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ATTORNEYS AND COUNSELORS

Practical Advice about Motor Vehicle Accidents

by Jeffrey Feikens



Motor vehicle accidents are all too common. If you are in an accident, there are several actions which can be important to protect you and your legal rights. Here are some simple steps which you may want to take if you are involved in a motor vehicle accident.

Contact the police while on the scene if you are able.

The police will prepare a report which will include names of those involved and auto insurance information. The police may also have the ability to get witness statements as to what happened if that becomes relevant later. As soon as practicable, you should inform your automobile insurance

company of any claim you might have for injuries to yourself or damage to your vehicle, as well as putting your carrier on notice of any potential claims against you from the accident by others involved.

If you are injured, go to your primary care physician or hospital for necessary treatment.

Michigan's no fault laws regarding paying for medical treatment have changed recently. Some coverage may be more limited through no fault or personal protection (PIP) benefits than before. Regardless of what insurance may be available, it is important to advise any medical providers of both your auto insurance coverage and any medical insurance coverage (whether or not you have coordinated coverage.) The medical coverage may include your own medical insurance, as well as identifying if you have any secondary medical insurance coverage through a spouse. There are various rules as to

which coverage is first in line to pay claims arising from a motor vehicle accident, and it is important that all potential insurance companies are put on notice of claims at the start, if there is a dispute later as to which company should be paying.

PIP benefits may also include paying for certain lost wages for time off work, transportation to medical appointments, as well as attendant care damages if you are unable to do normal household activities. These should all be documented with your insurance carrier.

If you are injured and are interested in exploring a lawsuit, then you should contact an attorney.

The attorney may consider a first party case if your insurance is not properly paying your claims, or a third party case for negligence against someone at fault in the accident. In Michigan, in order to get non-

economic or “pain and suffering” damages in a third party motor vehicle case, you need to have some objective proof that you have a “serious impairment of a body function” or serious disfigurement. Moreover, with

the recent statutory changes, you may also need to file claims in a negligence case to attempt to obtain monies if your own PIP benefits do not cover all of your medical treatment.

There are many more details as well as time limits for bringing claims which can also be discussed with an attorney. If you have any questions, please contact Beier Howlett.◊

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