

Do I need to file an Oregon Traffic Accident Report?

If you were the driver in a motor vehicle collision you are required to file an Oregon Traffic Accident and Insurance Report with DMV within 72 hours of the collision if any of the following apply: 1) There was more than \$2,500 property damage to any vehicle involved in the collision, 2) Any vehicle was towed due to the collision, or 3) Anyone was injured in the collision (no matter how severe or minor). An Oregon Traffic Accident and Insurance Report is available online: <http://www.odot.state.or.us/forms/DMV/32.pdf> (Deliver it to DMV and keep a copy; do not provide a copy to your doctor or insurance.)

How do I get my property damage and rental car paid?

The insurance covering the vehicle for the driver who was at-fault for the collision should pay the property damage for the vehicles whose drivers were not at fault. If you were not at fault, you should get two property damage estimates from reputable shops and submit them to the insurance company for the at-fault driver. Some shops will bill the insurance company directly, but you should keep a copy of the property damage estimates and take photos of the property damage to your vehicle before the repairs are made.

You need to check with the insurance carrier paying to repair your car to determine whether you can get a rental car during the repairs. Often, the insurance carrier will tell you where to get the rental car. If you were at fault, your insurance will only pay for your property damage if you have full coverage.

What if I was hit by an uninsured motorist?

Every insurance policy issued in the state of Oregon must have uninsured motorist (“UM”) coverage. This means your own insurance company will insure the driver that hit you so you can pursue a claim against it rather than that driver personally. If you have full coverage, your insurance will also pay for the property damage to your vehicle, although a deductible may apply. Special rules apply for hit-and-run drivers and phantom vehicles (vehicles that cause a collision but are not hit) and sometimes require action in hours. Immediately notify a police agency and your insurance (by fax or email).

What if I was a bicyclist or pedestrian, am I covered?

Every car insurance policy issued in the state of Oregon must have the same personal injury protection (“PIP”) coverage that it has for passengers to cover bicyclists and pedestrians in the event of a collision. There are some exceptions to this rule for motorcycles, public transportation, police, etc. This means that if you are a pedestrian or bicyclist and are hit by a motor vehicle, you will be entitled to PIP coverage under the terms of the insurance policy covering the vehicle that hit you. This coverage applies after your car insurance’s PIP coverage, if any, and after your health insurance, if any. Even though you were not driving your car at the time of the collision, you can still use that coverage to pay your medical bills and wage loss and any uninsured motorist claim that may exist associated with your collision.

FREQUENTLY ASKED QUESTIONS FOR MOTOR VEHICLE COLLISIONS



L A W O F F I C E S O F

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How do my medical bills and wage loss get paid?

Every car insurance policy issued in the state of Oregon must provide personal injury protection (“PIP”) coverage. There are some exceptions to this rule for motorcycles, public transportation, police, etc. PIP coverage is provided by the insurance company for the vehicle in which you were riding at the time of the collision and pays for your medical bills and wage loss regardless of fault.

When you see a medical provider, take the insurance information for the vehicle you were in at the time of the collision, including the policy number, named insured, and claim number. The medical provider will usually bill that car insurance directly. At a minimum, PIP will pay any reasonable and necessary medical bills incurred within the two years after the collision up to \$15,000.

In addition, PIP will pay 70% of your lost wages up to \$3,000.00 per month for up to 52 weeks as long as you have missed at least 14 consecutive days of work, have a doctor’s note stating you cannot work, your employer confirms your wages, and the insurance company agrees that the wage loss was necessary and resulted from the collision. Your PIP policy may be for more than the \$15,000 minimum for medical bills or may require a deductible.

Do I have to talk to the insurance companies?

Under the terms of most insurance policies, you have a duty to cooperate with your insurance carrier. This duty does not exist with the at-fault driver's insurance. So, if the at-fault driver’s insurance wants a recorded statement, you do NOT have to consent to it and you do not have to talk with that insurance company at all. You may want to talk with the at-fault driver’s insurance about property damage only (being clear you are NOT ready to discuss the facts of the accident or your injuries other than providing a vague description of collision itself). If you do this, be sure to only discuss the negligent driver's errors (not what you could have done differently). Improperly worded statements can lead to a finding that you were partially at fault. You can get your car repaired, get a rental car, get the towing bill paid, etc.. It is usually best not to give recorded statements when you don't feel well.

With regard to your own insurance, it is a bit more complicated and you should contact an attorney to discuss the duties you have to cooperate and the insurance company’s duties to act in your best interests before deciding whether to give it a recorded statement. It will also likely want you to complete a PIP application and medical wage release for it to pay your medical bills and wage loss. If you do not have an attorney, ask your doctor to help you complete these forms.

How long do I have to settle my claim?

The statute of limitations (deadline) to file a lawsuit related to a collision is usually two (2) years from the date of the collision. There are exceptions to this rule that render the time frames shorter or longer, such as the involvement of a government entity, the death of the at-fault driver, the involvement of a child, the death of the injured party, a property damage only claim, an uninsured motorist claim, a collision that occurred while on the job (deadlines may be a matter of days), etc.. If one of these exceptions apply you should contact a lawyer to determine the deadlines in your case. If you have not settled or filed a lawsuit by the statute of limitations in your case and/or have not provided any notices required in your case any claim you may have had will be lost.

What should I do if my insurance requests an IME?

If your insurance company asked you to attend an Independent Medical Examination (“IME”) aka Insurance Medical Evaluation it is likely questioning whether your medical bills are reasonable, necessary, and related to the collision. If you do not have an attorney you should get one or you should talk with your doctor about how to proceed. Most importantly, don't under or over exaggerate.