

## **Do I Need A Lawyer For A San Antonio Car Accident?**

Hundreds of thousands of people in San Antonio and Bexar County get on the road every day, and none of them expect to be involved in a [car accident](#). When an accident does happen, the injured person may not know what to do. The process of filing an insurance claim and seeking full and fair compensation for an injury is often difficult, especially if the victim tries to go through it alone.

In San Antonio and throughout Texas, people injured in auto accidents need to know their rights and options to rebuild their lives, including the benefits of hiring an experienced attorney to help them with their claims.

### **Facts about auto accidents in San Antonio**

According to statistics compiled by the [Texas Department of Transportation](#), a total of more than 246,000 people statewide were injured in motor vehicle crashes statewide in 2015, the most recent year for which comprehensive statistics are available. Just over 17,000 of those victims sustained serious injuries, which the state defines as injuries causing the victim to become incapacitated. The total death toll was 3,531, which represented little change from the previous year's figure of 3,536 fatalities.

Put another way, according to the TxDOT data, a reportable crash happens somewhere in Texas every minute, and someone is injured every two minutes. A fatality happens roughly every two and a half hours, on average.

The San Antonio area proved to be one of the most dangerous regions for Texas motorists. There were 48,289 total crashes in Bexar County in 2015, according to the [TxDOT data](#). A total of 1,138 people sustained severe injuries and 186 people were killed in Bexar County crashes in 2015 – an average of about three serious injuries per day and a death every two days. In all of these metrics, Bexar County ranked third among Texas counties, behind only Harris and Dallas counties.

### **How auto insurance works in Texas**

Texas, like most states, is considered a “fault” or “at-fault” state for car accidents. This means that the driver who is found to be at fault for an accident is responsible for paying compensation to persons injured in the accident. Texas also uses a system called modified comparative negligence, which means that if multiple parties are partially at fault, each party pays out compensation in proportion to the percentage of fault. However, there is a 51 percent bar in Texas, which means that someone who is at least 51 percent at fault for the accident cannot recover compensation, even if another party is also partially at fault.

[Texas law](#) requires drivers to carry liability insurance or otherwise demonstrate that they are financially able to pay for the damages they cause in an accident. Most motorists buy liability insurance to meet this requirement. The minimum coverage in Texas is called 30/60/25

coverage, which means up to \$30,000 for any single person injury in an accident caused by the insured person, up to \$60,000 total for all injured people in a single accident, and up to \$25,000 for property damage per accident.

It is quite common for a single accident to cause damage in excess of the minimum liability limits. Many Texas motorists choose to purchase additional liability coverage to protect their assets in the event of an accident. If an accident causes damages beyond the motorist's personal liability coverage, the motorist can be held individually liable for those excess damages.

In addition to mandatory liability coverage, some types of insurance available in Texas include:

- **Collision and comprehensive coverage:** Collision pays for damage to a vehicle sustained in an accident, while comprehensive pays for damage caused by non-collision causes such as theft, vandalism or natural disaster. Neither is required by law in Texas, although they are usually required by lienholders if the vehicle is financed.
- **Medical payments coverage:** This optional coverage pays for medical and funeral bills resulting from an accident, regardless of fault. It covers the insured person, family members, passengers in the insured vehicle, and others such as bicyclists and pedestrians.
- **Personal injury protection (PIP):** This type of coverage, also optional in Texas, covers the same costs as medical payments, as well as 80 percent of lost income while recovering from injuries sustained in an accident. It also covers the cost of in-home care for an injured person, up to the policy limit.
- **Uninsured/Underinsured motorist coverage (UM/UIM):** This type of coverage pays for damages caused by an uninsured driver or a driver whose insurance is inadequate to pay for the full cost of an accident. It also covers accidents caused by a hit-and-run driver who is never found. In Texas, UM/UIM is split into two types of coverage: bodily injury UM/UIM and property damage UM/UIM.

An injured person's rights and options in the wake of an accident depend heavily on his or her insurance policy, as well as the insurance policy carried by the at-fault driver. A Texas attorney with experience dealing with insurance companies can help the injured person explore all applicable coverage and get as much compensation as possible for his or her losses.

### **Types of compensation for Texas auto accidents**

Even a seemingly minor accident can have significant financial implications for someone who is injured. Injured parties can seek damages (financial compensation) for a wide range of losses following a crash. Most of these damages are called *economic damages*, which means they are intended to compensate the victim for documented financial losses with a specific dollar value. Economic damages include:

- Medical expenses for injuries sustained in the accident

- Lost wages and lost future earnings
- Replacement services such as childcare and yardwork
- Repairs or replacement of property damaged in the accident
- Modifications to a home or vehicle needed to accommodate a permanent injury
- Loss of employment or business opportunities

Other compensatory damages are considered *non-economic*, meaning they compensate the victim for losses that are somewhat more subjective, but still real and demonstrable. Examples of non-economic damages include pain and suffering, emotional distress, loss of consortium and loss of quality of life.

Rarely, a jury may award exemplary damages, called punitive damages in some other jurisdictions, to the injured person. Exemplary damages are intended to punish grossly negligent or intentional conduct rather than to compensate the victim for specific losses. For example, car accidents caused by drunk drivers may lead to an award of exemplary damages.

One of the most important roles of a car accident lawyer is to review the impact that the accident has had on the injured person's life and determine the full extent of his or her losses, both economic and non-economic. An experienced attorney can then build a case for full and fair compensation and present that case in negotiations with the insurance company or at trial.

### **Pursuing fair compensation in Texas**

In a "fault" insurance state such as Texas, accident victims typically have three options to pursue compensation:

- File a "first-party" claim with their own insurance carrier.
- File a "third-party" claim with the at-fault driver's insurance carrier.
- File a lawsuit against the at-fault driver (whose interests will be represented by the insurance carrier).

In some cases, the victim may have the option to pursue compensation from an entity other than the at-fault driver. These cases may include "crashworthiness" claims against a vehicle manufacturer, "dram shop" claims against establishments that serve liquor to drunk drivers, and even claims against an engineering company or government agency that was responsible for maintenance of the road where the collision took place.

Thorough investigation and significant experience are the keys to identifying all of these potential sources of compensation. In many cases, even talking to a lawyer makes a significant difference in terms of the injured person's recovery, as that initial consultation may reveal legal options that the victim may not have known were available. And an experienced car accident lawyer can not only locate those potential sources of compensation, but also represent the victim in negotiations and at trial to pursue full and fair compensation for all of the losses sustained.

**For More Information**

Contact [The Herrera Law Firm](#), an injury law firm with extensive experience representing Texans injured in motor vehicle accidents. The firm is located in San Antonio and serves accident victims statewide.