

Kentucky Injury Claim Handbook

A plain-English guide to the first weeks after an accident

- Medical care and records
- Kentucky no-fault (PIP) insurance
- Filing deadlines
- Insurance adjusters
- Checklists and a daily injury log

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Reviewed by Larry Forman, Attorney. Kentucky law as of October 2026.

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Before you start. This handbook is written for people hurt in car, truck and motorcycle crashes, falls and other accidents in Kentucky, and for family members helping them. Much of it focuses on motor vehicle claims, because Kentucky's no-fault system adds rules most people have never heard of. Statute citations are included so you can check them yourself at apps.legislature.ky.gov. Laws change and every case is different: use this as a starting point, not as advice for your situation.

1. The first 24 hours

What you do in the first day can protect your health and your claim.

- 1 Check for injuries and call 911 if anyone is hurt. Kentucky law requires drivers in a crash to stop, help anyone injured and exchange names, addresses, registration and insurance information (KRS 189.580).
- 2 Make sure police are notified if anyone is injured or killed or a vehicle can't be driven (KRS 189.635). Ask for the report number.
- 3 If no one is hurt and the cars can move on an interstate or parkway, move them out of the travel lanes.
- 4 Photograph the vehicles, plates, the scene, traffic signals, skid marks, debris and your injuries.
- 5 Get names and phone numbers of witnesses. Note any cameras on nearby businesses or homes.
- 6 Don't apologize or guess about fault. Describe what happened factually.
- 7 Get medical care, even if you feel "fine." Adrenaline hides pain, and some injuries show up later.
- 8 Notify your own insurance company promptly. Be careful about giving a recorded statement to the other driver's insurer.

Tip: Start a folder (paper or phone) the same day. Put everything in it: the report number, photos, receipts, letters and the names of everyone you talk to.

2. Medical care and your records

Your medical records are the backbone of any injury claim. They show what was hurt, how it was treated and how it affects you.

Danger signs after a head injury

Go to the emergency room right away for a worsening headache, repeated vomiting, slurred speech, weakness or numbness, one pupil larger than the other, unusual drowsiness, seizures, confusion or any loss of consciousness (CDC HEADS UP).

Good habits

- Tell every provider exactly how the injury happened and every symptom, even ones that seem minor.
- Follow your treatment plan and keep appointments. Gaps in treatment are one of the most common insurance arguments.
- If pain starts days later, get checked and say when it started.
- Keep a daily log of pain, sleep and activities (chapter 12 has a form).
- Ask for copies of imaging reports, and keep discharge papers and prescriptions.
- Mention any earlier injuries honestly. A crash that makes an old condition worse is still compensable.

Typical recovery times

According to the American Academy of Orthopaedic Surgeons, some fractures heal in 3 to 4 weeks, many take 6 to 8 weeks, and others take several months. Pain usually fades before the bone is strong enough for normal activity. Soft tissue injuries often improve over weeks but can last longer. Your own doctor's timeline is the one that matters.

3. How Kentucky no-fault (PIP) works

Kentucky is a “choice no-fault” state. For most motor vehicle crashes, personal injury protection (PIP), also called basic reparation benefits, pays the first medical bills and lost wages regardless of who caused the crash.

- PIP generally provides up to \$10,000 per person in basic reparation benefits for medical expenses, lost wages and certain other losses (KRS 304.39-020).
- Which policy pays first depends on the situation: generally the policy on the vehicle you were in, then other policies in the order the statute sets (KRS 304.39-050).
- Drivers can reject the no-fault limitations in writing. That choice affects both their PIP benefits and their right to sue or be sued (KRS 304.39-060).
- Pedestrians and motorcyclists have special rules. Ask your insurer which coverage applies.
- Uber and Lyft drivers have additional coverage rules while logged in (KRS 281.655).

Health insurance

After PIP is used up, health insurance, Medicare or Medicaid may pay medical bills, but they may later ask to be repaid from a settlement (see chapter 9).

Tip: Send PIP claim forms back promptly and keep copies. PIP payments also matter for the motor vehicle filing deadline (chapter 7).

4. Kentucky's threshold for pain and suffering

In a motor vehicle claim, Kentucky's no-fault law limits when you can recover non-economic damages such as pain and suffering from an at-fault driver who hasn't rejected the no-fault system. You generally must show at least one of these (KRS 304.39-060(2)(b)):

- More than \$1,000 in reasonable medical expenses
- A fractured bone
- Permanent disfigurement
- Permanent injury, or permanent loss of bodily function
- Death

Most claims with real treatment pass the \$1,000 medical expense part of the test. Keeping your records and bills organized makes this easy to show.

What "pain and suffering" covers

Physical pain, emotional distress, loss of enjoyment of life, inconvenience and the ways an injury changes your daily routine. A daily log written at the time is often the strongest evidence of these losses.

5. Insurance adjusters and recorded statements

Adjusters are trained professionals whose job is to resolve claims for their company. Being polite and careful protects you.

- You must cooperate with your **own** insurer under your policy. You generally don't have to give a recorded statement to the **other** driver's insurer.
- Before any recorded statement, get the adjuster's name and claim number and ask what it will cover.
- Stick to facts. Don't guess about speed, distance or your injuries. "I don't know" is an acceptable answer.
- Don't sign broad medical authorizations that open your entire medical history.
- Don't sign a release or cash a check marked "final" until you understand what you're giving up. A release usually ends your claim for good.
- Watch for early offers made before you know how your injuries will heal.
- Keep a log of every call: date, name and what was said.

