



Key Steps if Injured as a Passenger in a Car Crash

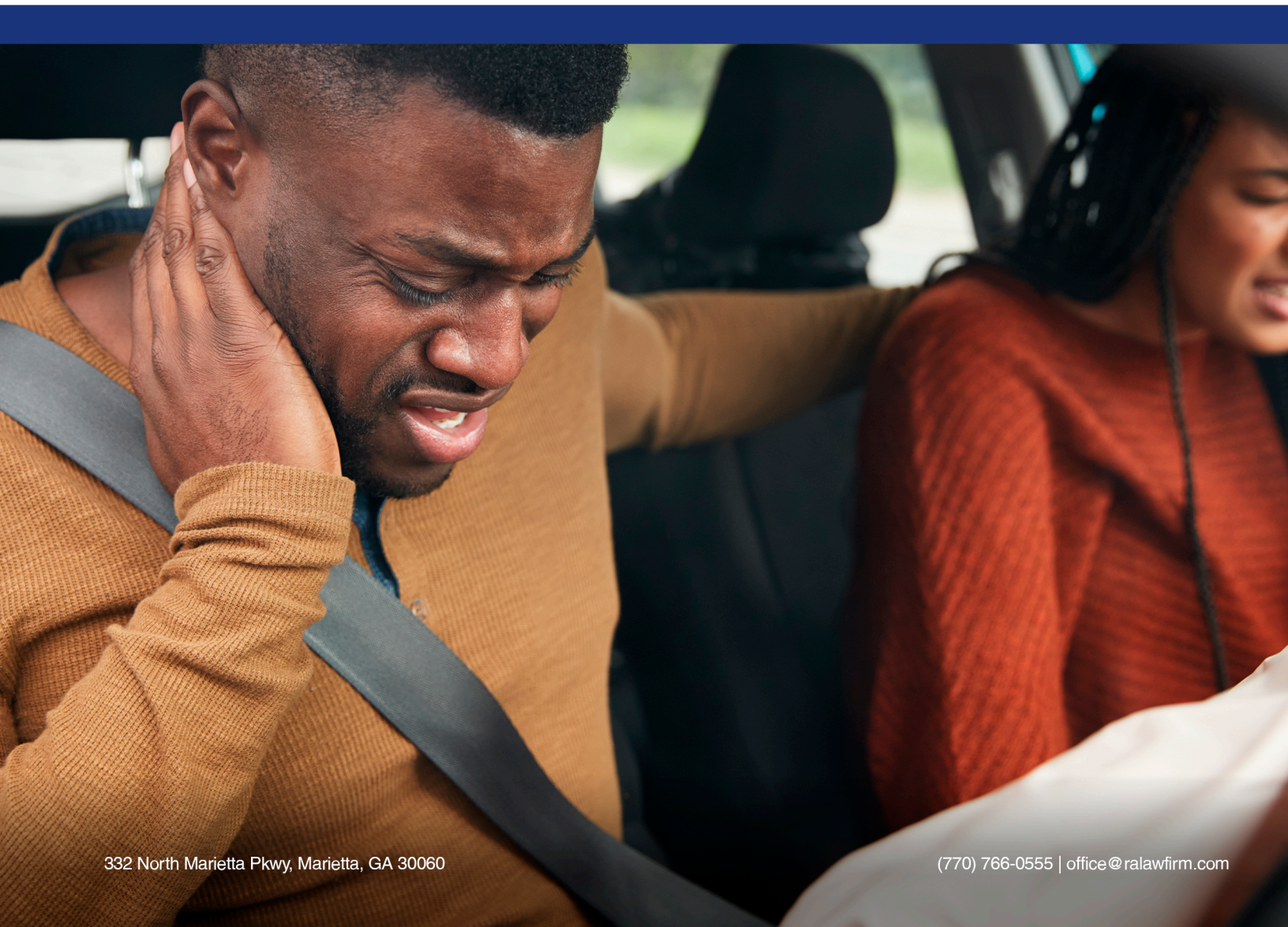


Being a passenger during a [car accident](#) can be confusing and scary, both at the time of the crash and in the aftermath. You may be injured, and your property may have been damaged, too.

Fortunately, you have options. You may be able to make a claim to the car insurance policy belonging to the person you're riding with, as well as the person driving the other car - it just depends on who was at fault in the accident. You may also be able to make a claim to your own policy if you have one.

Here are your options for filing a claim as a passenger in a crash, and when to consider each one.

1. File a claim with the other driver's insurer.
2. File a claim through your driver's policy.
3. File a claim through your own insurer.



1.

File a claim with the other driver's insurer

If you are in a car crash as a passenger and another vehicle caused the accident, your first option would be to file a claim against the other driver's insurance policy. In nearly every state, drivers are required to carry a minimum amount of car insurance.

Within that required amount are two coverages called:

- Bodily injury liability (BI) – pays for medical bills.
- Property damage liability (PD) – pays for damage to property, including property of passengers (though not the car owner's)

BI insurance deals with injuries and pays up a limit per person and a limit for the entire accident. For example, the minimum drivers should have for car insurance in Georgia is \$25,000 per person and \$50,000 per accident.

There are a few obstacles you may face with this option. The first is whether the other driver's insurance limits will be enough to cover your expenses.

The more people injured, the less likely your damages will be fully covered, especially if the driver only has state minimum coverage.

