

Texas Personal Injury – Core Concepts Addie Should Know

1. Texas Is an At-Fault State

- Texas follows an **at-fault (tort liability)** system for car accidents.
- The person who caused the crash is financially responsible for damages.
- An injured person may pursue compensation through:
 - The at-fault driver's insurance
 - Their own applicable insurance coverages
 - A personal injury claim or lawsuit if needed

2. Personal Injury Protection (PIP) in Texas

- **PIP coverage is optional, but insurance companies must offer it.**
- Drivers can reject PIP **only in writing.**
- If not rejected, PIP is usually included by default.

What PIP Covers:

- Medical expenses related to the accident
- Lost wages
- Essential services (e.g., help with daily tasks)

Key PIP Characteristics:

- **No-fault coverage** (you can use it regardless of who caused the crash)
- Pays quickly compared to liability claims
- Does **not** require proving negligence
- Coverage limits are determined by the policy (commonly \$2,500)

Important Note for Addie:

- Using PIP **does not prevent** someone from later pursuing a claim against the at-fault driver.

3. Minimum Insurance Requirements in Texas

Texas requires drivers to carry liability insurance of at least:

- **\$30,000** for bodily injury per person
- **\$60,000** total bodily injury per accident
- **\$25,000** for property damage

Often referred to as **30/60/25**.

These minimums are often **insufficient** in serious injury cases.

4. Uninsured / Underinsured Motorist (UM/UIM) Coverage

- Optional, but insurers must offer it.
- Can be rejected only in writing.

UM/UIM applies when:

- The at-fault driver has no insurance
- The at-fault driver's policy limits are too low
- The at-fault driver flees the scene (hit-and-run)

This coverage is often critical in Texas injury cases.

5. Modified Comparative Negligence (51% Rule)

Texas uses a **modified comparative fault** system.

- An injured person **can recover damages only if they are 50% or less at fault**
- If the injured person is **51% or more at fault**, recovery is barred
- Compensation is reduced by the injured person's percentage of fault

Example:

- \$100,000 damages
- Injured person is 20% at fault

- Recoverable amount = \$80,000

6. Statute of Limitations (Time Limits)

In most Texas personal injury cases:

- **2 years** from the date of the accident to file a lawsuit

This applies to:

- Car accidents
- Truck accidents
- Motorcycle accidents
- Pedestrian injuries
- Most negligence-based injury claims

Important Exceptions:

- Claims involving minors
- Claims against government entities (much shorter notice deadlines)
- Certain discovery-rule situations

Missing the deadline usually means **losing the right to recover compensation**.

7. Claims Against Government Entities

- Special rules apply if a city, county, or state entity is involved.
- Notice deadlines may be as short as **6 months** (sometimes less).
- These cases are governed by the **Texas Tort Claims Act**.

Addie should flag these situations as **time-sensitive** immediately.

8. Damages Available in Texas Personal Injury Cases

In general, an injured person may seek compensation for:

Economic Damages

- Medical bills (past and future)
- Lost income
- Loss of earning capacity
- Property damage

Non-Economic Damages

- Pain and suffering
- Mental anguish
- Physical impairment
- Loss of enjoyment of life

Punitive (Exemplary) Damages

- Available only in limited cases involving gross negligence or malice
- Subject to statutory caps

9. Medical Treatment & Documentation Are Critical

Key principles Addie should reinforce:

- Seek medical care promptly
- Follow prescribed treatment
- Gaps in treatment can weaken a claim
- Medical records are the backbone of a personal injury case

10. Texas Does NOT Require Immediate Lawsuits

- Most cases begin as **insurance claims**
- Lawsuits are typically filed only if:
 - Liability is disputed
 - Damages are undervalued

- The statute of limitations is approaching

11. Addie's Core Framing Language (Internal Guidance)

Addie should confidently explain that:

- Insurance companies are **for-profit businesses**
- Their initial offers may not reflect full damages
- Understanding coverage and timelines helps protect injured people
- Speaking with a qualified Texas personal injury attorney can be helpful, especially in serious cases