What happens when the at-fault driver has no insurance?

If you are hit by a driver who has no insurance, your first worry might be how to cover your medical bills, lost wages, and other losses. In California, the law requires every driver to carry liability coverage, but many still drive without it. When the at-fault driver lacks insurance, your own insurance policy can step in through uninsured motorist coverage. This coverage is designed to put you in the same position you would have been in if the other driver had carried insurance.

Uninsured motorist coverage pays for medical expenses, lost income, and pain and suffering up to your policy limits. It also covers property damage if you added that option. The process works similarly to a claim against the at-fault driver, except your own insurer handles it. You still need to show that the other driver was at fault and that your injuries and losses resulted from the crash. Your insurer then negotiates a settlement with you, just as the other driver's insurer would have done.



How uninsured motorist coverage works

Uninsured motorist coverage is not automatic in every state, but in California it is required unless you sign a waiver. If you have it, your policy includes a dollar limit for each person and each accident. When the at-fault driver has no insurance, you file a claim under your own policy. Your insurer investigates, reviews medical records, and evaluates lost income. You have the right to negotiate a settlement, and if you cannot agree, you can take the case to arbitration or court.

One important point: uninsured motorist coverage applies only when the other driver is legally at fault. If you were partly at fault, your recovery may be reduced by your percentage of fault. The same comparative negligence rules that apply in a regular car accident case apply here.

What if you do not have uninsured motorist coverage?

If you waived uninsured motorist coverage or your policy does not include it, your options narrow. You can still sue the at-fault driver personally, but many uninsured drivers have few assets. A court judgment does not guarantee payment. You might also look into your own health insurance for medical bills, though that does not cover lost income or pain and suffering. In some cases, you may qualify for assistance through state programs, but those are limited.



Because uninsured motorist coverage is relatively inexpensive and can make a huge difference, many attorneys recommend keeping it. Even a small amount of coverage can provide crucial support during settlement negotiations when the other driver has no insurance.

Steps to take after a crash with an uninsured driver

If you are in a collision and suspect the other driver has no insurance, stay calm and follow these practical steps:

- Call the police. A police report documents the scene, confirms the other driver's insurance status, and establishes fault.
- Exchange information. Get the other driver's name, address, phone number, license plate number, and insurance details if they have any. If they cannot produce proof, note that.

- Seek medical attention. Even if you feel fine, some injuries appear later. Seeing a doctor creates a record linking your injuries to the crash.
- Notify your own insurer. Report the accident promptly, even if you think the other driver is at fault. Your insurer needs to know to start your uninsured motorist claim.
- Document everything. Take photos of the vehicles, the scene, your injuries, and any property damage. Keep receipts for medical visits, prescriptions, and lost wages.

What damages can you recover under uninsured motorist coverage?

Uninsured motorist coverage typically covers the same types of damages you could recover from the at-fault driver's insurer:

- Medical expenses: hospital bills, doctor visits, physical therapy, medications, and any future medical care related to the crash.
- Lost income: wages you missed while recovering, and if your injuries affect your ability to work long-term, you may claim reduced earning capacity.
- Pain and suffering: compensation for physical pain, emotional distress, and the reduced quality of life caused by your injuries.
- Property damage: repair or replacement of your vehicle, though this often requires a separate property damage endorsement.

Your policy limits cap the total payout. If you have $30,000 per person and $60,000 per accident, that is the maximum your insurer will pay, no matter how severe your losses. If your losses exceed those limits, you might still pursue the at-fault driver personally, but again, collecting from someone with no insurance is often difficult.

How fault is determined

Even though the other driver has no insurance, you still need to prove they caused the crash. Evidence from the scene, witness statements, and the police report all help. In California, if you are found even 1% at fault, your recovery is reduced by that percentage. For example, if you are 20% at fault and your total damages are $50,000, you can only recover $40,000 from your uninsured motorist coverage.



This is one reason why it is wise to avoid admitting fault at the scene. Let the investigation determine responsibility.

