



FREQUENTLY ASKED QUESTIONS REGARDING

AutoAccidents

What information should I get if I'm in an accident?

Use the "Capture Accident Data" function on this App to guide you through all the vital information to record and photographs to capture at the accident scene.

How does no-fault work?

If you are injured, the insurance covering the vehicle in which you were the driver or passenger will pay up to \$50,000 in "no-fault" benefits. These benefits include:

- expenses for medical, hospital, dental, ambulance, prescriptions, and other health care services;
- up to \$2,000 per month for 3 years for lost earnings from work;
- up to \$25 per day for one year for other reasonable and necessary expenses.

****WARNING**** *Your no-fault claim must be filed within 30 days of your accident.*

Can I sue the driver or owner of the other vehicle?

In order to sue the driver or owner of the other vehicle, you must have suffered a "serious injury", which is a term defined by the law in New York as "a personal injury which results in death; dismemberment; significant disfigurement; a fracture; loss of a fetus; permanent loss of use of a body organ, member function or system; permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system; or a medically determined injury or impairment of a non-permanent nature which prevent the injured person from performing substantially all of the material acts which constitute such person's usual and customary daily activities for not less than ninety days during the one hundred eighty days immediately following the occurrence of the injury or impairment.

****WARNING**** *There are strict time deadlines for filing a lawsuit – some are as short as 90 days after the accident. You should consult an attorney immediately.*

What if my injuries are really serious and the person at fault doesn't have much insurance coverage or any insurance at all?

A review of your own insurance policy will reveal whether you have purchased extra insurance to protect you in the event that you are injured by someone with insufficient insurance or no insurance at all. This is called SUM coverage "Supplemental Uninsured or Underinsured Motorist Insurance" coverage. If you have purchased SUM coverage, you may be able to collect from your own insurance company if your injuries exceed the coverage of the responsible driver or owner.

****WARNING**** *There are time deadlines for notifying your SUM carrier of the accident. You should seek legal advice right away.*

What about the damage to my car?

You have two choices:

1. If you have your own insurance with comprehensive collision coverage, your insurance company will pay for the damage to your vehicle, regardless of who is at fault, minus your deductible. Your insurance company will then bring a claim for reimbursement against the driver of the other vehicle if that driver was at fault.
2. If you don't want to involve your own insurance company and the other driver is a fault, you can bring a claim against that driver and his/her insurance company will pay the cost to repair your car. During the time your car is being fixed, you can recover the cost of renting a car.