Accident **Survival** Guide

AN ESSENTIAL GUIDE FOR PROTECTING YOUR RIGHTS

A handy guide for your vehicle

What to do in the event of an accident

V & V

VARELLAS & VARELLAS

ATTORNEYS AT LAW

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Kentucky 859-252-4473 Toll-Free 877-634-1519

Guidelines to Remember

Carry a Kit

In your car, carry a cell phone or a disposable or digital camera that can take photos. Take photos of the vehicle at the scene to record damage to all vehicles since you may need to establish who was at fault and prove the damage to the vehicles.

Call the Authorities

If there is an injury, call 911; otherwise, call the Police Department Administrative number for your area. (In Lexington, call 258-3600). Move your vehicle ***only*** if its position puts you or others in danger or you are instructed to move it by a police officer.

> ***Note:*** If the accident occurs on an interstate highway or parkway or an on-ramp or off-ramp and does not involve death, injury or hazardous material, Kentucky law requires that you move the vehicle off the roadway as soon as the vehicle can be moved without the risk of further injury or damage.

Exchange Information

Give only the necessary and requested information to police and other parties involved in the accident. **DO NOT ADMIT YOU WERE AT FAULT** even if think you made a mistake since you may not legally be at fault. Also, do not spontaneously discuss your personal condition, mental frame of mind, or anything unrelated to the accident. Use the forms at the end of this booklet to record information about the other driver, including insurance information, vehicle damage and an accident diagram.

Gather Names of Witnesses

If there are witnesses, get their contact information since they may be able to help you if the other drivers dispute your version of what happened. Use the form on page 8 of this booklet to record information about the witnesses.

What If My Car Is Towed?

If your vehicle is towed, get a card from the tow truck operator or write down the driver's name, the company name and the phone number. Remove any valuables from your vehicle before it's towed away, including your insurance information and title papers. Also remove cell phones, CDs, wallets, purses, etc.

Call Your Insurance Company

Even if you were not at fault, it's important to report the accident to your insurance company. Your insurer may require that you give them a statement, but you can advise them that you want your attorney to be present when you give your statement. You are not required to give a statement to the other party's insurance company, so do not give them a statement until you speak with your attorney.

File an Accident Report

If law enforcement officers don't respond because there are no injuries, file an accident report anyway since a police report often helps speed up the claims process and is necessary to obtain no-fault benefits. File a report with the local police department where the accident occurred.

How Should I Preserve Evidence of Injuries?

The best ways are by **promptly reporting all of them to a doctor or other medical provider, and by photographing** any visible marks, cuts, bruises, or swelling, including any casts, splints, bandages, or other devices. With this early evidence, it will be easier to later prove that you were injured in the ways and to the degree you claim you were. Visible injuries heal and will not look as serious later, and failing to seek immediate treatment can lead an insurance company to believe that your injuries were not so serious, or even that you invented or exaggerated them after the accident.

How Will My Medical Bills Be Paid?

In Kentucky, no-fault Personal Injury Protection (PIP) coverage (also called basic reparations benefits) under the insurance policy that covers a vehicle owned by you or a family member with whom you reside will pay $10,000 or more (depending on your policy) for your medical expenses or lost income, regardless of who was at fault. If you have lost income and also have medical insurance, however, **it's best to have your medical expenses paid by your health insurance** and save the PIP coverage for lost wages. Look for additional details on page 7 regarding Kentucky No-Fault Insurance and the threshold that must be met in order for the person at fault to be held responsible for your injuries.

How to Protect My Rights from the Outset

Do not accept a payment of any amount from an insurance company or from the person who was at fault without talking to an attorney since you may waive your right to collect payment for other damages or injuries you suffered. Varellas & Varellas represents people who have been injured through the negligence of others, and we help our clients maximize their recovery after a serious accident or injury. Our attorneys will help you decide if accepting an offered payment is in your best interests.

About Insurance Companies

Immediately after an accident, you may be contacted by an insurance company to quickly settle your claims. It is important that you **have an experienced advocate on your side from the beginning** to evaluate the full damages of your case, to advise you before you give a statement to an insurance company, and to ensure that you collect the full compensation to which you are entitled.

Remember: The insurance company is using its lawyers to work against you, so you need experienced attorneys to enforce your rights and help you obtain the benefits to which you are entitled.

Varellas & Varellas Our Family Working for Your Family

The Attorneys at Varellas & Varellas seek to maximize the financial recovery of injured persons after an accident. In addition, we help relieve the frustration and stress associated with accidents and injuries. When representing people who were not at fault, we generally seek an award of money to compensate for past and future medical expenses, lost wages, impairment of ability to earn money, past and future pain and suffering, and the loss of your relationship with your spouse (and in some cases the loss of your relationship with your child or with your parent).

Statute of Limitations

Recovery may be denied unless a claim is filed within one or two years of the date of injury and in some cases, the time allowed for filing a claim is even less. Cases must be investigated and prepared before being filed in court, so it is important to **contact an attorney as soon as possible after an injury occurs.**

Injury cases involving children under 18 years of age may have longer time limits for filing, but an attorney should be contacted as soon as possible to ensure proper investigation and preservation of evidence.

What If the Other Driver Has No Insurance?

