

No one plans to be involved in a car accident. That's why they're called accidents. However, in the unfortunate event you are involved in a car accident or, worse yet, injured in a car accident, **YOU MUST KNOW YOUR RIGHTS!**

Pennsylvania has a complicated and detailed law governing the recovery of damages in car accident cases. The Pennsylvania Motor Vehicle Financial Responsibility Law has many finer points which are essentially unknown to the general public. For example, do you know what types of injuries you must have in order to recover damages for your pain and suffering if you've elected limited tort on your own motor vehicle insurance? Do you know how and when you can recover underinsurance or uninsured benefits on your own auto policy?

This brochure is intended to provide you with general information if you are involved in a car accident. There are, however, many complicated questions which cannot be answered without a review of the particular facts of your case.

Commonly Asked Questions

1. I was just in a car accident. What is the first thing I should do?

First, call the police by dialing 911.

At the scene of the accident, get the name, address, license number, and insurance information for all other drivers involved. You should also get the name, address and

telephone number for anyone who may have witnessed the accident. If you are injured, it is important to seek treatment immediately. Sometimes serious injuries do not cause immediate pain. If you experience even minor pain after an accident, you should see your doctor immediately. An insurance company may doubt your injuries if you do not seek treatment. In essence, the insurance company can punish you for toughing it out.

2. An insurance adjuster for the other driver's insurance company called and asked me to give a "tape-recorded statement". What should I do?

Refuse. The adjuster for the other driver's insurance company is **NOT** on your side. He has two goals: First, he wants to protect the interest of the driver who caused your injury; and second, he wants to pay you as little money as possible. He will use the recorded statement to further those goals. You are under no obligation to give a recorded statement. If you were injured, or if you believe you may have been partially or totally at fault in the accident, you should contact a lawyer prior to deciding whether or not to give a statement to an insurance adjuster.

3. I have been injured and don't know who will pay my medical bills.

If you have "medical payments" coverage on your auto insurance policy, which is mandatory in Pennsylvania, you will be able to have your bills paid under that coverage. If you have private health insurance, your private health insurance should pay any bills in excess of your auto insurance medical payments coverage. If you do not have health insurance, there are some doctors who will

wait to have their bills paid until after your case is settled. This is known as a "medical lien".

4. Who will pay for the damage to my car?

If you have purchased collision coverage, your insurance company will pay to have your car fixed or will pay you the value of the vehicle as a total loss. If you do not have collision coverage and the accident was not your fault, the insurance company of the driver at fault should pay for your property damage.

You are under no obligation to accept the amount an insurance company offers you for your property damage. If you believe your property damage is in excess of the amount offered by the insurance company, you should contact a lawyer.

5. Can I get money for my pain and suffering?

If you can provide the insurance company with convincing proof of your pain and suffering, it most likely will agree to pay you money damages for your pain and suffering.

However, if you elected limited tort coverage on your own auto insurance coverage, the insurance company will most likely refuse to pay money damages for pain and suffering maintaining that it is not obligated to do so under Pennsylvania law. While individuals with limited tort coverage normally cannot recover money damages for their pain and suffering, there are exceptions to this rule. You should consult a lawyer about these exceptions.

Proof of pain and suffering is one of the most challenging aspects of an automobile accident claim, which often requires witness statements and doctor reports to support the claim.

6. If I hire a lawyer, what will the lawyer do for me?

Your lawyer should help you find a doctor who is trained in treating patients with injuries; help you get your car repaired; interview and obtain statements from all witnesses to the accident; research the law that applies to your case; preserve the evidence of your damages in a way that will be admissible in court if it is necessary to go to trial; advise you as to the value of your claim through research as to settlement and verdicts of other cases similar to your own; prepare a detailed and convincing settlement brochure to present to the insurance company to obtain a fair settlement of your claim; and take your case to trial if it is necessary in order to obtain fair compensation for you.

7. If I hire a lawyer, how does he or she get paid?

At Schemery Zicoello, no fee is charged to resolve a client's automobile repair claim prior to trial, and we charge a one-third contingent fee in car accident cases if the case settles without the filing of a lawsuit.

Ten Things to do When You are in an Auto Accident

1. Call the police immediately.
2. Don't move the cars until the police arrive.
3. Get the names and telephone numbers of all drivers and possible witnesses.
4. Seek medical attention — sometimes injuries are more serious than they initially appear.
5. Do not admit fault.
6. Check the other cars for damage and make note of it.
7. Notify your insurance company.
8. Do not sign any statements.
9. Do not give a recorded statement to any insurance adjuster until after you have obtained legal counsel.
10. Call Schemery Zicoello.

**“I WAS JUST IN A
CAR
ACCIDENT — WHAT
DO I DO NOW?”**

How to Protect Your Legal Rights

**How to Ensure Fair
Compensation
for Your Injuries**

**What the Insurance Companies
Don't Want you to Know**

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