

The Ultimate Michigan Pedestrian Accident Handbook

A Practical Guide to Understanding
The Legal Rights of Injured Pedestrians

by

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Lawrence J. Buckfire**

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Who I am and Why I Wrote This Book

I am attorney Lawrence J. Buckfire and am a partner at the law firm of Buckfire & Buckfire, P.C. I have an undergraduate degree in economics from the University of Michigan and a law degree from the Wayne State University School of Law. Our law firm has helped injury and accident victims for the last 50 years throughout the entire State of Michigan.

As an attorney, I have won numerous awards and accolades in the legal profession for skill, integrity, and success in the courtroom. These include:

- "Best Detroit Personal Injury Lawyer" by DB Magazine
- "Best Michigan Personal Injury Attorney" by American Lawyer Academy
- Earned highest rating of 10.0 by AVVO, the top Internet Lawyer Rating Service
- Top AV Peer Rating for Skill & Integrity by Martindale-Hubbell
- Best Lawyer by U.S. News & World Report
- Selected as a "Super Lawyer"
- Top 100 Trial Lawyers in Michigan
- Top 100 Litigation Lawyers in Michigan by American Society of Legal Advocates

If you are looking for a lawyer with integrity who possesses significant knowledge of the complex insurance and liability laws relating to pedestrian accidents, you should seriously consider choosing my law firm for your case. We have a staff of top-rated lawyers and an excellent legal support team. We work with the finest pedestrian accident reconstruction experts, highway engineers, and pedestrian safety experts in the United States on our cases. I have achieved excellent results for my clients injured in pedestrian accidents and believe that I can do the same for you.

I wrote this book to help you understand your legal rights if you were injured in a pedestrian accident. The insurance laws in Michigan that apply to pedestrian accidents are very complicated and change on almost a daily basis. This book was written to make these laws easy to understand for someone who is not a lawyer or judge.

This book may not answer all of your questions and simply cannot cover every aspect of the Michigan No-Fault insurance law. I am very proud to say that I have personally helped hundreds of injured clients, just like you, with their cases in the last twenty-five years. To learn more about my record of success, please visit my firm web site for some examples of the great settlements and jury verdicts that I have obtained for my clients.

I always look forward to sharing my expertise with new clients and gladly speak with all persons who call my office. If you know someone else who would benefit from this book, please have them call me and I will send them a copy free of charge.

Legal Advice

I am not allowed to give legal advice in this book and you should not take the information in the book as legal advice. It is intended to be informative and to provide you and your family with a basic understanding of your rights. If you hire my firm to represent you or a family member for a case, I will fully explain to you your legal rights under Michigan law and assist you in filing your claims. If you have already hired a lawyer before reading this book, you should contact your lawyer with specific questions about your rights and benefits.

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Choosing The Right Lawyer For Your Case

Do all lawyers in Michigan know how to handle pedestrian accident injury cases?

No. The insurance laws in Michigan regarding pedestrian accidents and auto accidents are very confusing and change almost on a daily basis. The No-Fault law was created in 1973 and there have been over 2,000 written court opinions regarding these laws.

The fact that Attorney Ernie drafted a will for your uncle or that Lawyer Linda handled your cousin's divorce case does not make them qualified to handle a pedestrian accident case. Many attorneys who claim to be specialists in pedestrian accident cases do not know the intricacies of the laws relating to pedestrian accident cases.

While many lawyers will offer to represent you in your case, it is important to choose a lawyer to represent you that handles serious pedestrian accident injury cases every day and has significant experience and expertise in representing injury victims. Lawyers without this knowledge and experience may not be familiar with or even understand these laws and its many technicalities, which could cause you to lose your benefits and your opportunity to obtain a settlement in your case.

How do you find the best lawyer for your case?

