

On any wage loss claim, you will need a statement from your doctor indicating your disability, and also a note from your employer verifying your employment and your rate of pay. Your PIP adjuster will usually give you a hand in determining the type of proof you need to get your PIP claim properly set up.

Settling Your Case

You should not settle your case until you are medically stationery—the point at which your doctor determines you have reached maximum medical improvement. When you are declared medically stationery, it doesn't mean that you are 100% improved from your injuries. It means that you are at a point where the doctor feels you will not improve with further treatment. When you are stationary, you should request a medical report from your doctor.

The value of your case depends upon what the doctor's report says about your injury and any remaining disability, restriction, or future pain and/or disability. Naturally, the greater your loss, the more your case is worth. When dealing with the insurance adjuster, remember that he/she represents the other side—not you! You should be prepared to justify your settlement demand.

Statute of Limitations

Generally, you have two (2) years from the date of the accident to settle or file your case. If more than two years go by without settling or filing, you lose the right to proceed with your case. If your case is against the state, a county, a city, or any other governmental body, you have to give a written notice of the claim to the governmental body within **180 days** of the accident date, or your case can be lost for failure to give notice.

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TO BE SURE.”



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YOUR RIGHTS IN A CAR ACCIDENT

WHAT YOU SHOULD KNOW

BEFORE NEGOTIATING WITH THE

INSURANCE COMPANY

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This Pamphlet

This pamphlet should help you settle a *minor injury* case without an attorney. Because each case is different, the information is general. However, this should give you a basic idea of how to proceed.

If you are seriously injured, you should not represent yourself; instead, you should hire a law firm experienced in personal injury matters. A serious injury is one that causes you to lose wages, undergo surgery, or suffer permanent pain or restrictions.

The insurance company you are up against is very experienced in protecting their own financial interests. Without a skilled lawyer on a serious claim, you are at a significant disadvantage that can cost you money.

The Value of Your Claim

If you are injured in an accident due to another person's fault, you are entitled to reasonable compensation for all damages that result from the accident. Medical bills, lost wages, and pain and suffering are major elements of your claim.

Your pain may restrict your ability, either partly or completely, to do things as simple as dress, climb stairs, or take a bath. Your pain may also affect your ability to work, drive, or participate in sports, family life, and other personal activities. You may lose income and job opportunities. You may also find you have suffered a permanent injury that will result in future medical expenses for your treatment. You are entitled to compensation for all of these losses.

Keep a Record

Keep a record of your pain and restricted activities as you recover from the accident. You should also keep a record of medical treatment and expenses as well as any lost wages including vacation and sick pay. A few notes on a calendar will be sufficient, but you may wish to keep a more extensive record.

Your Doctor

The most important factor in your injury case is your doctor's medical report about your injuries, treatment, and resulting disability. The value of your personal injury claim ultimately depends on the doctor's comments and assessment of your injuries.

At each office visit, your doctor will make a note of your complaints, the findings, and recommended treatment. Your doctor consults these chart notes when the report is prepared. They should include your symptoms, treatments, and how your injuries interfere with your activities such as work, recreational activities, and everyday life. A doctor who was not kept informed of the impact of your injuries on your life can be detrimental to your claim when it comes time to write the report.

Tell your doctor about the accident.

At your first visit with your doctor—not only your regular physician but also any other doctor you see—you should provide the doctor with a detailed history of the accident. Explain how the accident happened and what happened to you. Be detailed enough to connect your injuries to the accident. It is important, though, that you do not exaggerate, as it may come back to haunt you when it comes time to settle.

Tell your doctor about all of your complaints.

Tell your doctor about the complaints you had immediately after the accident. Tell him/her of your symptoms which appeared during the next few days and of any other symptoms you have had since the accident—even if the symptoms have since ended.

Tell your doctor about your job.

If you are employed, you should describe your job and the physical activities it requires. Your doctor can then determine whether your injuries will prevent you from performing your job.

If you returned to work and find that your injuries are interfering with your ability to do your job, tell your doctor about it. The doctor may advise you to stop working for a while.

Personal Injury Protection

Personal Injury Protection, or PIP, is included by law in all Oregon private automobile insurance policies. It provides payment for medical bills, lost wages, and certain household expenses.

If you are driving or riding in your own car, then usually your own auto insurance company pays your PIP benefits. If you are riding in someone else's car, then usually their insurance company will pay the PIP benefits. Sometimes PIP benefits are available even if you are not in a car. For example, if you are a pedestrian or bicyclist, you may still have PIP benefits under your own or the other party's car insurance.

Unfortunately, the law does not require motorcycle policies to carry PIP coverage, and most motorcycle policies do not include this coverage.

PIP benefits are available to you whether or not the accident was your fault. There is no penalty to you for making a PIP claim under your own policy. However, your insurance company is entitled to be reimbursed by the responsible person's insurance company.

What medical expenses are covered?

PIP covers all reasonable and necessary medical and dental expenses which your doctor says are related to the accident. This can include doctor bills, dental bills, chiropractor bills, emergency room bills, ambulance bills, physical therapy bills, and prescriptions. PIP will not pay for mileage to and from medical appointments.

By law, PIP must cover at least \$15,000 worth of medical expenses occurring within 365 days of the accident. Your date of treatment, not the date you were billed, determines whether or not PIP must pay the bill. Your policy may provide higher limits and longer time periods. Occasionally, PIP may have a \$250 deductible, but this is uncommon.

What wage loss is reimbursable?

If your doctor instructs you to remain off work for at least 14 days, you are entitled to receive at least 70% of your regular wage rate up to a maximum of \$1,250 per month. This coverage is available for up to 52 weeks, and it does not necessarily have to start from the date of the accident. Again, your policy might provide higher benefits.

How do I apply for PIP benefits?

You must get a form directly from your insurance company. You should fill it out, sign it, and send it in to your insurance company.