

1) Who is entitled to receive automobile no-fault benefits?

Anyone whose injury arises out of the maintenance or use of a motor vehicle. (For example, all occupants or drivers of cars, trucks or buses involved in collisions; all pedestrians struck by cars, trucks, buses; even persons injured while providing maintenance to their vehicles.)

2) Do I have to buy no-fault insurance to be covered for accident-related injuries?

No. With limited exceptions, no-fault coverage is available to everyone injured in an accident involving a motor vehicle.

3) Am I entitled to receive these benefits if I was at fault in causing the accident?

Yes. It makes no difference who, if anyone, was at fault in causing the accident.

4) What health care benefits are available under no-fault insurance?

You are entitled to a minimum of \$20,000 coverage for reasonable medical, hospital, chiropractic, surgical, optical and/or dental care, including prescription and non-prescription drugs.

5) Do I have to be treated by a doctor or chiropractor in my insurance company's network?

No. You are free to treat with whomever you choose.

6) Am I limited in the number or frequency of treatments?

No. The no-fault insurer is required to pay for all medical and chiropractic treatment which is reasonable and necessary to treat injuries sustained in a motor vehicle accident.

7) Am I entitled to reimbursement for mileage in obtaining medical and chiropractic treatment?

Yes. No-fault benefits include reimbursement for mileage incurred in obtaining medical and chiropractic care (keep a log of medical miles, including the dates of treatment, round-trip miles, and any parking expense).

8) Are wage loss benefits available?

Yes. A person unable to work because of injuries sustained in a motor vehicle accident is entitled to 85% of that person's gross wage loss, up to \$250 per week (make sure you obtain a written disability statement from your treating physician indicating the dates you were unable to work when submitting a wage loss claim to the no-fault insurer).

9) What if my injuries prevent me from returning to the job I had before the accident?

If your injury prevents you from returning to your job, you may be entitled to receive benefits for retraining or rehabilitation.

10) What benefits are available to me if my injuries prevent me from doing my house and yard work?

You may be entitled to reimbursement of the cost for hiring someone to help you clean or maintain your home or yard, or assist you in child care. (Make sure you obtain a written restriction from your treating doctor disabling you from performing the tasks for which you hire substitute help.)

11) How long can the no-fault insurer take to respond to my claim for benefits?

No-fault benefits are overdue if not paid within 30 days after the no-fault insurer receives reasonable

proof of the loss, and the amount of the claim. (Always send the no-fault insurer a copy of all medical bills or receipts reflecting other expenses.)

12) When can I make claim against the driver who caused the injury?

As a general rule, the person injured in an automobile accident due to the negligence of others is entitled to bring a claim against the at-fault person or persons only after meeting one of the following thresholds:

- a. the medical expenses incurred in treating the accident related injuries exceed \$4,000, exclusive of x-rays, MRI's, CT's and other diagnostic scanning;
- b. the accident related injury is permanent;
- c. the injury results in a permanent disfigurement (usually involves scarring); or
- d. the injury results in a disability lasting more than 60 days.

13) Can I claim damages against the at-fault driver beyond that which I can recover from the no-fault insurer?

Yes. Additional compensable damages may include wage loss which is greater than that paid by the no-fault insurer, pain, suffering, emotional distress, future medical expenses, future wage loss and loss of earning potential if you cannot pursue your chosen occupation.

14) What if the at-fault driver was uninsured?

Minnesota law requires your own automobile insurance company to provide uninsured motorist benefits to compensate you when injured by at-fault drivers who carry no liability insurance.

15) Is it a good idea to settle my uninsured motorist claim without the assistance of an attorney?

No. Minnesota law presumes that when you settle your uninsured motorist claim, you also give up your right to continue to collect no-fault benefits, unless

those benefits are specifically reserved in the settlement document.

16) What if an at-fault driver did not have enough insurance to compensate me for my injuries?

All automobile insurance policies provide underinsured motorist benefits designed to compensate people injured by at-fault drivers who carry liability insurance in an amount insufficient to fully compensate the injured person.

17) Is it a good idea to settle my claim against an insured at-fault driver without the assistance of an attorney?

No. You must give the underinsured motorist insurer detailed advance written notice of your intention to settle with an at-fault driver. If you do not give this notice, you will probably lose your right to underinsured motorist benefits.

18) How much will Kiernan Personal Injury Attorneys charge to represent me?

We represent injured persons on a contingent fee basis. This means that we receive one-third of the amount we obtain for you. If you make no recovery, you will not be charged for attorney's fees.

19) Will I be charged if I just want to telephone or sit down with an attorney and ask questions about my accident?

No. We would be happy to sit down with you, free of charge, to discuss any accident related questions you may have.



Thomas Kiernan

Thomas Kiernan has been practicing exclusively in the personal injury area of law for over 15 years. He is a 1986 honors graduate of the University of Wisconsin and a 1990 honors graduate of the William Mitchell College of Law. Mr. Kiernan is a recipient of the American Jurisprudence Award given to the top student in his law school class in the study of tort (personal injury) law. The Minnesota State Bar Association certified Mr. Kiernan as a Civil Trial Specialist. Only 3% of Minnesota's attorneys have received this designation. Mr. Kiernan has been named a 1999 Super Lawyer by the Minnesota Journal of Law & Politics. Only 5% of Minnesota's attorneys have received this honor. Mr. Kiernan was named a Rising Star in 2002 by Law & Politics.

Thomas Kiernan was a Law School Clerk in the Personal Injury Department of Robins, Kaplan, Miller & Ciresi for three years. In 1990, he joined the Rinke-Noonan law firm in St. Cloud, where he practiced personal injury litigation. In 1994, Mr. Kiernan joined Roes, Larsen & Kiernan where he was a Personal Injury Attorney and Shareholder. In 1999, Mr. Kiernan formed Kiernan Personal Injury Attorneys P.A. located in Buffalo, Minnesota. He is a native to Buffalo, the Wright County seat. Thomas Kiernan limits his practice to representing victims of personal injury, auto accidents, wrongful death, and insurance disputes throughout Minnesota.

Common Questions Concerning No-Fault and Other Automobile Insurance Benefits



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