

## MICHIGAN NO-FAULT BENEFITS

Under Michigan's No-Fault law, you are entitled to certain benefits from your own insurance company, even if you were at fault in causing the accident. Generally, you are entitled to medical expenses, wage loss, attendant care services and replacement services. The No-Fault Act is complicated and has stringent time limitations. If you have been injured in a motor vehicle crash, **contact us immediately**. We will guide you through the legal process, aggressively protect your rights, and maximize your recovery.

### 1. Who qualifies for No-Fault benefits?

If you are in a motor vehicle accident in Michigan you will generally be eligible for No-Fault benefits, even if you were at fault in the accident. There are many exceptions, but the most common situation where someone is denied entitlement to No-Fault benefits is when they are an owner of an uninsured vehicle that was involved in the car accident. If you are unsure as to whether you qualify for benefits, contact our office for a free consultation.

### 2. Finding Insurance Coverage

Michigan's No-Fault law can be confusing because it often conflicts with what people expect. One particularly confusing area has to do with whose insurance company you file a claim with when you are injured in a car crash. If you are injured in a car crash caused by another person's negligence, you file the claim with your own insurance company. If you do not have insurance coverage, and were not in a vehicle registered to you, you would then collect benefits from a resident relative's insurance policy. This applies even if the relative and their vehicle were not involved in the accident. If the vehicle involved in the accident was not yours, and you do not have a resident relative with a No-Fault policy, you would then go to the policy of the person who owned the vehicle you were in at the time of the accident. If that vehicle is not insured, you go to the No-Fault policy of the driver that struck you in the accident. If there is no policy on that vehicle, your benefits will be provided by the Michigan Assigned Claims Facility. The No-Fault priority system is very confusing to someone without experience with the No-Fault Act. Do not risk your rights and benefits. **Contact our office immediately.**

### 3. If I do make a claim with my insurance company for No-Fault benefits, will my premiums go up?

No, your insurance rates will not go up for filing a claim for No-Fault benefits.

### 4. What benefits am I entitled to?

#### a. Wage loss

You are entitled to up to three years of 85% of your average gross wages. The wage loss benefits are not taxable and there is a statutory cap to the amount you can collect.

If you were temporarily unemployed at the time of the accident, you may still be entitled to work loss benefits. To qualify, you must show that you would have gained employment if the accident had not occurred.

#### b. Medical bills

You are entitled to payment of all reasonable and necessary medical and rehabilitative expenses, including: hospital and doctors' fees, nursing home care, vocational and

occupational rehabilitation, home modifications and vehicles for handicapped people, and mileage to appointments.

These benefits are paid for your lifetime, provided the medical care is directly related to the motor vehicle crash.

c. Attendant care

You are entitled to attendant care benefits if your medical condition necessitates them. If you are unable to care for yourself due to your injuries and need a friend, family member, or medical professional to assist you with your activities of daily living, your No-Fault carrier will bear the financial responsibility for their services.

d. Replacement services

If your injuries leave you unable to manage your home, you are entitled to three years of replacement services at the maximum rate of \$20.00 a day. This is for expenses you incur because of your injury, such as: babysitting, housekeeping, grocery shopping, errand running, and yard work.

5. Survivors' Benefits

If a person dies because of injuries suffered in a motor vehicle accident, the insurance company will pay benefits up to three years which included wages and other income, all medical expenses before death so long as they were reasonably necessary and related to the accident, and some funeral and burial expenses.

6. How do I receive No-Fault benefits?

When you get in an accident, you should immediately notify the proper insurance carrier. Contact the insurance carrier and request an application for benefits, fill the form out immediately, and mail it back to the insurer. You must notify the insurer in writing. If you fail to notify the insurer within one year, you will forever lose your entitlement to No-Fault benefits.

7. What is the statute of limitations in No-Fault cases?

There is a one-year statute of limitations on No-Fault claims.

8. When is a benefit considered overdue?

A benefit is overdue if it has not been paid within 30 days after reasonable proof has been submitted to the insurer. If a bill is not paid, you must file a lawsuit within a year the expense was incurred or you will lose your right to reimbursement for that particular expense.