The best way to find the right lawyer is to know the right questions to ask before you hire a lawyer for your case. These questions are a good start:

1. What experience do you have handling serious pedestrian accident injury claims?
2. Have you ever written a book, like this one, on pedestrian accidents and insurance claims?
3. Have you ever spoken to groups of other lawyers and professionals about accident cases and insurance laws?
4. Do you have a website with information on pedestrian accident cases and free forms that I can print to make my insurance claims?
5. What kinds of settlements have you received for your clients?

The lawyers at **Buckfire & Buckfire P.C.** will give you honest answers to these questions. Our firm has represented injury victims and their families throughout the State of Michigan for over fifty years. Our attorneys have the thorough knowledge, expertise, and experience in handling these cases and understand how to handle difficult cases and best represent our clients. Most of our clients are referred to us from other clients who have placed their trust in us to represent their family members, friends, and colleagues. We also receive many referrals from other lawyers and from medical professionals who recognize that we are the law firm to best represent their clients and patients.

What does the phrase “No-Fault” mean anyway?

Most of you have heard the phrase “No-Fault” but do not know exactly what it means or how it affects you if you were involved in a pedestrian accident. You are not alone. Basically, it means that you may be able get insurance benefits regardless of whether you or someone else was at fault in the accident. That’s right, you may be entitled to insurance benefits even if you were at fault in the accident.

Most people don’t know that every pedestrian injured by a motor vehicle in Michigan is entitled to no-fault insurance benefits. This is true, even if you did not own a car or have your own no-fault insurance policy at the time of the accident.

Generally, when you are involved in a pedestrian accident in Michigan, there are two potential types of insurance claims, depending on the circumstances of the accident. These claims are explained in more detail in this book, but they are classified as:

BODILY INJURY CLAIMS

(Payment for your personal injuries)

NO-FAULT INSURANCE BENEFITS/MED PAY BENEFITS

(Payment for wage loss, medical expenses, etc.)

Michigan is a no-fault state, and there are very complex laws in determining where to make claims for pedestrian repairs and no-fault benefits. Michigan law also allows you to make a claim against the driver and owner of the car or vehicle who was at fault in the accident if you suffered personal injuries, such as pain and suffering and for any visible scars or disfigurements. These are called bodily injury claims.

In this book, I will tell you how to make these claims and will answer many of your common questions. Of course, if you have questions that were not answered in this book, you can always just pick up the telephone and give me a call. Please feel free to call me at our toll-free number at **1-800-606-1717**.

Being Compensated for Your Personal Injuries

We have shown you how to obtain money to have your pedestrian repaired. Now we will answer the most common questions asked about how to receive a settlement for your injuries suffered in the accident.

Can a person riding a pedestrian that was struck by an automobile sue the at-fault driver and the owner of the vehicle for injuries suffered in the accident?

Yes. If the driver of the other automobile was at fault in the accident and you suffered a serious injury or disfigurement (like a scar), you can sue the driver and the owner of the other automobile. A claim is made against the driver and owner of the automobile that caused the accident, and your settlement is paid by their auto insurance company.

What injuries are considered serious?

There is no specific injury that automatically qualifies as a “serious” injury and this is determined on a case by case basis. However, here are some examples of injuries that may qualify.

- Fractured and broken bones
- Back and neck injuries, like herniated and bulging discs
- Nerve damage
- Injuries that require surgery or substantial treatment
- Closed head and traumatic brain injuries
- Spinal cord injuries
- Death
- Psychological injuries, like depression and post-traumatic stress disorder
- Injuries which cause disability from work and other daily activities

How much time do I have to sue the at-fault driver and the owner of the automobile that caused the accident?

You typically must file a lawsuit with the court within three years of the date of the accident. If the injured person is a child or a person with a mental disability, this period can often be extended beyond three years. In order to protect your rights, we recommend that you contact an attorney immediately to find out the time limitations involved in suing the driver and owner of the car and/or pedestrian that caused the accident.

What if the at-fault driver and owner of the automobile who caused my injuries did not have liability insurance at the time of the accident?

