



The Nuts and Bolts of a Motor Collision Claim

As a licensed driver, you have, roughly, a 3-in-4 chance of getting into a car accident during your lifetime. There's also a good chance of you getting into multiple collisions; the average driver files an auto insurance claim every 18 years. If you have never been involved in an auto accident, count yourself among the lucky ones. Or, you might have been involved in an accident years ago and barely remember the details.

Regardless, it's worthwhile to get acquainted with the auto insurance claims process if you are ever involved in a wreck. Knowing how claims are processed and handled can help set your expectations and prepare you for the journey ahead. Perhaps more importantly, you will know your rights.

First, Get Medical Attention

In many cases, the need for immediate medical treatment after a wreck is obvious. Sometimes, though, it's not so clear. Some internal injuries do not begin manifesting symptoms until hours or days after the wreck. Unless you are sure you're unharmed, it's a good idea to get checked out. Not seeking medical care after a collision could indicate to shrewd insurance companies that any medical bills you incur were unrelated to the wreck and, therefore, should not be reimbursed by any policy.

Once You Are Able, Document the Accident

Think of the accident as a crime scene — as soon as the police get to the scene of a serious crime, they rope off the area and painstakingly preserve every piece of evidence. Of course, some accidents are the result of crimes (like DUI). If you don't have to remove your car in order to protect yourself or to allow traffic to resume, you should get to work taking pictures of the scene. Be sure to get photos of every vehicle involved, including the license plates. If there are witnesses, try to get their contact information and a brief statement of what they saw.

Should You Call the Police?

Almost always. Missouri drivers are required to call the police after an accident if there is more than \$500 in property damage, the wreck involved an uninsured motorist, and the wreck occurred less than one year ago. There is certain information you must exchange with the other drivers at the scene, such as your name, address, contact information, and details of your insurance policy. Typically, insurance adjusters ask for police reports when assessing a claim. Additionally, you must *not* leave the scene of the crime — doing so is a crime.

Watch What You Say

There are certain words and phrases you should avoid saying when giving a statement to either the police or an insurance adjuster. You should definitely not say “I’m sorry” or “I didn’t see you,” and you should certainly not outright admit fault. The insurance companies have the obligation to assess fault. Generally, we recommend not speaking to the other driver’s insurance company at all before speaking with an attorney. Besides the information you are required to provide at the scene, you should generally avoid speaking much at all.

File a Claim With Both Insurance Carriers, if Necessary

Missouri follows a pure comparative negligence rule when deciding how insurance should pay out after an accident. This means that the damages you receive will be reduced in proportion to the extent you were at fault. For example, if you were 20

percent at fault for an accident that caused you \$75,000 in damages, you would only receive, ultimately, \$60,000 (the full amount minus the 20-percent portion for which you were responsible).

So, if there is any dispute as to fault in your accident, it might be wise to file a claim with your insurance company and the other driver's insurance company. If the other driver is uninsured or does not carry enough insurance to cover the damages, you might have to turn to your own policies.

Most insurance providers obligate policyholders to notify the company in a timely manner after an accident. The language used varies, but a rule of thumb is to call your insurance company as soon as you are able after the wreck. Once you file a claim, the insurance company will assign you an adjuster. The adjuster will ask you questions about the accident and gather other information to help assess how much the insurance company should pay you.

Do Not Negotiate With the Other Driver's Insurance Company

There is at least one universal truth about insurance companies: they are in business to make money, and that's much easier when they pay as little as possible to claimants. If you're forced to deal with an insurance company besides your own, don't take the "nuisance value." The nuisance value is, essentially, what you will be offered to make the claim go away. Taking the first offer is almost always the wrong thing to do. You might not even know the full extent of your injuries when you take the nuisance value offer.

Hire an Attorney

You don't have to wait until after you've filed claims to hire a personal injury attorney. In fact, the sooner you retain one, the better positioned you are to receive the compensation you deserve. An experienced and knowledgeable attorney will know the immediate steps to take to preserve your claim. Ryan R. Cox &

Associates, LLC can send preservation notices to relevant parties so evidence is preserved. Every day that goes by after an accident sees disappearing evidence.

Having an attorney on hand is especially important for catastrophic wrecks involving multiple vehicles. You'll have a much better chance at getting an adequate payout if your attorney is able to get an investigator on the scene promptly. As always, our firm will advance the costs of hiring investigators and other professionals necessary to bring you justice. Our legal fees are contingent on you receiving compensation.

Even if you don't end up hiring an attorney in your personal injury case, you can get invaluable advice that will help you get justice. And, just because you don't feel like you will need to file a lawsuit does not mean that you don't need an attorney. There are plenty of ways that insurance companies can deny you compensation you deserve. Plus, hiring an attorney well before you must file a lawsuit can help the process go more efficiently.

In addition to handling auto insurance claims, Ryan R. Cox & Associates, LLC provides effective counsel in a wide variety of personal injury cases. We offer compassionate and caring legal services to individuals who are going through difficult times. Everyone has a right to be safe, and we believe in holding wrongdoers accountable when that right is violated. To discuss your options with our team, fill out a form on our website or call us at 636-946-6886 to set up an appointment.