

Can Passengers File Their Own Claims After a Car Crash in Maine?

Get trusted legal help from an attorney who knows the Maine legal system

Being a passenger in a car crash can feel like getting caught in a storm you never saw coming. One moment you're sitting quietly, and the next, everything's spinning out of control. You're hurt, shaken, and wondering what to do next. You weren't the driver, but you're the one dealing with medical bills, missed work, and lingering pain.

It's natural to ask: can passengers file their own insurance claims after a [car accident](#) in Maine? The short answer is yes, but understanding how the process works can make all the difference in protecting your rights and recovering what you're owed.

What are Maine's car accident liability rules?

Maine follows a fault-based system when it comes to car accidents. That means the person who causes the crash is legally responsible for paying for the damages. Most of the time, passengers aren't at fault, which gives them a strong position when filing a claim.

Under Maine's comparative negligence law ([14 M.R.S. §156](#)), even if you share some responsibility for the crash or your injuries, you can still recover compensation as long as you're less than 50% at fault. For example, if you weren't wearing a seatbelt, your compensation might be reduced, but it doesn't take away your right to file a claim.

Determining fault in Maine involves gathering police reports, photos of the crash scene, dashcam footage, and witness statements. These details matter because they determine which insurance company pays and how much.

Can passengers file their own insurance claims after a Maine car accident?

Passengers have every right to file their own claims after a car crash in Maine. Your claim is separate from the drivers' claims, and it can be filed through more than one insurance company depending on who's responsible.

If another driver caused the crash, you can file your claim through that driver's liability coverage. If the driver of the vehicle you were in made a mistake, you can file through that person's policy. If neither driver has enough coverage (or any coverage at all), you may be able to file through your own insurance under uninsured or underinsured motorist coverage.

It's also important to understand that filing a claim doesn't necessarily mean you're suing anyone. You're filing with their insurance company, which is what that coverage is there for.

[Maine law](#) requires every driver to carry minimum liability coverage of \$50,000 for one injured person, \$100,000 for multiple injuries, and \$25,000 for property damage. The state also requires Medical Payments ([MedPay](#)) coverage, which helps pay for immediate medical care after a crash, no matter who was at fault.

What if both drivers share fault for the crash?

Sometimes, both drivers contribute to a collision. One might be speeding while the other runs a stop sign. In those cases, Maine law allows insurance companies to assign each driver a percentage of fault.

As a passenger, you can file claims against both insurance policies, and your total compensation will come from both based on those percentages. For example, if your driver is found to be 60% at fault and the other driver 40%, you could pursue payment from both of their insurance companies according to those shares.

These cases can get messy, especially when each insurance provider tries to reduce their driver's responsibility. That's why witness statements, surveillance footage, and police reports are so valuable.

What types of compensation can passengers recover?

Passengers can claim the same kinds of damages that drivers do. The main difference is that passengers rarely share responsibility for causing the crash. Depending on the severity of your injuries and how the crash affected your life, you may be entitled to compensation for:

- **Medical expenses:** This includes emergency care, surgeries, medication, and rehabilitation.
- **Lost income:** You can get compensation for wages missed during recovery or reduced earning potential if you can't return to work right away.
- **Pain and suffering:** This pays for physical discomfort, anxiety, and the emotional toll of the crash.
- **Property damage:** You can get compensated for personal items such as phones or glasses damaged in the wreck.
- **Permanent disability or scarring:** This includes long-term physical effects that impact your quality of life.
- **Wrongful death damages:** if a passenger is killed in a crash, surviving family members can bring a claim under Maine's wrongful death statute.

What happens if the at-fault driver doesn't have insurance?

Even though Maine requires every driver to carry insurance, not everyone follows the law. If you're hurt in a crash caused by an uninsured or underinsured driver, you still have options.

Maine requires uninsured motorist (UM) and underinsured motorist (UIM) coverage as part of every policy, unless you sign a waiver opting for lower limits. UM coverage applies when the at-fault driver has no insurance, while UIM coverage helps if they don't have enough to cover all your losses.

If you were a passenger, you can usually file a UM or UIM claim through:

- The driver's policy for the car you were in
- Your own insurance policy, if you carry UM or UIM coverage

In some cases, both policies may apply. For example, if you're injured as a passenger in your friend's car when another driver with no insurance crashes into you, your friend's UM coverage could pay your medical bills. If those costs exceed their policy limits, your own UM coverage might cover the rest.

Can passengers file a lawsuit in Maine?

If insurance isn't enough to cover your losses, or if the insurance companies refuse to offer a fair settlement, you have the right to file a personal injury lawsuit.

You can sue the at-fault driver, the driver of the car you were riding in, or both, depending on who was negligent. Filing a lawsuit doesn't always mean you'll end up in court. Many cases settle once the evidence is clear and the insurance providers realize you're serious about pursuing your claim.

Under Maine law ([14 M.R.S. §752](#)), most victims have six years from the date of the crash to file a lawsuit. For minors, that six-year period doesn't begin until they turn 18. Still, waiting is never a good idea. Evidence disappears, memories fade, and insurance companies use delays to their advantage.

Can passengers file a claim if they're related to or friends with the driver?

This is one of the most common questions after a crash. Many passengers hesitate to file a claim if the driver is a friend or family member. They don't want to "cause trouble" or strain the relationship.

The important thing to remember is that you're filing a claim with the driver's insurance company, not against the driver personally. Insurance is there to protect everyone in the car, not just the person behind the wheel.

If your friend or family member was at fault, their liability coverage can help pay for your medical bills and other damages. You're not suing them or taking money directly from their pocket. You're simply using the insurance protection that already exists.

It's also worth noting that when serious injuries are involved, the driver's insurance company is legally obligated to pay up to the policy limits.

How does medical payments (MedPay) coverage help passengers?

Maine law requires all auto policies to include MedPay coverage, which acts as a safety net for immediate medical expenses after a crash.

MedPay covers bills regardless of fault, and it can help with:

- Ambulance rides and emergency treatment
- Hospital stays and surgeries
- Diagnostic tests such as X-rays or MRIs
- Rehabilitation or physical therapy

Typical MedPay limits range from \$2,000 to \$10,000, though some drivers choose higher limits for extra protection. If you were injured as a passenger, MedPay can pay your early medical costs quickly while larger claims are still being processed. It also works alongside health insurance, which can prevent you from facing out-of-pocket expenses while waiting for a settlement.

MedPay doesn't affect your right to file other claims; it's meant to provide quick relief when you need it most.

Our Maine attorneys can help you recover compensation after a passenger injury

If you were injured as a passenger in a Maine car crash, the legal team at [Romanow Law Group](#) can help you navigate every step of the process. We know how confusing and stressful these situations can be, especially when multiple insurance companies are involved.

Our attorneys will handle the paperwork, investigate the crash, and fight to make sure you're fully compensated for your injuries, lost income, and long-term needs. You didn't cause the crash, and you shouldn't be left paying for it.

[Contact us](#) today for a free consultation and learn how we can help you get the justice and compensation you deserve.