You may still recover compensation for your personal injuries. This depends on whether

you or relative in your household had an auto insurance policy with **uninsured motorist's coverage**. This is called an **Uninsured Motorists Claim**.

In order to protect your rights, we recommend that you contact an attorney immediately to find out the time limitations involved in making an **Uninsured Motorist's Claim**, as well as the requirements under the policy which you must meet in order to make such a claim. Many insurance policies require that a written police report be filed within twenty-four hours after the accident. The failure to timely file a report may bar your claim forever under the terms of the policy.

What if the pedestrian was injured in a hit and run accident?

You may still recover compensation for personal injuries if the pedestrian or relative in the same household had an auto insurance policy with uninsured motorist's coverage. Again, this is an Uninsured Motorists Claim. No matter what, you will be eligible for No-Fault insurance benefits to cover your medical expenses, lost wages, and other benefits.

What if the driver and the owner of the automobile that caused my injuries had only minimum coverage for my bodily injuries caused in the accident?

This depends on whether you were occupying a pedestrian which had **underinsured motorist's coverage**, or you were covered by your own insurance policy or a family member's insurance policy, which had **underinsured motorist's coverage** at the time of the accident. If you are eligible for this coverage, you can often make a claim against the policy to receive a settlement that is higher than the at-fault driver's insurance coverage. This is called an **Underinsured Motorist's Claim**.

In order to protect your rights, we recommend that you contact our attorneys immediately to find out the time limitations and other requirements involved in making an **Underinsured Motorist's Claim** that you must meet in order to make such a claim.

If a family member died in a pedestrian accident, what kind of claims can family members make against the driver and owner of the vehicle that caused the death?

This is called a **Wrongful Death lawsuit** and can be brought by the personal representative of the estate, usually a family member. The claim can be made against the driver and owner of the vehicle that caused the accident. If the other driver or owner of the vehicle did not have insurance or enough coverage, an Uninsured Motorist's Claim or Underinsured Motorist's Claim can be filed if this coverage exists.

Family members can sue for the loss of companionship, services, income, and other losses. Typically, the settlement is shared by members of the family, and the amount of each share is either agreed upon by the family members or decided by the judge.

What if the driver that caused the accident was drunk at the time of the accident?

In this circumstance, you can sue both the drunk driver and owner of the vehicle. Often times, you may be able to sue the place of business that sold or provided the alcohol to the drunk driver. The time frame for notifying the provider of the alcohol of a potential claim is much shorter than the time for filing a lawsuit. In claims involving drunk drivers, it is important to hire a lawyer immediately to start the investigation and to find out where and when the alcohol was furnished to the drunk driver.

Do I need a lawyer to represent me in these types of cases?

The simple answer is “no,” but you need to be careful not to sign away your legal rights with the other insurance company for a small settlement. If you agree to a settlement and sign the release papers, you cannot change your mind or come back for another settlement at a later date. Many times the insurance adjuster will try to get you to waive your rights to benefits that you do not have to give up when you agree to a settlement. It is important to have an attorney review all of the papers before you sign them and to assist you in obtaining the best settlement.

Also, there are strict time limitations involved in making these types of claims. It is important to find out the time limitations in making these types of claims. Although you may attempt to settle a claim on your own, studies have shown that injured persons usually receive much higher settlement compensation when they have an attorney, even after paying the attorney fees and costs.

Our law firm will handle your case under our No Fee Promise, which means there are no legal fees unless you receive a settlement. We even advance all of the case costs and expenses. If you do not receive a settlement, you owe us nothing!

How much money can I sue the driver and owner of the automobile that caused the accident and injured me?

There is no limit on the amount of money you can ask to be compensated for your injuries. This depends on the seriousness of your injuries, whether you can prove that the other driver caused the accident, and often the amount of the insurance policy limits.

How do I know that I am receiving a fair settlement from the insurance company?

