

[What do no-fault benefits cover?](#)

All necessary medical and rehabilitation expenses; lost earnings up to \$ 2,000 a month for up to three years from the date of the accident (there is a 20% reduction of actual lost earnings); up to \$25 per day is available for one year after the accident for other reasonable and necessary expenses incurred because of the accident, such as the cost of hiring a housekeeper to perform the household services usually performed by the injured person.

Some policies may contain additional benefits. It's best to look carefully at your own policy and discuss your benefits with your attorney or insurance company.

[Am I entitled to no-fault benefits if I am a passenger in the accident?](#)

Yes. Generally, no-fault coverage follows the vehicle. You will want to make a no-fault claim on the policy covering the vehicle which you were riding in at the time of the accident.

[How do I know if no-fault applies?](#)

No-fault covers injuries sustained as a result of “Use and Operation” of the insured vehicle. Coverage extends to drivers, passengers, bicyclists or pedestrians injured as a result of an accident involving an insured vehicle.

Remember, this may include non-traditional accidents and injuries involving a motor vehicle. Consult with your attorney or insurance company and advise them of the incident.

[When can I sue for personal injuries?](#)

New York’s automobile liability policies provide a certain amount of benefits without regard to fault. In many cases, your insurance benefits will be sufficient to compensate you for your damages and there is no need to assert a personal injury claim. However, you retain the right to sue a negligent operator and owner of a covered vehicle for personal injury losses in certain cases:

- If your medical expenses and other economic losses exceed the \$50,000 of benefits under your no-fault insurance; or
- If you suffer a “serious injury” as defined by the Insurance Law. If you think you have sustained a serious injury, contact your attorney.
- If the person at fault does not have insurance complying with the New York State minimum provisions.

[What if the other driver is uninsured or has a small liability limits?](#)

If the other driver is uninsured, claims for damages to your vehicle still will be covered by your own collision or comprehensive insurance policy, if you have one.

New York has adopted statutes providing for uninsured and underinsured motorist protection to protect victims of motor vehicle accidents caused by financially irresponsible motorists (i.e., persons driving without insurance or with inadequate coverage). If you are involved in an accident with an uninsured driver, contact your attorney or insurance company immediately. You may be able to make a claim for your own personal injuries under your own Uninsured Motorist Protection insurance policy.

If you sustained personal injuries in an accident involving a driver with liability limits less than your own, contact your attorney or insurance company.

In the event that your personal injuries require compensation beyond the other driver's available liability limits, you may be able to make a claim for your own personal injuries on your own insurance policy. Ask your attorney or insurance company about Underinsured Motorist Protection under your own insurance policy.

The information provided here is not legal advice. It is offered for your convenience as general information only. Please note that laws and regulations change, and there is no guarantee that information contained herein is always up-to-date and correct. If you need legal advice for any specific situation regarding automobile accident or any other personal injury matters, **contact JEFFREY KIM, P.C. at (718) 428-4949 for a free consultation.**



PRACTICE AREA

- Accidents Involving
- Cars
 - Trucks
 - Motorcycles
 - Pedestrians

- Premises Liability
- Med Malpractice

Jeffrey Kim received his B.S. degree in Engineering in 1987 from the United States Military Academy at West Point, New York. Jeffrey served honorably for five years in the U.S. Army Corps of Engineers, receiving the commission of Captain. He graduated Hofstra University Law School with J.D. degree in 1996 and was admitted in 1997 to both N.Y. and N.J. Bar. He is a trial lawyer who has tried hundreds of cases before judges in the State of New York. He has secured numerous favorable verdicts in cases of auto accidents, workplace accidents and premises liability cases. He is the founder and President of the Queens Asian Bar Association.

WHAT YOU SHOULD KNOW AND DO AFTER AN AUTOMOBILE ACCIDENT IN NEW YORK



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Be prepared, and know what you should do if you are ever involved in an automobile accident in New York. Don't wait until you are already involved in an auto accident to try to figure out what you should do.

IF YOU HAVE AN AUTO ACCIDENT . . .

By law, you are required to **STOP** and exchange information.

With whom?

1. other Drivers
2. injured Persons
3. owners of Damaged Property
4. Police, if present

What information?