Independent medical exams

Your PIP insurer may ask you to see a doctor of its choosing. Go, be honest and consistent, and write down how long the exam lasted and what was done.

6. Comparative fault

Kentucky uses **pure comparative fault** (KRS 411.182). If you were partly at fault, your recovery is reduced by your share of fault, but you are not barred from recovering. There is no 50% or 51% cutoff.

Example: if your damages are found to be a certain amount and a jury decides you were 20% at fault, you recover 80% of that amount.

How fault is shown

- Police reports (helpful, but not the final word)
- Photos and video, including dash cams and business cameras
- Witness statements
- Vehicle data and phone records in some cases
- Traffic laws, such as the duty to yield to emergency vehicles (KRS 189.930)

Tip: Insurers sometimes suggest you were partly to blame to reduce what they pay. Don't agree to a fault percentage on a call.

7. Filing deadlines

Kentucky's deadlines are among the shortest in the country. Missing one can end a claim no matter how strong it is.

Type of claim	General deadline	Law
Most personal injury claims (falls, dog bites, assaults, many others)	One year	KRS 413.140
Motor vehicle injury claims	Two years from the injury or the last PIP payment, whichever is later	KRS 304.39-230
Claims against state agencies (Board of Claims)	One year; damage caps apply	KRS 49.120, 49.040

Other rules can apply to wrongful death, medical claims, minors, government defendants and product claims. Some deadlines are shorter. Our online statute of limitations calculator gives a rough estimate, but only a lawyer can confirm your date.

Tip: Write your possible deadline on the front of your folder and talk with a lawyer well before it.

8. Lost wages and other damages

“Damages” means the losses the law lets you recover. They usually fall into two groups.

Economic damages

- Medical bills, past and future
- Lost wages and lost earning ability
- Out-of-pocket costs: mileage to appointments, prescriptions, braces, help at home
- Property damage and rental cars

Non-economic damages

- Pain and suffering
- Mental and emotional distress
- Loss of enjoyment of life
- In some cases, loss of consortium for a spouse or children

Proving lost wages

- Pay stubs and tax returns
- A letter from your employer showing missed days and your rate of pay
- Doctor’s notes or work restrictions
- For self-employed people: invoices, bank records and lost contracts

9. Medical bills, liens and subrogation

When a health plan or government program pays your medical bills, it may have a right to be repaid from your settlement. This is called a lien or subrogation claim.

- Medicare and Medicaid have repayment rights set by federal and state law.
- Employer health plans may have repayment terms in the plan documents.
- Hospitals may file liens in some situations.
- PIP may have rights in certain circumstances.

These claims can often be reduced or negotiated, and they should be resolved before settlement money is paid out. Ignoring them can create problems later.

Letters of protection

Some providers treat now and wait to be paid from a settlement under a “letter of protection.” Understand the terms before you sign one.

10. Questions to ask before you hire a lawyer

Not every accident needs a lawyer. For minor property damage with no injury, you may be able to handle it yourself. If you were hurt, or the insurer disputes fault or delays, it's worth a conversation. Questions to ask:

- 1 Who will actually handle my case day to day, and how do I reach them?
- 2 How often will I get updates?
- 3 Have you tried injury cases to a jury? How many?
- 4 How do your fees and case costs work, and will I get the agreement in writing?
- 5 What happens if the insurer won't make a fair offer?
- 6 Will you prepare my case as if it will go to trial?
- 7 Will any settlement require my approval? (It should.)
- 8 What do you need from me right now?

About us

Forman & Associates is a Louisville based personal injury firm. Larry Forman has tried 50+ jury trials and prepares every case as if it will be tried. The first consultation is free.

11. Claim checklist

Check items off as you go.

- ☐ Police report number and copy
- ☐ Photos of vehicles, scene and injuries
- ☐ Witness names and phone numbers
- ☐ Other driver's name, insurance company and policy number
- ☐ Your insurance claim number and adjuster's name
- ☐ PIP application sent (date: _____)
- ☐ All medical providers listed with dates of visits
- ☐ Copies of medical bills and records
- ☐ Prescription and mileage receipts
- ☐ Pay stubs and employer letter for missed work
- ☐ Daily injury log started
- ☐ Property damage estimate and repair or total-loss paperwork
- ☐ Rental car receipts
- ☐ Copies of every letter from any insurer
- ☐ Possible filing deadline written down (date: _____)
- ☐ Free consultation scheduled with a lawyer

12. Daily injury log

Fill in a line each day. Be specific. Print more copies as needed, or use our free printable pain journal at larryformanlaw.com/resources/injury-pain-journal/.

Date	Pain (0-10)	Where it hurts	Treatment / medicine	What I couldn't do today

Contact us

Have a question this handbook doesn't answer? Call us. The consultation is free.

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Web: larryformanlaw.com

Free case review: larryformanlaw.com/free-case-review/

Free online tools

- “Do I have a case?” checker: larryformanlaw.com/resources/do-i-have-a-case/
- Statute of limitations calculator:
larryformanlaw.com/resources/kentucky-statute-of-limitations-calculator/
- Printable pain journal: larryformanlaw.com/resources/injury-pain-journal/
- Injury Resource Center: larryformanlaw.com/resources/

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This handbook is general information about Kentucky law as of October 2026. It is not legal or medical advice, and reading it does not create an attorney-client relationship. Every case depends on its own facts. Statutes cited are from the Kentucky Revised Statutes (KRS); check apps.legislature.ky.gov for current text.