Unless you understand how experienced lawyers and insurance companies determine the fair amount of a settlement, you may have a difficult time knowing whether you are receiving a fair settlement. The settlement amount depends on a variety of factors, and it is difficult to know if you are being fairly compensated, unless you know the law and have negotiated these types of claims in the past.

Do I have to go to court to receive a settlement for my injuries?

Although every case is different, most cases are settled with the insurance company before going to court. Sometimes, claims are settled with the insurance company even before a lawsuit is filed with the court. Other times, a lawsuit is filed but settled before the case goes to a jury trial.

No-Fault Insurance Benefits

What are No-Fault Insurance Benefits?

No-Fault insurance benefits are benefits you are entitled to receive under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck. These benefits include wage loss benefits for the first three years after the accident, assistance with household chores for the first three years after the accident, unlimited lifetime medical expense coverage, mileage to and from doctor appointments, attendant care and other benefits such as home and vehicle modifications.

Can I get these benefits?

You can obtain these benefits by filing an Application for No-Fault Benefits with the proper insurance company that has priority for paying your claims. Determining which insurance company is responsible can be a confusing process. It is important that you file your claim with the correct insurer or you may lose your right to benefits. We will help you with this determination and assist you with filing all of the required paperwork.

What if I was injured because I was at fault and caused the accident?

You can receive all eligible benefits even if you were at fault in the accident. This is true even if you injured another person in the accident, or even if you were under the influence of alcohol or drugs at the time of the accident. An insurance company cannot deny your benefits if the accident was your fault.

How do I get my claim for No-Fault Benefits started?

You can obtain these benefits by filing a written Application for No-Fault Benefits with the insurance company that has priority for paying your claims. Your own insurance agent, or the adjuster assigned to your claim, should promptly provide it to you.

We also have the Application for No-Fault Benefits available for you on our law firm website that you can download and print for free. Simply visit www.BuckfireLaw.com and look in the library section of the website.

Is there a time limit for filing my claim?

Yes. You must file a written Application for No-Fault Benefits with the proper insurance company who has priority for paying your claims within one year of the date of the accident. If you fail to do so, you will not be able to obtain No-Fault Benefits.

Also, written claims for wage loss benefits, medical expenses, household services, and other no-fault benefits must be sent to the proper insurance company within one year of the date of the expense. If you fail to do so, you will not be able to obtain recovery or reimbursement for the claim or expense.

Do I need a lawyer to file my claim?

No. You may submit an Application for No-Fault Benefits on your own and submit claims for wage loss benefits, medical expenses, household services, and other no-fault benefits on your own. Many times, the insurance company will voluntarily pay the benefits that are owed to you without the assistance of an attorney.

WARNING: The insurance adjuster may not tell you all of the benefits you are entitled to receive from the insurance company or pay the full amount of the benefits that you are entitled to receive from the insurance company.

Therefore, even if you are handling your own claims for No-Fault Benefits, I recommend that you still consult with an attorney to find out your rights under Michigan law.

What do I do if the insurance company does not pay my benefits?

Due to strict time limitations under Michigan law, I recommend that you consult with an attorney immediately if your benefits are not being paid by the insurance company.

Is there a time limit for filing a no-fault insurance lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. If you choose to begin a lawsuit against your insurance company for No-Fault benefits, **you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.** If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

TYPES OF BENEFITS

Type of Benefit: Wage and Income Loss

What is it for?

Wage Loss benefits are for your loss of income due to the injuries you suffered in the accident.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck.

Due to the complicated laws in Michigan regarding pedestrian accidents, we suggest that you contact an experienced pedestrian accident attorney as soon as possible after an accident to determine what claims you are entitled to pursue under the law.

How much can I get?

You are entitled to receive 85% of your gross pay, including overtime, or loss of income, for the first three years following the accident if you are disabled from the accident.

What if I was self-employed on the date of the accident?

You are still entitled to these benefits if you were self-employed on the date of the accident.

What if I was not employed on the date of the accident?

