

Hit by an Uninsured Driver? You Have Legal Options.

Getting money in this situation can be complicated

Many injured [car accident](#) victims take comfort in the belief that their medical expenses and other damages will be covered by insurance.

Unfortunately, this is not always the case.

In Texas, there is an abundance of drivers operating motor vehicles without car insurance. Without a proper insurance policy, an at-fault driver has no obvious and readily available financial resource to cover injuries, lost wages, and property damage. Moreover, there are many motorists driving around with only the minimum insurance – which means they may be *underinsured* to cover a serious accident.

Legally, victims of an [uninsured or underinsured driver](#) have the same rights to compensation as anyone else. When it comes to getting money for injuries and property damage, though, they often face an uphill battle. You need an experienced car accident attorney to help you through that fight.

How many uninsured drivers are there in Texas?

Accident victims are often surprised when the at-fault driver is uninsured, but it's more common than many people may think.

Nationwide, more than 10% of all drivers are operating motor vehicles without auto insurance, according to the Insurance Information Institute. Texas does a bit better than the national average, but the data is still concerning. About 8% of Texas drivers don't have auto insurance. That means for every dozen or so vehicles you pass, odds are at least one of them does not have insurance.

TexasSure, an insurance verification program, tracks insurance by registered vehicle, not driver. Statewide, [according to TexasSure's data](#), almost 11% of vehicles are "unmatched" and may not be insured. In Harris County, among the more than 3 million vehicles registered, 372,650 (about 12%) may not be insured.

There are many reasons a person would choose to drive without insurance, according to research by the [American Association of Motor Vehicle Administrators](#). Some drivers say the insurance is too expensive, including those who decline to purchase insurance because their premiums are high due to past accidents. In other words, an uninsured driver may also be a dangerous driver – so your odds of being in an accident with one may be higher than the rate of uninsured drivers would indicate.

What are your options after an uninsured driver accident?

Depending on the situation, uninsured/underinsured driver accident victims have a handful of options:

- A claim with the at-fault driver's insurance provider (if there is one)
- A claim with your insurance provider (if you have uninsured/underinsured motorist protection)
- A claim against a liable third party, such as a vehicle manufacturer (if there is such a liable party)

After a bad accident with an uninsured or underinsured driver, you can file a civil lawsuit to recover money for damages, but this isn't always the most effective route to compensation. People who don't have car insurance generally also do not have much in the way of assets to pay your claim. As the saying goes, you can't get blood from a stone – you may win your case, but it's often extremely difficult to actually collect the money you are owed.

This is one of the reasons it's wise to hire an experienced, local lawyer to identify all parties liable for your injuries, find the available insurance coverage, and figure out how you can recover the money you deserve.

What is uninsured/underinsured motorist protection?

Filing a claim with your own insurance is possible if you have underinsured/uninsured motorist coverage. This is an optional type of insurance in Texas, but the insurance company is required to offer it to you – and we highly recommend carrying it.

There are three types of uninsured/underinsured motorist coverage:

Uninsured Motorist Insurance (UM) — Sometimes called Uninsured Motorist Bodily Injury (UMBI) insurance, this policy covers medical bills, lost wages, pain and suffering, and other costs for you and your passengers when the at-fault driver in a crash is uninsured. In most cases, it also covers hit-and-run or "phantom vehicle" wrecks where the driver is never found – an unknown driver is uninsured by default.

Underinsured Motorist Protection (UIM) — This type of policy kicks in if the at-fault driver has some insurance, but not enough to cover the full cost of your accident.

Uninsured Motorist Property Damage (UMPD) — This covers repairs or replacement of your vehicle and any other damaged property in an accident caused by an uninsured driver, up to the policy limit. You may want to carry UMPD if you don't have collision coverage.

Again, UM/UIM is optional in Texas, but the insurance company is required to offer it to you, and you have to decline it in writing if you don't want it. If they don't go through the proper protocol, your attorney may be able to force them to cover you.

Know your policy, and know what's covered

Texas requires drivers to purchase liability insurance policies that have a minimum value of \$30,000 for bodily injury per person, \$60,000 per accident, \$25,000 for property damage. That's enough for a minor accident, but if you have a severe or permanent injury, that coverage is often gone in days. Since the average charge for an overnight hospital stay is around \$11,000, it's not hard to see how quickly a victim can hit the \$30,000 policy limit.

The simple reality is that the minimum auto insurance required in Texas is not enough to fully cover all damages in a serious accident. You don't want your recovery to depend on someone else's decision to carry enough insurance. UM/UIM insurance means you know for sure that there will be a certain amount of coverage available to you after any accident that's not your fault, regardless of what the other driver has.

The size of your UIM policy is up to you – most insurance companies allow you to add coverage in \$5,000 increments. We generally recommend carrying as much as you can afford. UM/UIM is usually inexpensive, and the small increase in premiums is well worth the tens of thousands of dollars in tax-exempt coverage you'll get if you're in a wreck with an uninsured driver.

How a Texas car accident attorney can help

Uninsured car accidents can be complicated – and loaded with opportunities for insurance companies and third parties to deny their financial responsibility to victims. Even in an uninsured motorist claim where you're dealing with your own insurance company, proceed with caution. At the end of the day, their job is still to make a profit, and that means paying you as little as possible.

That's why it's in your interest to have an attorney in your corner, fighting for your interests throughout the process. Your lawyer can:

- Protect your rights and interests during negotiations with the insurance company
- Investigate the accident and build a strong case for maximum compensation
- Push the insurance company to take your claim seriously and fulfill policy promises
- Negotiate a settlement that meets your needs
- Negotiate with your medical providers to lower your medical expenses
- Identify and hold liable third parties liable for your accident, if possible
- File a lawsuit on your behalf, if necessary

The insurance industry's own data says that people who hire an attorney recover much more than those who don't, even taking attorney's fees into account – and the more complicated the situation, the bigger the difference an attorney can make. In an uninsured or underinsured motorist situation, the last thing you want to do is deal with the insurance companies on your own. Car accident lawyers work on a contingency fee basis, meaning there's no cost unless and until we win your case. You can afford to hire a lawyer. The question is whether you can afford to go it alone.

Don't end up paying for expensive medical treatments out of pocket. Fight for the money you deserve. [Contact](#) Smith & Hassler, Attorneys at Law today for a free, confidential, no-obligation consultation.