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What Are The Top Misconceptions About Auto Accident Claims?

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What are the TOP misconceptions about auto accident claims in Florida? Read it or call personal injury attorney Keith Warnock for a FREE consultation: (386) 675-1148.

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What Are The Top Misconceptions About Auto Accident Claims?

One of the top misconceptions about auto accident claims pertains to Florida Insurance laws. Unfortunately, Florida is only one of two states in the country that does not require an owner of a motor vehicle to carry bodily injury liability insurance. Therefore, If you are injured in a car collision caused by a driver who does not carry bodily injury liability insurance you may not be able to obtain a recovery. This is why it is important to purchase underinsured or uninsured motorist coverage. Such insurance coverage is not expensive and it will provide you the right to recover money damages in the event that you are in a motor vehicle crash caused by the carelessness of another driver. If you do not know whether or not your policy includes underinsured or uninsured motorist coverage we would recommend that you contact your insurance carrier.

Another misconception involves coverage called No Fault or PIP (personal injury protection insurance). This insurance is required under Florida Law for all persons who own a motor vehicle. It is called no fault insurance because, even when the accident is not your fault, your own insurance carrier is obligated to pay your medical bills and any wage loss benefits. However, important limitations and restrictions on the payment of PIP benefits apply. For example, if you do not treat with a doctor within 14 days you may risk losing all or some of your PIP benefit coverage. For these reasons, if you are seriously injured in a motor vehicle collision it is important to contact an attorney as soon as possible so that all of your rights and benefits are protected.

Another misconception regarding auto claims involves the types of damages that may be award by a jury in the State of Florida. These damages generally fall into two categories, economic damages and non-economic damages. Economic damages include out of pocket expenses such as medical bills and lost wages. These damages are recoverable even if a person has not suffered “a permanent injury” from an auto accident. Non-economic damages include damages for pain and suffering, inconvenience, loss of enjoyment of life, scarring and disfigurement, disability, mental anguish, and impairment. These damages are only available if you can show that your injuries are permanent. Whether an injury

is permanent is usually confirmed by the medical records or the testimony of your treating physicians. In addition, if your injuries involve scarring and/or disfigurement such injury also qualifies as a permanent injury entitling you to recover non-economic damages. In the event that your injuries are not permanent you can still pursue a claim for past and future wages and past and future medical bills.

What is PIP or Personal Injury Protection?

PIP stands for Personal Injury Protection and under Florida Law every vehicle owner and driver are required to carry \$10,000.00 worth of PIP insurance coverage.

PIP benefits are paid by your own insurance company if you are involved in a motor vehicle crash.

PIP benefits are paid by your own insurance company regardless of who is at fault for the accident. This is what is meant by Florida being a "No Fault" insurance State.

PIP insurance pays for 80% of your medical bills and 60% of your lost wages, up to \$10,000.00. This means you have to recover the rest of your out of pocket expenses from the driver who caused the accident.

PIP covers any accident or injury that involves a vehicle even if you are on a bicycle or you are a pedestrian injured by a vehicle.

What Is Pure Comparative Negligence In Florida? How Does It Affect My Auto Injury Claim?

Florida operates under a pure comparative negligence standard. This means that that whatever percentage you are negligent, your recovery will be reduced by that amount. For example, if you are suing another driver and your actions are deemed to be 25% negligent then your damages will be decreased by 25%. In other words, you will be entitled to an award of 75% of the total monetary recovery.

What Is The Statute Of Limitations For Filing An Auto Accident Claim In Florida?

The statute of limitations is a State Law that sets a limit on the amount of time you have to file a lawsuit in Florida. Each State has different deadlines measured in years.

In Florida, the time limit that applies to a car crash case depends on whether the crash resulted in injury or death.

If you are injured in a crash, whether a driver, passenger, motorcycle rider, bicyclist, or pedestrian you must file your lawsuit within 4 years from the date of the accident.

However, if someone dies as a result of a motor vehicle collision and their family wants to bring wrongful death case against the at fault driver, the lawsuit must be filed within Two (2) years and the clock starts on the date of the person's death, if it is different than the date of the accident.

Therefore, if your filing deadline is approaching, you should contact an experienced Florida car crash attorney to discuss your case.

What Steps Should Someone Take After Being Involved In A Car Accident?

1. CONTACT THE POLICE

Even if a police officer does not come to the scene of the crash it is important to report the accident to your local police department. This provides a record of the accident which can be used to demonstrate fault when making an insurance claim or pursuing a lawsuit.

2. OBTAIN EVIDENCE

You should gather as much evidence as possible at the scene of the crash. This includes taking photographs of the vehicles involved in the collision, skid marks, road conditions or any other factor which may have contributed to the collision. You should speak to witnesses and write down their contact information. You may also want to check any of the nearby businesses to see if they have security cameras that may have video footage of the crash.

3. SEEK MEDICAL ATTENTION

Even if you do not believe that you have suffered serious injuries, you, your passengers and anyone else involved in the collision should see a doctor as soon as possible. Symptoms from car crash injuries, such as head injuries or neck injuries, may not be immediately apparent and medical treatment will help you demonstrate the damages in your case.

4. CONTACT AN ATTORNEY

An experienced personal injury attorney can work with you to file a claim with insurance companies, negotiate a settlement that will meet your needs, and advocate for you to receive the compensation that you deserve.

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