For example, in states like California and Arizona, the minimum es only \$30,000 per accident. If your medical bills total \$60,000 and others are injured as well, you may only see a portion of your total bill repaid by a driver with low limits. Your claim can even be denied if benefits are exhausted.

Furthermore, going through another driver's insurance can be a logistical hassle. In many accidents, "fault", or the amount someone is responsible for the accident, is not always clear. If that is the case in your accident, there may be a long, drawn-out process of trying to prove who was the more guilty party. If the accident involved multiple cars and multiple drivers, it could take months to sort it all out. If things are particularly unclear, you may have to bring on a lawyer, as well as possibly settling for an amount less than what you wanted.



2. File a claim through your driver's policy

In some cases, you can also cover your bills through the policy of the person driving the car you were a passenger in, regardless of whether they were at fault.

The main way to do this is through the driver's personal injury protection (PIP) or medical payments coverage (MedPay). PIP and MedPay both cover all passengers in the car and are considered "first-party benefits" insurance.

First-party benefits insurance means that your driver can file a claim and regardless of who was at fault in the accident, will receive the payout for medical expenses.

PIP does have its disadvantages, though. PIP is only mandatory in 12 states, and MedPay is not mandatory anywhere. If you are not in one of the PIP-required states, there is a good chance your driver will not have the coverage. As well, even if they do have it, it may not be enough to cover your expenses.

If your driver does not have PIP or MedPay, you could also file through their liability insurance. If the driver is a friend or a "non-immediate family" loved one, you may be hesitant to pursue this option, which is understandable. It's true that filing a liability claim is likely to make your friend's insurance rates increase if they were at fault.

What you should know, however, is that you are not technically going after them or their money, but rather seeking compensation from their insurance company. You file a claim against their policy seeking a certain amount of compensation for your damages, which is handled by the insurance company. Your friend will have nothing to do with the proceedings from that point on.

If you are still uncomfortable with filing through your friend's insurance, you can opt to only do so after exhausting the other driver's limits. If, for example, your medical costs are \$60,000 and you get \$45,000 from the other driver, you may be able to make up the difference through your friend's insurance.

In either case, you will still need to deal with another insurance company and justify your claim. The process, regardless of whether it is your friend's or the other driver's insurance, will take some time. The other option is to ask your driver to reimburse you out of their own pocket. This will lead to greater onetime expense for them but could limit their rate increases in the future.



3. File a claim through your own car or health insurance

Filing through your own insurer is another viable option and perhaps also the least obvious. After all, you weren't driving, so why should you be able to use your car insurance? If you have PIP and MedPay on your policy, you can use it to pay for your medical bills, even if you're a passenger in another car.

Unfortunately, PIP and MedPay also have limits, meaning very expensive accidents may not be fully covered. At the very least, they should be enough to cover any immediate medical bills, however.

If you can afford it, we highly recommend you consider adding either of them to your policy. MedPay is generally cheaper than PIP but it does not cover expenses stemming from psychological counseling or protecting lost wages, as PIP does. Even so, the speed and ease with which it works for physical injuries make it highly valuable to have on your policy.

If you have health insurance as well, you should be able to tap into it to pay for your medical costs. You might need to fully exhaust your auto benefits first, though. [Health insurance plans](#) can be different in how they treat this, so check with your insurer first. If you haven't met it yet, you may also need to pay the deductible first on your health plan before getting benefits.

Using uninsured motorist insurance

One in seven drivers in U.S. is uninsured. If your friend or the other driver is uninsured and at fault, and you don't have PIP or MedPay on your policy, you will likely be able to file through your own [uninsured motorist insurance](#).

Uninsured motorist is meant to be used in place of BI and is through your own insurance company. You may only use it when it is proven the other driver is truly uninsured.



Contact GA Injury Advocates Today

At **GA Injury Advocates** we are here to advocate for motor vehicle accident clients 24 hours a day, seven days a week. We understand the devastation that a collision —especially with a large truck—can cause and have successfully fought on behalf of clients not only in Metro Atlanta but throughout Georgia.

Our attorneys will not hesitate to take on large trucking and insurance companies to get you the compensation you deserve. That's why we're the [premier auto and tractor-trailer law firm in Georgia](#). To schedule your free case evaluation, [contact us today!](#)





RAMIRO RODRIGUEZ, JR.

Owner Georgia Injury Advocates

Most of us have a childhood moment that inspires us to think about who we would be when we grew up. For Attorney Ramiro Rodriguez, it was when he was seven years old and was accompanying his uncle to a consultation with an attorney. Not only was the attorney very vague about his uncle's rights, he wanted to be paid first, in cash, and would not even give a receipt! At that time, young Ramiro was worried the attorney would not help his uncle, and might even steal from him. His uncle was more scared and confused after he hired the attorney!

Attorney Rodriguez will always remember that moment. That is why Georgia Injury Advocates treats each and every person who comes to us for help like they are a best friend. Friends are there when you need them. And so are we.

Ramiro Rodriguez, Jr. is a native-born Texan who was born in McAllen, Texas and graduated with a Bachelor of Science from Texas A&M. He then went on to earn his J.D. from John Marshall School of Law, where he was an active member of the law review and graduated cum laude.

As a compassionate personal injury lawyer, Ramiro Rodriguez, Jr. is an efficient and effective warrior for justice. He has personally tried cases ranging from automobile and tractor-trailer accidents, to slip and falls and dog bites, and welcomes the opportunity to advocate for you too.