

NAUTICAL TOURIST ACCIDENT VICTIMS' RIGHTS AND RESPONSIBILITIES CHECKLIST

NOTE: Since missing a time limit may nullify the opportunity to receive compensation, the time limits are discussed first, followed by answers to FAQ.

TIME LIMITS

Cruise line operators.

Almost all of these operators put two short time limits printed upon the ticket of passage. **READ ALL OF THE TICKET.** (A) Typically, the passenger promptly must notify the operator in writing of a possible personal injury claim. A medical record or accident report made aboard the vessel may not be enough. Often the short period to notify is within 6 months of the injury or illness, but it may be a different period. (B) Typically, a lawsuit must be filed in a court within 1 year of the injury or illness, but the deadline might be different.

Ferry Boats.

Typically, ferries in the United States are operated by state or local government agencies or by private companies in association with state or local government. If this is the circumstance, the laws of the state that allow claims for personal injuries against state or local governments to be made would apply. Often such claims require two steps. First, a written administrative claim must be timely filed with the proper authority and office. Often, a particular claim form must be used, which the government agency can provide. Second, if the claim against government agency either rejects the claim or ignores it, suit must be timely filed in court. The time limits for these two procedures vary from state to state. Usually, the time limits are short.

In the circumstances of privately operated ferry, see below section "Small Commercial Boats."

Small Commercial Boats.

Some of these operators put short time limits and other procedures in place, other operators do not. If a ticket of passage was issued, **READ ALL OF THE TICKET.** If the ticket requires, typically there must first be a written notice to the operator; then, the ticket may also require a lawsuit be filed shortly after the notice. Often, but not always, the notice period is 6 months from the accident and the time to sue is limited to a year or less from the accident date.

If there was no ticket, the applicable state statute of limitations can apply. If Admiralty jurisdiction exists, there would be an alternate 3-year limit to file suit in federal court measured from the accident date.

ANSWERS TO FREQUENTLY ASKED QUESTIONS

1. Do I have a good case?

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ANSWERS: This depends on whether you have acted timely to the following:

- A. Get passenger-witness contact information.
- B. Be sure a medical record or accident report made on the vessel.
- C. Get health care early for serious injuries.
- D. Get a doctor to medically excuse you from work if need be.
- E. Do not wait to send a written notice of the claim to the operator.
- F. Keep the ticket of passage.

2. What must be done now to make the case a strong one?

ANSWERS:

- A. Avoid giving recorded statements to the vessel representatives.
- B. Stop posting about your physical activities on social media.
- C. Avoid long breaks in between health care treatment.
- D. If your doctor is not effective, insist on seeing a new doctor.
- E. Get a small notebook and write your pain scale each day for each injury.
- F. If you pay for someone to do what you now cannot, get receipts.

3. Can a spouse or other family member make a claim?

ANSWERS:

- A. Any close relative who saw your accident has a potential claim.
- B. Spouses can make a claim even if they did not see the accident.

4. What must be done to preserve evidence?

ANSWERS:

- A. Back up storage of emails, texts, images.
- B. Get a small notebook and write your pain scale each day for each injury.
- C. Get your health care billing from your doctors.

5. How do I prove my case?

ANSWERS:

- A. Be sure you or your attorney has evidence showing the cause of the accident.
- B. Be sure you or your attorney has evidence showing the nature and extent of your personal injuries.
- C. Be sure you or your attorney has evidence showing how much was paid for health care in the past and the cost of what care you probably will need in the future, if any.
- D. Be sure you or your attorney has evidence showing how much you lost in earnings and benefits in the past and the probable amount of future losses, if any.