If someone else was at fault but has no insurance or too little insurance, and if you suffered injuries, **you should still contact an attorney about your claim since you may be able to get compensation** for your injuries if you or a family member with whom you reside own a vehicle that is insured. You may also be able to stack the insurance coverage for 2 or more vehicles and increase the amount available for your injuries.

Your Policy Matters: Since many drivers carry no insurance or insurance with very low limits, your policy may be the only coverage you have if you are injured. Therefore, paying a little extra to add uninsured or underinsured motorist coverage to your policy can provide you with valuable protection and make a world of difference if you are injured due to someone else's negligence. Ask your agent how to include uninsured and underinsured motorist coverage with your insurance policy.

What If My Car Is Damaged?

If another party was at fault, that party's insurance should pay for a rental car to drive and pay for repair or replacement of your vehicle. Be very careful when signing documents if you accept a settlement for property damage, however, since you want to be sure you don't give up your right to make a claim for any injuries you suffered. An attorney at Varellas & Varellas will be happy to help you review documents you have been asked to sign.

If you were at fault, check with your agent to determine the coverage your policy provides. It is a good idea to check now to be sure your policy will pay for towing or a replacement rental car.

Kentucky No-Fault Insurance

If you or a family member with whom you reside own a vehicle that is insured, no-fault coverage under that policy pays up to $10,000 or more (depending on your policy) of your medical bills when you are in an accident even though the other person was at fault. Your policy will pay your bills even if you are injured while a pedestrian or a passenger in someone else's vehicle.

No-fault coverage may also pay your lost wages up to the limits of your policy if your doctor orders that your injuries prevent you from working.

If someone else was at fault and you have medical expenses exceeding $1,000 or serious injuries described by law, you will be able to collect no-fault benefits under your policy plus you have the right to pursue a claim against the person at fault to recover for any additional damages or injuries you suffered, including past and future medical expenses, lost wages, impairment of ability to earn money, past and future pain and suffering, and the loss of your relationship with your spouse (and in some cases the loss of your relationship with your child or with your parent).

Accident Information

Date

Time

Weather Conditions

Road Conditions

Was Your Vehicle Stopped? Moving? Parked?

Was Other Vehicle Stopped? Moving? Parked?

Witness 1:

Name

Address

City State Zip

Phone # ( )

Witness 2:

Name

Address

City State Zip

Phone # ( )

Describe other details of the accident

Other Driver's Information:

Name

Address

City State Zip

Phone # ( )

Driver's License # State Expires

Date of Birth / / Vehicle License Plate #

Vehicle Make Model Year

Their Insurance Company Name

Their Policy #

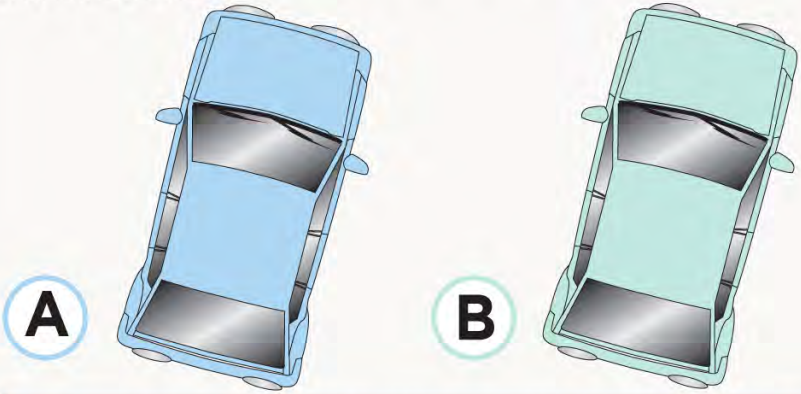
General description of the damage to their vehicle

Accident Diagram

Take photos to show the overall context of the accident so that you can later support your case. Also, write down the exact location of the collision and how it happened.

Use the space below to draw a diagram of the vehicles involved in the accident and show how the collision occurred.

On the figures below, show the damage that occurred to each vehicle involved in the accident.



The information in this guide is for general information purposes only. Nothing in this guide should be taken as legal advice for any individual case or situation. The information is not intended to create, and receipt or viewing of this information does not constitute, an attorney-client relationship.

Important Tips to Remember

- Report the accident to your insurance company, but advise them that you want your attorney to be present when you give a statement.
- Don't give an oral or written statement to an insurance company representative until you speak to an attorney.
- Be polite, but don't tell anyone the accident was your fault, even if you think it was.
- State only the facts, and limit your discussion of the accident to the police and your insurance agent.
- If someone else was at fault but has no insurance and you suffered injuries, talk with an attorney about your claim since you may still be able to collect for your injuries, if you or a family member you reside with own a vehicle that is insured.

Varellas & Varellas
Our Family Working for Your Family

Varellas & Varellas, Attorneys at Law, is composed of a family of attorneys, dedicated to serving our clients and the community. Jim, Sandra and Todd Varellas have more than 75 years of experience in auto accident cases in Lexington and throughout Kentucky.

Our attorneys are members of eminent professional organizations and have been honored for their outstanding legal work. Jim is a life member of the Million-Dollar Advocates Forum, one of the most prestigious groups of trial lawyers in the United States whose membership is limited to attorneys who have won million and multi-million dollar verdicts and settlements. In addition, Sandra has been selected for inclusion in Who's Who in American Law, and Todd was previously selected to clerk on the Supreme Court of Kentucky.

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