

How Victims May Recover Compensation from Criminally Injurious Automobile Drivers

Criminally Injurious Automobile Drivers

Not all auto crashes are caused by driver inattentiveness. Sometimes the person responsible for a crash operates the vehicle in a reckless manner, under the influence of alcohol or drugs, or with knowledge of impairment. Driving in such a manner is called a “*criminally injurious act*.”

If you have been injured in an automobile collision by a criminally injurious act, it is important that you receive fair compensation for any injuries or damages. To achieve this goal, it is imperative that you know and understand your insurance policies and your recovery options. This brochure was created to give you educational information about potentially making you and your family whole again after an unforeseen criminally injurious act.

What are the potential injuries?

The damages resulting from drunk driving or reckless driving vary. Many crashes result in personal injury and require medical attention. If the injuries are severe, long-term rehabilitation may be required. You may have lost wages and you will also probably have sustained property damage to your car and other property. Medical bills, lost wages and repair costs add up quickly. It is essential that you understand the process of obtaining compensation and act promptly.

Your Automobile Insurance

It is important that you take time to read and understand your automobile insurance coverage before any crashes occur. This will help you recognize what claims you can make when a crash occurs. After any collision, you might want to contact your insurance carrier as soon as possible. However, you may wish to discuss your option first with an attorney if the circumstances call for such action. Try to document as many details about the crash as you can, including writing down your recollections, taking pictures, obtaining the other driver’s personal and insurance information, obtaining the names of witnesses, saving receipts and bills and keeping a diary of your injuries.

Whether your automobile insurance will compensate you for your loss depends on your contract with your insurance company. Some of the following may be in your policy:

Medical Payments

Many insurance policies come with a Medical Payments coverage that is used to pay necessary and reasonable medical expenses incurred from a crash. Usually, the medical payments provision provides a much smaller amount than the personal injury coverage. However, this is generally paid regardless of legal liability and may also cover passengers in your vehicle.

Collision Coverage

Most insurance policies come with a Collision Coverage provision. This provision covers the cost of repairing or replacing your automobile after a crash.

Uninsured/Underinsured Motorist

Not all drivers carry the same amount of insurance. Ohio law requires that every driver must carry at least \$12,500/\$25,000 in liability coverage. Drivers who commit criminally injurious acts, however, might ignore this law and fail to maintain the minimum coverage. Insurance companies sell Uninsured and Underinsured Motorist coverage to protect you when the at-fault driver has inadequate coverage.

Your Health Insurance

Most individuals carry health insurance. In the event of an auto crash you may submit medical bills to your health provider. It is likely that it will require you to submit bills to your auto insurance carrier first. You may need to exhaust medical payment coverage before the health insurance will consider the bills.

Wrongdoer’s Automobile Insurance

If the wrongdoer has some form of insurance on their automobile, be sure to obtain this information so that a claim can be made against the wrongdoer’s policy. If there is no policy, or the existing policy limits are less than your own, you may be entitled to uninsured/underinsured motorist coverage, as described above.

Private Actions

You may be able to seek recovery from a wrongdoer directly, or if he was in the scope of his employment, his employer. Many wrongdoers do not have a substantial amount of personal assets. However, if the wrongdoer has property or other large assets, a verdict against him may help to defray the costs of the crash. You may wish to consult an attorney discuss these options.

Other Sources of Compensation

Ohio Victims of Crime: The Ohio Victims of Crime Compensation Program (Ohio Revised Code §§ 2743.51 to 2743.7) compensates innocent victims who are physically injured, emotionally harmed or killed by violent criminal acts.

The following eligibility requirements apply:

- The application must be filed within two years of the date of the crime. Minors have until their 20th birthday to file.
- The crime must have been reported within 72 hours and the victim must have cooperated with the requests of law enforcement.
- The victim must not have been engaged a criminal act that contributed to the injuries.
- The victim must no collateral source of payment for the compensation sought.
- Some criminal offense may prohibit eligibility.

Visit the program's website for an application:
www.ag.state.oh.us/victim/compensation.asp.

Workers' Compensation: If your crash occurred while on the job, you may be eligible for Workers' Compensation in addition to your personal injury claim.

<http://www.ohiobwc.com/>

Bureau of Motor Vehicles: If the wrongdoer was uninsured, the BMV can require a driver to pay restitution prior to obtaining a drivers license or car registration.

<http://www.bmv.ohio.gov/>

Court Order: In some cases, a criminal court may order payment in the form of restitution of out-of-pocket expenses.

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