Many times, you are still entitled to be paid your lost wages even if you were not employed on the date of the accident. If you were a seasonal employee (like a landscaper, summer work crew, or even a ski instructor) at the time of the accident, you can still receive these benefits if the accident happened during your off work season. If you were about to start a new job at the time of the accident, you can still receive these benefits based upon what your income would have been in your new job.

What if I was looking for a job on the date of the accident?

If you were not working but were looking for a job, you are still entitled to be paid wage loss benefits. You will need to show proof that you were trying to find a job, such as submitting resumes or putting in job applications with potential employers. The amount of your wage loss benefits will be based on income from your last job before the accident.

What if was being paid in cash for my job?

This does not matter. You simply need proof that you were working and being paid for your work. In order to prove your income, it will be necessary to file tax returns to show what your income was before the accident.

How long can I get it for?

You are entitled to these benefits for the first three years after the date of the accident if you are unable to work. If you are still unable to work after the three year anniversary of your accident, you may have an additional claim for wage loss against the other driver and owner of the car or pedestrian that caused the accident. If you caused the accident, you can only receive this benefit for the three year period.

What if I lost my job due to the injuries from the accident?

If you lost your job due to injuries from the accident, the insurance company is required to pay your wage loss benefits even if you are no longer disabled as long as you are trying to find new work after your disability has ended.

What if I can only work part-time due to the injuries from the accident?

The insurance company is required to pay you the difference between what you were earning before the accident and what you are earning after the accident.

How do I file my claim?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

You need a note from your doctor (usually an Attending Physician's Form) that disables you from working. You also need a wage verification form from your employer to submit to the insurance adjuster. A form for submitting this type of claim can be downloaded and printed for free from www.BuckfireLaw.com.

How much time do I have to file my claim?

You should submit your claim for wage loss benefits every thirty days, but claims for wage loss claims can be submitted up to within one year of the date of your disability.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the insurance company that demands payment for the wage loss benefits.

How much time do you have to file your lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. If you choose to begin a lawsuit against your insurance company for No-Fault benefits, **you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.** If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Medical Bills, Prescription Costs, and Other Expenses

What is it for?

All medical bills that are reasonable and necessary and related to your accident are covered by the no-fault insurance company. These medical bills include, but are not limited to, **hospital bills, doctor bills, physical therapy bills, prescriptions, ambulance bills, medical appliances such as a wheel chair, walker, back brace, and transportation expenses, etc.** for your medical appointments.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck.

How much can I get?

There is no limit on the amount of money that the no-fault insurance company must pay for accident related medical treatment. The only limitation is that the medical bills must be reasonable and necessary for your care, recovery, and rehabilitation. For example, a young man who is seriously injured in a pedestrian/car accident may require medical care that costs millions of dollars. The no-fault insurance company is responsible for paying for these bills.

How long can I get them for?

The medical bill coverage is a lifetime benefit. There is no limit into the future on how long this coverage will last. For example, the young man who was seriously injured in the accident in the example mentioned above is entitled to receive coverage for his medical bills, related to the accident, for the rest of his life.

How do I file my claims?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

A written medical bill must be sent to the insurance company. Many times, the insurance company may also request medical records for the bills and also may request that the bills be submitted in a certain format.

How much time do I have to file my claims?

You should submit your claim for medical bills every thirty days, but claims for medical bills can be submitted up to within one year of the date of the service.

What if I have health insurance? Who is responsible for paying my bills?

It depends on what type of no-fault coverage is available to you. If the no-fault insurance policy available to you has **coordinated medical coverage**, your health insurance is responsible for paying your medical bills, and the no-fault insurance company will cover your bills that are not covered by your health insurance, including co-pays and deductibles. For example, if your health insurance policy provides coverage for 20 physical therapy visits per year, and your doctor has recommended that you receive 30 physical therapy visits for treatment for your injuries from the accident, the No-Fault insurance company would be required to pay for the ten physical therapy visits not covered by your health insurance.

