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## Personal Injury Q&A

Question: What should I do right after a collision?

Answer: First, make sure all the people involved in the collision are okay and receive any medical assistance needed. Call 911 to aid with traffic and injuries. If an ambulance or immediate medical assistance is not needed, exchange information with the other driver. Be sure to get the other driver's name, address, telephone number, driver's license number, insurance company name, insurance company policy number, license plate number, and vehicle make and model. Also, get the names, phone numbers, and addresses of any witnesses who saw the collision. If you have a camera at the scene, take photos of the property damage, skid marks, the locations of the vehicles after the impact, and any items in your vehicle that moved or shifted due to the impact. If you start to feel pain after the collision, seek medical assistance as soon as possible and if anyone has any visible injuries; such as redness, cuts, or bruises; take photographs of those injuries. If you were the driver in the collision, you are required to file an Oregon Traffic Accident and Insurance Report with the DMV within 72 hours of the collision if any one of the following situations apply: 1) There is more than \$1,500.00 worth of property damage to any vehicle involved in the collision, 2) Any vehicle involved in the collision is towed, or 3) Anyone is injured in the collision (no matter how severe or minor). Please contact our office if you would like a free pamphlet to keep in your car in case of a collision with areas to write the information set forth above.

Question: How do I get my medical bills and wage loss paid? What is PIP?

Answer: Every car insurance policy issued in the state of Oregon must have 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 reasonable and necessary medical bills incurred within the first year after the collision up to \$15,000.00. In addition, PIP will pay 70% of your lost wages up to \$3,000.00 per month (if the policy was issued after January 1, 2010) for up to 52 weeks as long as you have missed at least 2 consecutive weeks of work, have a doctor's note stating you cannot work,

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your employer confirms your wages, and the insurance company agrees the wage loss was necessary and resulted from the collision. Your PIP policy may be for more than the minimum or may require a deductible.

Question: Does PIP pay medical bills and wage loss for pedestrians and bicyclists?

Answer: 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.

Question: Do I have to talk with the insurance companies?

Answer: Under the terms of most insurance policies, you have a duty to cooperate with your insurance carrier. This duty does not exist with the insurance carrier for the at-fault driver. This means that 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. However, you may want to talk about property damage only (not the facts of the accident or injuries) with the at-fault driver’s insurance so that you can get your car repaired, get a rental car, get the towing bill paid, etc. Otherwise, it is usually best not to talk with the at-fault driver’s insurance until you have healed and are no longer seeking medical treatment. With regard to your own insurance, it is a bit more complicated and you should contact an attorney to discuss your duties to cooperate and the insurance company’s duties to act in your best interests before deciding whether to give them a recorded statement.

Question: How long do I have to settle my claim?

Answer: 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, whether the claim is solely for property damage,

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whether the collision happened 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 any claim you may have had will be lost.

Question: What should I do if I am hit by an uninsured driver?

Answer: Every insurance policy issued in the state of Oregon must have uninsured motorist (“UM”) coverage. This means your own insurance company will act as though it was insuring the driver that hit you so you do not have to pursue a claim against that driver personally, and instead can pursue a claim against your own insurance company. If you have full coverage, your insurance will also pay for the property damage to your vehicle, although a deductible may apply.

Question: How do I get my property damage paid?

Answer: The insurance for the person who was at fault for the collision should pay the property damage for the vehicles. 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. If you were at fault, your insurance company will pay the other driver’s property damage and will only pay for your property damage if you have full coverage.

Question: Will the insurance company pay for a rental car?

Answer: Many insurance companies pay for rental cars after collisions. You will need to check with the insurance carrier paying to repair your car to determine whether you can get a rental car under that policy during the repairs. Often, the insurance carrier will tell you where you need to go to get the rental car.

Question: Who pays for towing after a collision?

Answer: The insurance company paying the property damage will usually pay the towing bill.

Question: Why do I need a lawyer to help me?

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Answer: Insurance companies deal with automobile accidents every day; you do not have the same experience. This gives the insurance company an advantage in dealing with your case. Insurance companies know what questions to ask and how to minimize your claim. In addition, they know when it is best to settle your claim to maximize their profits. Insurance companies are in business to make profits, and they do that by paying you as little as possible when a collision occurs. An attorney provides the legal representation necessary to obtain a settlement that is fair and equitable for the claim submitted to the insurance company relieving you from the stress of negotiation.

Question: How can I afford a lawyer?

Answer: Many lawyers will work on claims related to injuries from a motor vehicle collision on a contingent fee. This means that the lawyer agrees to be paid as a percentage of your settlement, judgment, or arbitration award. If there is no settlement, a judgment against you, or an arbitration award against you then nothing is owed for attorney fees.

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