you can remember about your accident. This is important to do right away while your memories of your crash are fresh in your mind. Write down what you were doing when the other driver crashed into your car. Describe what the other driver did. What was the weather like? Was it raining? Dark outside? Did the other driver run a red light? The more information you have, the better.
- Call your insurance company and tell them you have been in an accident caused by a drunk driver. Keep your comments brief and stick to the facts of what happened.
- Call the investigating police officer or state trooper who responded to your accident and ask for a copy of your official [Texas car accident report](#). In Houston, this might involve contacting the police department's main office at 1200 Travis Street or one of the substations. If you are not sure which Houston police department office to call, simply call the department's main non-emergency number: (713) 884-3131. If a Texas Highway Patrol officer investigated your crash, there are several state police barracks in the

Houston area. The main Texas Highway Patrol office in Houston is located at 12230 West Road and can be reached by calling (281) 517-1220.

- Once you have a copy of your Texas Peace Officer's Crash Report, carefully review it. Look for any errors or mistakes in your report. If you're not sure how to read your report, you're not alone. These reports can be very difficult to understand. That's why it's recommended that you review your accident report with your lawyer. Your attorney can also help you try to get any mistakes in your accident report corrected. This is important since insurance companies often refer to such accident reports when deciding who to compensate and how much money to pay them.
- If the at-fault driver's insurance company contacts you, don't answer their questions. Anything you say to them or put in writing could be used by them to deny your accident claim.
- Don't discuss your accident or post anything about it on social media. While such comments might seem harmless, they could later be used as evidence to deny your accident claim.
- Make sure you contact an experienced Houston car accident lawyer as soon as possible to learn more about your legal rights.

### **Should I file a drunk driving lawsuit?**

After a serious car accident caused by a drunk driver, many injury victims want to know if they should file a lawsuit. While this question might sound straightforward, there's no simple answer. That's because every drunk driving case presents its own unique legal challenges.

Sometimes, the best way to get the maximum financial compensation you deserve for your accident is to file a lawsuit. Other times, injury victims might decide to accept a settlement offer for their injury-related expenses.

If you do decide to file a lawsuit, you will likely need to do so in Harris County District Court. This court has jurisdiction over legal matters in Harris County, which includes Houston. But you shouldn't do this on your own. Talk to an attorney about the process and your legal options. Your lawyer can review the details of your case and advise you on whether you should file a drunk driving lawsuit.

### **How long do I have to take legal action?**

In Texas, you have two years from the date of your accident to file a lawsuit. This deadline is known as the statute of limitations. If you miss this deadline, you miss out on your only opportunity to get the money you rightfully deserve.

But just because you have two years does not mean you should wait that long to file a lawsuit. The longer you wait to take legal action, the harder it often becomes to find the evidence you need to build a strong legal case. Witnesses who saw what happened might move away or forget important details. Physical evidence from your crash can be lost or destroyed.

That's why it's important to act fast after your drunk driving accident. The clock is running. Don't delay. Talk to an attorney today.

### **Who can I sue for a DUI crash?**

You might have several different options when it comes to filing a drunk driving lawsuit. As with any other car accident, you can sue the at-fault driver to get their insurance company to pay up. Since the standard of proof is lower in civil court than criminal court, you may be able to win your civil case even if the at-fault driver is not convicted of DUI in criminal court.

Under some circumstances, you can also file a "dram shop" claim against a bar, restaurant, or other business that sold alcohol to the driver. The Texas dram shop law says that you can hold a business liable if they sold alcohol to the driver while he or she was "obviously intoxicated to the extent that he presented a clear danger to himself or others" and the intoxication caused your injuries. You may also be able to bring a claim against someone who served alcohol to a driver under age 18.

Depending on the circumstances, there may be other parties you can take legal action against as well. That's why you need to talk to a lawyer. We can help you better understand the legal options available to you.

### **How much is my claim worth?**

There's no set dollar amount when it comes to drunk driving accident claims. The bottom line is you should be financially compensated for all past, present, and future expenses related to your accident. Such bills and expenses can include:

- Emergency medical care
- Surgical procedures
- Follow-up doctor's appointments
- Prescription medications
- Physical therapy
- Replacement income while you're recovering from your accident
- Future income if you cannot return to work due to a permanent disability
- Pain and suffering in certain circumstances

The bottom line is you should not have to pay for a drunk driver's reckless behavior. Demand the money you deserve. Talk to a lawyer right away.

### **Why should I hire a lawyer?**

You might think you don't need an attorney if a drunk driver clearly caused your crash in Houston. The police are already investigating what happened. The district attorney may charge the driver with DUI. But remember, their job is to investigate and prosecute crimes. Their job isn't to make sure you are fairly compensated for all your accident-related expenses.

In addition, the drunk driver's insurance company will conduct an investigation of their own. And their goal will likely be to find reasons to reduce or deny your injury claim.

Get the help and resources you deserve to demand justice. [Contact](#) our Houston law firm and learn more about all the legal options available to you. Our dedicated team of Houston drunk driving accident lawyers at [Smith & Hassler](#) know how to handle such complex legal cases. That's because we have years of experience helping injury victims and their families in Houston and throughout Harris County.

Our law firm has a strong track record of success, including obtaining \$1.38 million for two clients injured in a motor vehicle accident. [Case results](#) matter here. Discover what we can do for you. Schedule a [free case evaluation](#) with a Houston car accident attorney you can trust. We have four offices conveniently located throughout Greater Houston.