

Money Damages from Car Accident in Oregon

Personal Injury Protection

By law, all insurance policies sold in Oregon are required to have personal injury protection (PIP) coverage. This coverage requirement was enacted by the Oregon legislature to ensure that anybody injured while driving or riding in an insured vehicle will have insurance to pay for treatment for their injuries. Regardless of fault for an accident, your PIP coverage will pay for your medical treatment for your accident related injuries. PIP coverage will pay all reasonable and necessary expenses of medical, hospital, dental, surgical, ambulance and prosthetic services incurred within one year after the date of the injury. By law, the minimum PIP coverage is \$15,000, and this amount can generally be increased significantly for only a few dollars extra in premiums per year. If somebody else is determined to be at fault for the accident, your insurance company will collect back from the at-fault driver or his/her insurance company all the money paid out to you under your PIP coverage, and you should not see any increase in your insurance premiums. With the availability of PIP coverage, there is no excuse not to seek immediate medical care if you are injured in an accident.

Property Damage

In most cases, you are entitled to recover money for the damage to your vehicle. If so, you have the right to have your vehicle fixed at any shop of your choosing. You are not required to take your vehicle to the shop suggested by the insurance company. You have the right to have your vehicle repaired to pre-accident condition, and you may have a claim for depreciation in value. If your vehicle is a total loss then you have the right to be paid the fair market value for your vehicle. The fair market value is the amount it would cost you to go into your local used market and purchase your exact vehicle. Insurance companies often use vehicle valuation services to determine the fair market value of your vehicle. You do not have to accept the insurance companies' valuation, and it will often be too low. You should look into valuation services. Some free services include Kelley Blue Book and NADA.com. Ultimately, the best evidence to determine the fair market value of your vehicle is to look within your local used market and determine how much your same vehicle would cost to purchase. Obviously, no vehicle is exactly the same as yours, so you should try to find vehicles that are very similar (similar year, make, model, mileage, condition, etc.). Since vehicles lose value rapidly, sometimes the fair market value for a vehicle is less than the amount the owner owes for the vehicle. Unfortunately, in these circumstances, the vehicle owner can be left owing money on a vehicle they no longer have unless the vehicle owner has GAP insurance to pay the difference.

Generally, when people think about property damage they think about the damage sustained by their vehicle. However, property damage can also include damage to any personal property contained within your vehicle at the time of the accident. For example, this could include damage to the golf clubs or bicycle in your trunk. In

addition, various safety organizations recommend replacing any baby seat involved in a motor vehicle accident, even if the seat does not have any visual signs of damage. Replacement costs for damaged property is recoverable.

Medical Expenses

If you are injured in an accident that is caused by the fault of another, you have the right to recover all expenses for reasonable medical treatment. In most cases, you are also entitled to recover lost wages, essential services, child care, and pain and suffering.

Lost Wages

If you are regularly employed, and your accident related injuries prevent you from working for at least 14 days, PIP will provide for 70% of your lost income. However, the maximum payment is \$3,000 per month for an aggregate of 52 weeks. To the extent PIP does not fully cover your lost wages, you have the right to recover from the at-fault party 100% of your lost wages.

Essential Services

As an alternative to Lost Wages, at your election or if you are not regularly employed, PIP will provide coverage for expenses for essential services. For example, if you are a homemaker who can no longer maintain your home due to your accident related injuries then PIP will cover the cost of a housekeeper during the period of your disability. Like Lost Wages, you must be disabled for at least 14 days to qualify for this benefit. To the extent PIP does not fully cover the essential services required, you have the right to recover from the at-fault party 100% of expenses reasonably incurred for essential services.

Child Care

If you are a parent and you must be hospitalized for a minimum of 24 hours due to your motor vehicle accident injuries, PIP will pay for child care for as long as you are hospitalized and for as long as you are unable to return to work (if employed), or for as long as you are unable to provide essential services to your children (if unemployed).

Pain and Suffering

This is often referred to as non-economic damages. This broad category represents the amount you are entitled to recover for the pain, inconvenience, suffering, and loss of ability to enjoy your normal activities due to your accident related injuries. This category of damages also represents the amount to compensate you in the event your injuries are permanent. There is no specific formula for determining the amount of pain and suffering you may be entitled to recover. A variety of factors must be considered, and an experienced attorney can help you assess the value of your claim.



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