

## Ten Things to Know If You are Involved In a Motor Vehicle Accident

Have you recently been in an accident? Are you prepared when it happens to you? Many people don't know what to do when they are involved in an accident. The following ten items represent the critical items that will help you understand your rights and avoid potential issues or problems in the future.

### Gather Information

Information is critical to protecting your legal interests and for preserving any claims you may have arising out of the accident. Make certain you write down vehicle license plates, names of the parties involved, driver's license numbers, and insurance policy information. It is very important that you obtain the names and contact information of any witnesses to the accident. A witness statement can often turn a good claim into a great claim. It is also helpful to take pictures of the scene, the damage to the cars, and of any visible injuries. Immediately write down your recollection of the accident. This is helpful since memories fade. Write down your recollection of how the accident occurred and who said what. This will help refresh your recollection later. Obtain a copy of the police report, if applicable.

### Call the Police

If anyone is injured or if there is a dispute regarding fault then call the police immediately. Call the police if there is room for ambiguity regarding fault, even if there does not appear to be an immediate dispute over liability. It is not uncommon for an at-fault driver to admit liability at the scene only to deny it later.

### Report to the DMV

Within 72 hours, you are required to report the accident to the Department of Motor Vehicles anyone is injured in the accident or if the combined property damage from the accident exceeds \$1,200.00.

### Do Not Sign Anything or Give a Taped Statement to anybody except YOUR OWN insurance company

You are required to cooperate with your own insurance company, so it is acceptable to sign documents when appropriate and to give statements when required. However, you have no obligation to cooperate with the insurance company for the other driver. They will often ask you to sign documents and provide taped statements. Do not sign anything or give any taped statements. No matter how nice they appear, they only want this information so they can use it against you.

### You are Covered for your Injuries

By law, every automobile insurance policy issued in Oregon is required to contain Personal Injury Protection (APIP@) coverage. This means that you are entitled to immediate benefits, including payment of medical bills and lost wages, regardless of the circumstance or fault for the accident.

### Get Help

If you are injured, visit a medical or health professional as soon as possible following the accident. Be sure to report all injuries, no matter how small. Since PIP provides immediate medical coverage for your injury, there is no excuse for not seeking help for your accident related injuries.

## **Statute of Limitations**

Oregon has a two year statute of limitations for personal injury claims. This means that you have two years from the date of the accident to settle your claim or file a lawsuit.

## **Do Not Settle Your Injury Claim Too Early**

Do not settle your injury claim until you are fully recovered, medically stationary, or 100% certain you have no injury. With a two year statute of limitations, there is generally no hurry to settle your claim. Once your claim is settled, the at-fault party and their insurance carrier are released from all further responsibility for the accident and your damages/injuries relating to the accident. If you settle your claim before your injuries are resolved then you will be stuck paying for medical treatment that should not be your responsibility.

## **Vehicle Repair**

You have the right to have your vehicle repaired at any shop of your choosing. Do not allow the insurance company to dictate where you take your car for repairs. It is your right to have your vehicle repaired to pre-accident condition. If your vehicle cannot be returned to pre-accident condition then you may have the right recover the difference between the pre-accident value of your vehicle and the post-repair value. If your vehicle is totaled, you are entitled to recover the fair market value of your vehicle. This means that you are entitled to the amount it would cost you to buy your exact vehicle in the marketplace. Although vehicle valuation services are helpful, such as Kelley Blue Book and NADA, the best measures of your vehicles worth are dealer prices, classified ads, and auto advertisements for vehicles similar to yours. You may be entitled to a rental car while your car is being repaired or evaluated for total loss. If the at-fault party does not have this benefit under their policy then check with your own insurance company.

## **Uninsured Motorist**

You can still recover for your injuries even if you are hit by an uninsured or under-insured motorist.

## **Consulting with an attorney following an automobile accident is generally a good idea**

An attorney can elaborate on the above points as well as assist with protecting your rights and maximizing your recovery. Most attorneys handle accident cases on a contingent fee basis. This means that the attorney gets paid a percentage of the money he obtains on your behalf, and the attorney does not get paid if no money is paid for your injuries. The attorney will take over handling the claim and dealing with the insurance companies so you can avoid the time and stress associated with handling your claim. On average, most people find that they recover more, even after paying the attorney, than they would have received on their own.

For more information or questions, please contact [name] at [number] or by email at [email]

## **Powers, McCulloch & Bennett, LLP**

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