1. Name and address
2. Driver's license
3. Insurance I.D. card
4. Vehicle registration

DO I HAVE TO CALL THE POLICE?

Yes, if someone is injured.

Anytime a person is injured, you are required to immediately notify the police.

Yes, if an unknown person's property is damaged.

In the event that other property, such as a parked car or a traffic sign or device, is damaged, you are required to either locate the owner of such property, or contact the police.

DO I HAVE TO FILL OUT A FORMAL REPORT

Yes, if property damage exceeds One Thousand Dollars.

If property damage to one driver exceeds \$1,000, each driver involved in the accident is required to fill out a report.

Yes, if anyone is injured or killed.

You must fill out a form called MV-104, and it must be filed no more than 10 days after the accident with the Department of Motor Vehicle (DMV).

WARNING: In the event that this report is not filed, the DMV may suspend your driver's license.

WHAT SHOULD I DO IF SOMEONE IS INJURED?

Notify emergency personnel immediately about the injury and accident.

Request an ambulance, if necessary. Also, you normally should not move an injured person. An exception to this, of course, would be if it remains dangerous for the person to remain in the car.

WHAT INFORMATION SHOULD I COLLECT WHILE AT THE SCENE?

Identify the Drivers and Passengers.

Be sure that either you or the police have the names and addresses of all the other drivers and passengers involved.

Identify Vehicles Involved.

Also, make sure either you or the police have obtained the ownership, license number, year and make of all cars involved.

If possible, obtain the names of the insurance companies and the policy numbers covering the automobiles involved in the accident.

Talk to the Police.

It is to your benefit to have an accurate police report regarding the accident. The official report will help you for any subsequent liability claim or lawsuit.

Identify Witnesses.

Get the names and addresses of as many witnesses as possible. Witnesses will be a tremendous help to you in any subsequent claim or lawsuit. If the police arrive on the scene, the police will attempt to obtain this information themselves.

Do not discuss the accident with any of the witnesses. Do not give their names to anyone, except for the police, your attorney or your insurance company.

WHAT DOCUMENTS AND INFORMATION SHOULD I RETAIN FOR MY OWN RECORDS?

Police Reports.

You can obtain a copy of the police report by contacting the local police agency, or the New York State DMV.

Driver's Reports.

In addition, you may want to obtain copies of the other drivers reports of the accident.

WHAT SHOULD I KNOW ABOUT INSURANCE?

Notice to Insurance Company.

Notice to your insurance company must be made promptly and within the amount of time indicated in your insurance policy. This notice should include the time, place, circumstances of the accident and

injuries. Failure to notify your insurance company, may adversely affect your rights under your policy.

What if I am insured under more than one policy?

You should notify each and every insurance carrier who you believe has issued a policy which covers either you or the owner of the vehicle. Consult with your attorney or insurance company regarding all policies that may cover your accident.

What if claims are made against me?

Refer all persons making claims against you to your attorney or insurance company directly. Make no payments, or promises to pay to any claimant. Further, do not make any admissions of fault, as these admissions may possibly be used against you in a later proceeding.

If the insurance coverage you have purchased is not adequate to cover the claims asserted against you, consult your attorney at once.

What if it appears I need to make a claim for my own injuries?

If you are injured, seek medical assistance as soon as possible. Notify your health care providers that your injuries were caused by a motor vehicle accident, and provide them with your automobile insurance company information. You may wish to consult your attorney regarding your injuries and about your right to sue for either personal injury or property damage.

If the accident occurred in New York, automobile insurance policies include provisions for payments for medical expenses, lost wages and other expenses, regardless of fault.

What is no-fault insurance?

Under New York State's compulsory no-fault automobile insurance law, persons injured in a motor vehicle accident are eligible to receive up to \$50,000 in benefits provided they were not intoxicated, drugged or engaged in other specified criminal behavior.

REMEMBER, these benefits do not cover claims for pain and suffering, and only apply to pecuniary losses, such as medical expenses, lost wages, and other expenses. These benefits are payable regardless of who was to blame for the accident.

30 Day Rule. All no-fault claims must be filed within 30 days of the accident with your insurance company.

45 Day Rule. Medical claims must be submitted within 45 days of treatment. Claims for loss of earnings must be submitted within 45 days of the accident.