WARNING: *If you are covered by an HMO health insurance policy, and the no-fault insurance policy has coordinated medical coverage, you are required to seek treatment from doctors within your HMO plan. If you seek treatment outside of your HMO plan, the no-fault insurance company may not cover your medical bills.*

If the no-fault insurance policy available to you has **uncoordinated medical coverage**, the No-Fault insurance company is primary and is required to pay for all of your medical bills, even if you have health insurance. Therefore, if you have this type of coverage, you can see any doctor that you want to, even if the doctor is not part of your health insurance plan.

URGENT: WE STRONGLY RECOMMEND THAT YOU CONSULT WITH OUR ATTORNEYS IMMEDIATELY AFTER THE ACCIDENT TO REVIEW YOUR SITUATION TO SEE WHAT TYPE OF NO-FAULT MEDICAL COVERAGE IS AVAILABLE TO YOU.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the company that demands payment for the medical bills.

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: In-Home Nursing Care/Attendant Care

What is it for?

In home nursing care /attendant care benefits are actually a part of the medical benefits that you are entitled to receive under the No-Fault laws. These benefits are paid to have a person attend to your personal needs while you recover from your injuries. These services include assisting you with toileting, showering, feeding, and medications, and even just being with you and supervising you during your recovery.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck. The primary pre-requisite is that the pedestrian accident must “involve” an automobile.

Due to the complicated laws in Michigan regarding pedestrian accidents, we suggest that you contact an experienced pedestrian accident attorney as soon as possible after an accident to determine what claims you are entitled to pursue under the law.

How much can I get to pay for nursing care?

The dollar amount paid for these services depends on the level of care and supervision being provided. Ranges are typically from \$12.00 per hour to \$25.00 per hour. Higher rates are paid in cases involving brain injuries, spinal cord injuries, and other serious injuries that require the most assistance.

How many hours a day can I get it for?

This depends on how many hours a day that your doctor believes that you need these services. In many cases, the rate is paid twenty-four hours a day. Even though you sleep several hours each day, you may still need someone to be home with you in the case of an emergency or even to assist you in going to the bathroom if you awaken in the middle of the night.

How long can I get it for?

Like other medical expense benefits, you can receive this for the rest of your life if it is necessary. Your doctor will tell the insurance company how long you need to have the services provided to you.

How do I file my claim?

A written claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

Again, you need a prescription from your doctor for these services. Additionally, you will need to submit a claim specifying the services being provided, the amount of hours per day the services are being provided, and the name of the person providing the attendant care. A sample form for submitting this type of claim can also be downloaded and printed for free from www.BuckfireLaw.com.

How much time do I have to file my claim?

You should send in your claims for attendant care services every thirty days, but claims for attendant care services can be submitted up to within one year of the date of service.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the insurance company that demands payment for the services.

How much time do I have to file my lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Household Chores/Replacement Services

What is it for?

Replacement service benefits are payments for services performed around your home that you used to do but cannot do because of injuries from the accident. These services include but are not limited to cooking, vacuuming, dusting, cleaning, laundry, cutting the grass, shoveling the snow, and even taking out the garbage. The person providing the services can be a family member, friend, or someone that you hire to help you.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck.

How much can I get to pay for household help?

You can receive up to \$20.00 a day for these services. This amounts to \$600.00 each month during your recovery.

How long can I get it for?

You are entitled to these benefits for up to the first three years after the date of the accident if you are unable to perform the services yourself.

How do I file my claim?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

Again, you need a prescription from your doctor for these services, a list of the services performed, and the name of the person performing the household chores. A form for submitting this type of claim can be downloaded from www.BuckfireLaw.com.

How much time do I have to file my claim?

You should submit your claim for replacement services every thirty days, but claims for replacement services can be submitted up to within one year of the date of the service.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the company that demands payment for the benefits.

