

交通事故的處理

一個人在一生中駕駛車輛，很難避免不發生車禍，由於車禍涉及的損傷日益趨高，了解現今社會上處理車禍事故的程序，除了能保障自己獲得公平公正的處理外，也將能降低自己及家人因為車禍處理不當所衍生的二次傷害。

壹、當事人處理程序

當涉及一件車禍時，第一要務為救傷並請託保持現場，同時打110報警專線通知警察單位處理，然後駕駛人彼此交換車輛保險資料，確立聯絡方式，謹慎檢驗警察所作記錄與肇事現場、當事人口述、目擊證人證詞是否一致，待記錄澄清後與對方當事人同時簽字，並央求目擊證人主持正義將來參與作證。

如果對方拿不出保險資料，則必須取得其他明確身份證明，否則有逃逸之虞。

貳、警員處理程序

處理車禍的警員可能來自地方派出所，縣市政府警察局交通隊，或是交通隊內專業的事故處理小組，由於訓練不同，對於描述事故現場、追蹤調查當事人、證人的能力有很大的差異，因此要協助較沒有經驗的員警將記錄充份完成，尤其是事故現場的相關位置最容易遺漏。

參、當事人家屬處理程序

當事人家屬必須到事故現場進行了解，研判車禍的原因，向處理員警申請現場圖及肇事記錄資料，並請求專業人士支援進行事故分析，同時與對方當事人聯絡處理後續事宜並申請保險理賠。

肆、地方調解委員會處理程序

當車禍雙方對於車禍賠償有不同的意見時，一般由律師，地方人士所組成的地方調解委員會可以扮演協調的功能，讓兩方各退一步尋求和解代替對簿公堂，而調解的立場主要從情、理的角度出發設想，而較不傾向純粹從事故原因、法理及對錯的角度討論事務。

伍、行車事故鑑定會處理程序

台灣省、台北市、高雄市均設有行車事故鑑定委員會，冀求能客觀的從紛爭的車禍事故鑑定出雙方違反那些交通管制措施，及可能的事故原因；鑑定會的組成一般設置常任秘書一人，組成委員則多半包括監理單位負責人，車輛檢驗股負責人，機械（車輛）專長專家，交通管理專家，警政交通專家，及市政工務單位各一人，採和議制審理送審案件，並裁定事故行政責任；案件的來源包括民眾或公私立團體自行申請審理者，保險公司及各級法院申請裁定作為其理賠或後續審理之用者。鑑定會議裁決的依據主要細係依道路交通管理處罰條例，道路交通安全規則，高速公路交通管制規則，及路權誰屬做決定。由於近年來車禍爭議案件增多，一件車禍案件由申請至裁定可能需要若干個月，耗費時間成本頗巨；此外，案件鑑定在此完全不考慮「情」的因素，而完全以對錯評量；「受傷、死亡的一方不見得就是對的一方」，所以常被批評不合人情。若對地區鑑定結果有異議者，可以向省、市覆議會申請重新鑑定。

陸、法院處理程序

一件車禍的當事人，除了精神，肉體上承受的傷害外，還可能面對刑事上（判刑、罰鍰……），民事上（損壞賠償……），行政上（吊銷，吊扣駕照）的懲罰，公務員或軍人更可能因判刑而失去公作；對於只有財務損失的車禍，一般由地方法院的交通法庭進行審理；如果涉及受傷，死亡，則屬於公訴罪，不再屬於告訴乃論，會由檢查官主動調查，並將肇事資料送到鑑定會鑑定後經由司法進行判決。

Handling Traffic Accidents

It is difficult to avoid traffic accidents in a person's lifetime while driving a vehicle. As the severity of injuries from accidents increases, understanding the procedures for handling traffic accidents in today's society is crucial. This knowledge not only helps ensure fair and just treatment for oneself, but also reduces the risk of secondary harm to oneself and family members due to improper handling of the accident.

Procedures for the Parties Involved

When a traffic accident occurs, the first priority is to provide assistance to the injured and preserve the scene. At the same time, call the police at 110 to report the incident. Then, the drivers should exchange vehicle insurance details and establish contact information. It is important to carefully check the police's report to ensure that the accident site, the parties' statements, and witness testimonies are consistent. After the record is clarified, both parties should sign it, and witnesses should be encouraged to uphold justice by agreeing to testify later. If the other party is unable to provide insurance information, other clear identification documents must be obtained, or there may be a risk of the other party fleeing the scene.

Procedures for Police Handling the Accident

The police officers handling the traffic accident may come from local police stations, traffic divisions of municipal or county police departments, or specialized accident handling units within the traffic division. Due to varying training, their ability to describe the accident scene, investigate the parties involved, and interview witnesses can differ significantly. Therefore, it is important to assist less experienced officers in completing the records thoroughly, especially as details related to the location of the accident scene are often the most easily overlooked.

Procedures for the Family of the Parties Involved

The family members of the parties involved in the accident must visit the accident site to understand the circumstances and assess the cause of the crash. They should request the police officer handling the case for a scene diagram and accident records, and seek professional support for accident analysis. At the same time, they should contact the other party to discuss the next steps and file for insurance compensation.

Procedures for Local Mediation Committees

When the parties involved in the accident have differing views on compensation, a local mediation committee, typically composed of lawyers and community members, can play a coordinating role. This committee helps both parties take a step back and seek reconciliation instead of going to court. The mediation process is generally based on emotional and rational perspectives rather than purely legal arguments concerning the cause of the accident, legal principles, or who is at fault.

Procedures for the Traffic Accident Appraisal Committee

Taiwan Province, Taipei City, and Kaohsiung City each have a Traffic Accident Appraisal Committee, aimed at objectively determining which traffic control measures were violated and the possible causes of the accident in disputed traffic incidents. The committee typically consists of a permanent secretary and members, most of whom include officials from regulatory authorities, vehicle inspection specialists, mechanical (vehicle) experts, traffic management experts, police traffic experts, and municipal public works personnel. The committee adopts a conciliation-based approach for reviewing cases and deciding administrative responsibilities for the accident.

The sources of cases include applications from individuals or public and private organizations, as well as requests from insurance companies and courts seeking a ruling for compensation or subsequent legal proceedings. The decisions of the committee are primarily based on the Road Traffic Management and Punishment Act, Road Traffic Safety Regulations, Highway Traffic Control Regulations, and road rights principles.

Due to the increasing number of traffic accident disputes in recent years, it may take several months for an accident case to be processed from application to ruling, resulting in considerable time and costs. Moreover, the appraisal process does not take "human factors" into account and is based purely on an assessment of right and wrong. In this context, the injured or deceased party may not necessarily be the party in the right, which has led to criticisms that the process is not emotionally considerate. If there is disagreement with the local appraisal result, one can apply for a reappraisal from the provincial or city review committee.

Court Handling Procedures

In addition to the physical and emotional harm suffered by the parties involved in a traffic accident, they may also face criminal penalties (such as imprisonment, fines, etc.), civil penalties (for damage compensation), and administrative penalties (such as license suspension or revocation). Public servants or military personnel are even more likely to lose their jobs as a result of a verdict.

For accidents involving only financial losses, cases are generally tried in the traffic courts of local district courts. If the accident involves injury or death, it is considered a public prosecution offense and is no longer subject to private action. The prosecutor will initiate an investigation, and the case details will be sent to the appraisal committee for evaluation, after which a judicial verdict will be issued.