

WHAT HAPPENS IF THE INJURED PERSON'S INJURY MEETS THE THRESHOLD IN KENTUCKY?

“To discuss whether an automobile accident victim meets the threshold, we must first discuss Kentucky’s no-fault or PIP benefits.”



Musselwhite Meinhart & Staples, PSC



Understanding the laws that govern automobile accidents in Kentucky can be a bit tricky. Kentucky is a “no-fault” state with regard to the damages sustained by victims of an automobile accident. To discuss whether an automobile accident victim meets the threshold, we must first discuss Kentucky’s no-fault or PIP benefits.

WHAT ARE KENTUCKY’S NO-FAULT BENEFITS?

Under Kentucky’s personal injury protection laws, also known as no-fault benefits, the first \$10,000 in medical expenses, lost wages and other reimbursable expenses related to injuries sustained in a car accident will be paid by the injured party’s insurance company regardless of fault. In other words, even though your injuries were caused by another driver’s negligence, the first \$10,000 in reimbursable expenses will be paid by your insurance company not the other driver or the insurance company for the other driver.



The intention of no-fault benefits was to make it easier for an injured party to receive reimbursement for lost wages and medical expenses along with other reimbursable expenses. Prior to no-fault benefits, the victim of an automobile accident had to wait until he or she reached a settlement with the other driver's insurance company or until a trial settled the matter before the victim could receive any compensation for medical expenses and lost wages.

No-fault benefits allow a victim to receive reimbursement for lost wages and medical expenses while he or she recovers from injuries sustained in the accident. It also helps the victim pay for necessary living expenses if he or she cannot work while attempting to settle a disputed insurance company.

Unfortunately, \$10,000 does not always cover all of the damages in an automobile accident. The no-fault laws had to provide a way for victims to recover additional compensation when their injuries were so severe that \$10,000 does not properly compensate them. Therefore, the no-fault laws contain a provision allowing the victim to pursue the at-fault driver when the victim “meets the threshold.”

WHAT MEETS THE THRESHOLD IN AN AUTOMOBILE ACCIDENT?

Kentucky no-fault laws restrict who can sue in an automobile accident case. Unless the victim meets the threshold requirements, he or she is barred from suing the at-fault party for compensation. The victim can only collect up to the \$10,000 PIP limit unless the victim meets the threshold.

The threshold requirements under Kentucky’s no-fault laws are:

- \$1,000 in medical expenses
- Permanent injury
- Fractured bone
- Disfigurement
- Loss of body member



- Permanent loss of bodily function
- Death

As you can see, a person meets the threshold if he or she incurs a minimum of \$1,000 in medical expenses. This is a very low threshold to meet; therefore, the victim can receive up to \$10,000 in no-fault benefits and still qualify under the threshold requirements to sue the at-fault party for any damages above and beyond the \$10,000 payment.

CAN I REJECT NO-FAULT BENEFITS?

Yes, you can reject the no-fault benefits by completing and filing the proper



form. Most people do not know that they can opt out of the no-fault laws because insurance companies do not properly explain this to their customers. A rejection of no-fault benefits means that you will not be required to meet the threshold to

sue the at-fault party in an automobile accident. However, while opting out of

the no-fault laws means that you do not need to worry about the threshold, you are giving up valuable benefits.

No-fault benefits are very useful if you are involved in an automobile accident. You may be out of work for several weeks or months due to your injuries. The \$10,000 payable under your no-fault benefits can help you pay your living expenses as you recover from the accident.

You have the choice to direct your no-fault insurance carrier not to pay any medical expenses or other bills

so that you can reserve your no-fault benefits for your lost wages. Your health insurance may cover your medical expenses while you wait to settle your automobile accident claim; however, most people do not have a source of income other than their wages. Having your no-fault benefits to replace a portion of your lost wages is a huge benefit.

The image shows a white document titled "INSURANCE CLAIM FORM" in bold black letters. Below the title is a form with several fields: "Name", "Occupation", "Address", "Age", "Date", "Location", and "Zip". There is also a section labeled "Note your idea" and a partially visible field labeled "come". The form is set against a dark background and is framed by a teal border.

While you then need to worry about whether your claim meets the threshold to file a lawsuit, if your injuries are severe enough to keep you out of work for several weeks, you are probably going to incur more than \$1,000 in medical expenses. That fact alone meets the threshold to allow you to file a lawsuit against the at-fault party if necessary without taking into consideration if any of your injuries meet the threshold requirements.

DO I NEED AN ATTORNEY IF I MEET THE THRESHOLD?

It is always in your best interest to consult an experienced automobile accident attorney as soon as possible following an accident. Our office offers free



consultations for victims of an automobile accident. It does not cost you anything to come to our office and discuss your case with an experienced personal injury attorney.

Regardless of whether you believe your case meets the threshold, it is always advisable to

seek the counsel of an attorney before making any decisions. Insurance

companies want to decrease the amount paid on claims; therefore, they are not acting in your best interest. An attorney will fight for your rights to receive the compensation you are entitled to because of your injuries.

CONTACT AN EXPERIENCED RADCLIFF OR LOUISVILLE AUTOMOBILE ACCIDENT ATTORNEY

We've Helped Thousands of KY Families, we can help you!

The personal injury attorneys of Musselwhite Meinhart & Staples, PSC have over 50 years of combined legal experience handling personal injury cases. This experience has enabled the attorneys to achieve the best possible results for their clients time and time again. Your case is important to you; therefore, it is important to us. We represent clients in Hardin County, Jefferson County and throughout central Kentucky from our offices in Radcliff and Louisville.

Contact us at (270) 351-6032 or (502) 964-1968 or 1-800-754-HELP to schedule a free consultation with one of our attorneys. You may also contact our office through our convenient [online contact form](#). We look forward to meeting with you to discuss your legal options for collecting compensation for your injuries.

About the Author

Paul Musselwhite, Carol Blakeley Meinhart, Kimberly Musselwhite Staples, and Robert D. McIntosh are the experienced and knowledgeable attorneys that make up Musselwhite, Meinhart & Staples. With over 50 years of combined experience, they have been serving the legal needs of individuals, individuals in the military and families in Hardin county and all of central Kentucky with pride and dignity. Practicing in civil cases in Hardin county, central Kentucky and beyond, they are experienced in all types of law.

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