How much time do you have to file your lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Case Management Services

What are they?

Case Management Services are actually a part of the medical benefits that you are entitled to receive under the No-Fault laws. Case managers, typically nurses or vocational rehabilitation counselors, play a very important role in helping injured persons with their road to recovery. They often help the patient do the following:

- Coordinating medical care with multiple doctors and clinics
- Finding the best medical specialists for a patient's needs
- Scheduling doctor's appointments
- Helping the patient with home modifications, such as ramps
- Helping the patient obtain necessary medical appliances and equipment
- Communicating with the insurance company on behalf of the patient
- Other services to assist the client with his or her care, recovery, and rehabilitation.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck.

Due to the complicated laws in Michigan regarding pedestrian accidents, we suggest that you contact an experienced pedestrian accident attorney as soon as possible after an accident to determine what claims you are entitled to pursue under the law.

How much money can I receive for case management services?

There is no limit on the amount of case management services that you can receive. The only limitation is that the case management services must be reasonable and necessary for your care, recovery, and rehabilitation.

How long can I get it for?

Like other medical benefits, you can receive this service for the rest of your life if it is necessary.

How do I file my claim?

A written claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

Usually, case managers will send their reports and bills directly to the insurance adjuster.

How much time do I have to file my claim?

You should send in your claims for case management services every thirty days, but claims for case management services can be submitted up to within one year of the date of service.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the insurance company that demands payment for the services.

How much time do I have to file my lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Home Modifications and Accommodations

What is it for?

Home modification benefits are paid when the injured person cannot comfortably live in his or her current home or apartment because of physical limitations caused by injuries from the accident. The insurance company is required to pay for remodeling for items such as handicapped ramps, additional rooms, wider doorways, and even bathrooms and showers to make it easier for an injured person to live in the home.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck.

How much can I get for home modifications?

The dollar amount paid for these services depends on the type of disability and the special needs of the injured person. Typically, an architect or contractor works alongside the medical provider to design the most appropriate changes for the home. There is no limit on the amount as long as it is reasonable and necessary.

What if I rent an apartment or live with a family member or friend?

You are still entitled to have this remodeling done if you live in an apartment or live with someone else. If you live in an apartment, the insurance company may be required to remodel your apartment or may have to find a better place for you to live that is equipped with accommodations to meet your needs. The insurance company may be required to pay for this residence in full or in part.

How do I file my claim?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

You need a prescription from your doctor or a report from an occupational therapist for these modifications and a reasonable plan for the remodeling. You may need to enter into a contract with a construction company for the needed remodeling.

How much time do I have to file my claim?

You should submit your claim these expenses once it has been determined by a doctor that it is necessary and you have a contract for the necessary remodeling work.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the company that demands payment for the expenses.

How much time do I have to file my lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If you fail to file your lawsuit within this one year period, you will lost the right to have the benefit or expense paid. If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Medical Mileage

What is it for?

This is to reimburse you for your mileage expenses to and from your medical appointments.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile as an automobile, such as a car or truck.

How much can I get?

You are entitled to a reasonable rate per mile.

How long can I get it for?

You are entitled to these benefits as long as you need to get to and from your medical appointments to be treated for the injuries that you suffered in the accident.

How do I file my claim?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

You need to make a list of the days that you attended appointments, the name and address of the doctor or clinic, and the distance to and from your home. A form for submitting this type of claim can be downloaded and printed for free from www.BuckfireLaw.com.

How much time do I have to file my claim?

You should submit your claim for mileage expenses every thirty days, but claims for mileage expenses can be submitted up to within one year of the date of the medical appointment.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the company that demands payment for the expense.

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Special Transportation

What is it for?

This is for a van or specially equipped van or vehicle to take you to and from your medical appointments. This is often required for persons in wheelchairs or other equipment that requires special transportation.

How do I know if I am eligible for these benefits?

You are entitled to receive these benefits under Michigan law, regardless of fault, if you were injured in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile, such as a car or truck.