The role of legal help

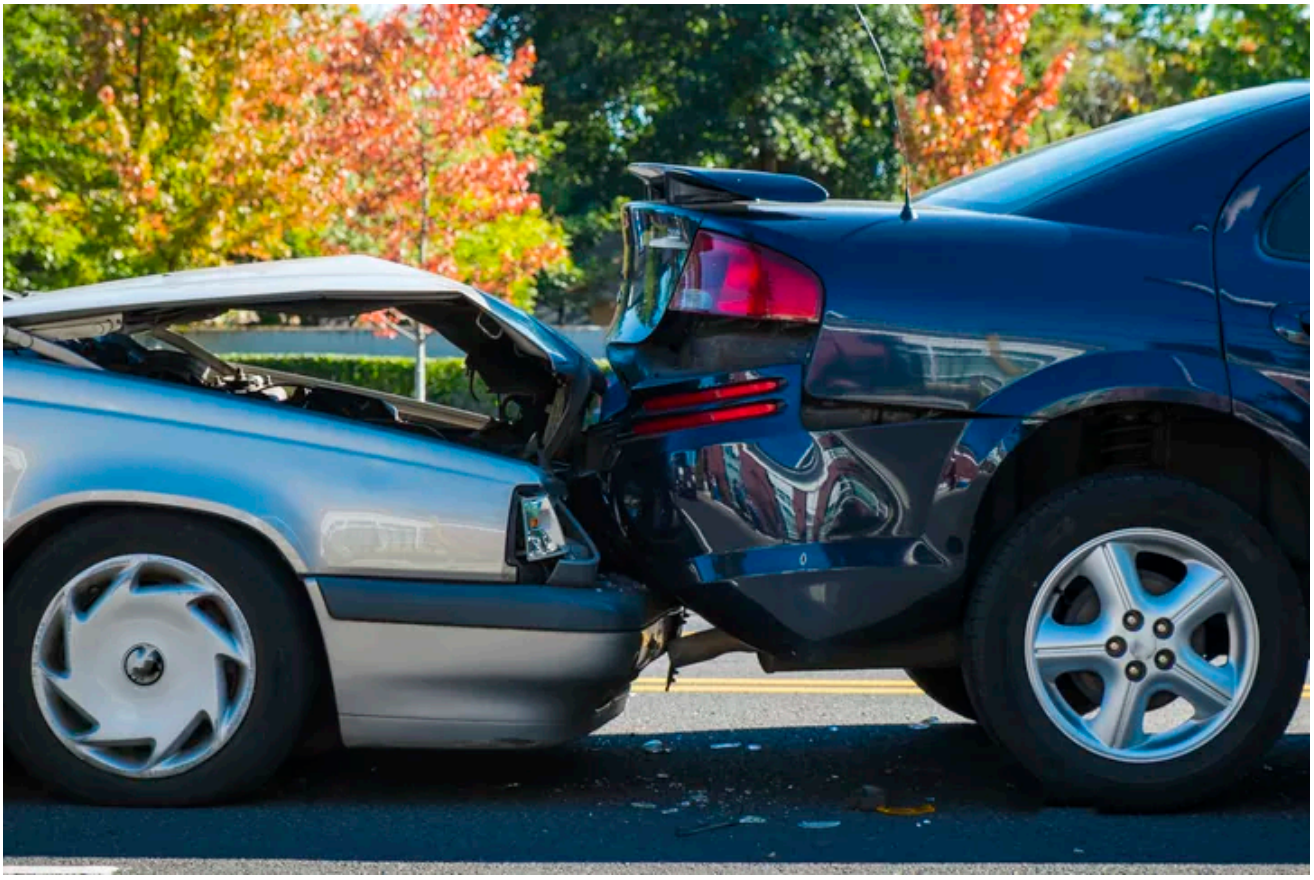
Navigating an uninsured motorist claim can be more complex than a regular claim. Your own insurer may be less sympathetic than a third-party insurer, and you have to prove your case to them. An attorney familiar with California car accident law can help you gather evidence, calculate your full damages, and negotiate a fair settlement. They can also advise you if the at-fault driver has any assets worth pursuing.

Having legal guidance can provide crucial support during settlement negotiations, especially when the other party has no insurance. An attorney can push back against lowball offers and ensure your medical bills and lost income are fully accounted for. This is particularly important if your injuries are serious or long-term.

What about property damage?

Property damage from an uninsured driver is handled separately from bodily injury. If you have uninsured motorist property damage coverage, your insurer will pay to repair or replace your vehicle up to your policy limit. If you do not have that coverage, you may need to rely on collision coverage (if you have it) or pay out of pocket. Collision coverage typically has a

deductible, and your premiums might increase after a claim. Some drivers choose to skip property damage coverage to save money, but that can leave you with a big bill after a crash.



Final points to remember

Being hit by an uninsured driver is frustrating, but you are not without options. The most important thing is to have uninsured motorist coverage on your own policy. If you do, you can recover medical expenses, lost income, pain and suffering, and property damage up to your limits. If you do not, your options are limited to suing the at-fault driver directly, which may not yield results.

After any crash, document everything, notify your insurer promptly, and consider talking to an attorney who understands California car accident law. They can help you understand your policy, negotiate with your insurer, and protect your rights. The process may take time, but you can get the compensation you need to recover.