Due to the complicated laws in Michigan regarding pedestrian accidents, we suggest that you contact an experienced pedestrian accident attorney as soon as possible after an accident to determine what claims you are entitled to pursue under the law.

How much can I get?

The insurance company must pay the reasonable cost for this transportation.

How long can I get it for?

You are entitled to these benefits as long as you need to get to and from your medical appointments to be treated for the injuries that you suffered in the accident.

How do I file my claim?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

You need to submit the invoice or bill from the transportation company and a prescription from your doctor for this type of service.

How much time do I have to file my claim?

You should submit your claim for special transportation services every thirty days, but claims for transportation services can be submitted up to within one year of the date of service.

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the company that demands payment for the services.

How much time do I have to file my lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

Type of Benefit: Survivor's Loss Benefits

What is it for?

If your husband, wife, or a relative who you are dependent upon, dies as a result of injuries from a pedestrian accident, you may be entitled to survivor loss benefits. These benefits include money from the No-Fault insurance company for loss of their financial support and loss of household services, and payment for a portion of the funeral bill.

How do I know if I am eligible for these benefits?

Family members are entitled to receive these benefits under Michigan law, regardless of fault, if their family member, for whom they were dependent upon, died in a pedestrian accident that arose out of the ownership, operation, maintenance or use of an automobile.

Due to the complicated laws in Michigan regarding pedestrian accidents, we suggest that family members contact an experienced pedestrian accident attorney as soon as possible after an accident to determine what claims they may be entitled to pursue under the law.

How much can I get?

The maximum monthly amount payable for survivor loss benefits changes every year. To find out the maximum monthly amount and how much you can receive in benefits, please call our office at **1-800-606-1717** or visit our website at www.BuckfireLaw.com

How long can I get it for?

You are entitled to receive survivor loss benefits for the first three years following the accident.

How do I file my claim?

The claim must be submitted to the insurance adjuster assigned to your claim.

What type of documentation do I need?

You will be required to submit a copy of the death certificate, as well as a copy of the funeral bill. Additionally, you will be required to present written proof of the loss of financial support and household services.

How much time do I have to file my claim?

You should submit your claim for survivor loss benefits as soon as possible following the accident, but claims for survivor loss benefits can be submitted up to within one year of the date of the accident.

I STRONGLY RECOMMEND THAT YOU CONSULT WITH AN ATTORNEY IMMEDIATELY AFTER THE ACCIDENT TO REVIEW YOUR CLAIMS FOR SURVIVOR LOSS BENEFITS TO MAKE SURE THAT THE PROPER DOCUMENTS ARE SUBMITTED AND THAT YOU ARE CLAIMING EVERYTHING THAT YOU ARE ENTITLED TO RECEIVE UNDER THE LAW

What do I do if the insurance company refuses to pay these benefits?

If your insurance company refuses to pay these benefits, your only recourse is to file a lawsuit against the company demanding payment for the survivor loss benefits.

How much time do I have to file my lawsuit?

If the claims are presented within one year but are not paid by the insurance company within one year of the date of expense or claim, it will be necessary to start a lawsuit within that one year period in order to protect your claim. *If you choose to begin a lawsuit against your insurance company for No-Fault benefits, you must file a lawsuit within ONE YEAR of the date on which the last unpaid No-Fault benefit was incurred.* If you fail to file your lawsuit within this one year period, you will lose the right to have the benefit or expense paid.

If there are any outstanding claims that have not been paid by the insurance company as you are approaching the one year anniversary of your accident, I recommend that you file a lawsuit prior to the one year anniversary of the accident.

I hope you found this book to be a valuable resource of information on your legal rights after a Michigan pedestrian accident. Of course, you probably have questions that were not answered in this book or would like a more detailed explanation of the legal options for your specific case. You can always just pick up the telephone and give me a call at 1-800-606-1717 and I will answer all of your questions and concerns.

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