

Equip Yourself - What if You're in an Accident with an Uninsured Motorist

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But picture the situation you'd be in if you're rear-ended by someone, sustaining severe injuries and much vehicle damage, and you discover that this other driver has no insurance. Or that they have only the minimum insurance, which comes nowhere near being able to pay for your injuries. No-fault insurance

Michigan has been a "no-fault" state since 1973. We're all required to buy no-fault insurance and in fact, it's required before we can get our license plate. It's illegal to drive without it, or to let someone else drive your vehicle without it.

Michigan law requires us to buy, in certain minimum amounts:

- Personal Injury Protection (PIP) – to cover the cost of any injuries you sustain in an auto accident, and your lost wages for 3 years (with a cap)
- Property Protection Insurance (PPI) – to cover the cost of any vehicle repair after that accident
- Residual Liability – to cover you when your negligence causes injury to someone else. If you're still paying for your vehicle, your insurance company may also require you to buy two other items to cover the cost of repairing or replacing your car:
 - Collision, and
 - Comprehensive.

The advantage of no-fault insurance is that it simplifies things and potentially speeds up the repair of your vehicle. Your insurance pays your injury and repair bills, and the other driver's insurance pays his. It protects us from being sued. Michigan is not 100% no-fault. No state is 100% no-fault. Michigan is a mix of no-fault and standard liability insurance. In other words, there are exceptions to the no-fault default. If the accident:

- Happens outside Michigan, or
 - Causes serious injury or death,
- then the at-fault driver can be sued for damages, if he has insurance.

Uninsured and under-insured motorist (UM and UIM) coverage Michigan doesn't require us to buy UM or UIM coverage. It's our choice, and it's an added expense on the premium, so many of us don't buy it. And in a no-fault state, the assumption is that our own insurance will pay our bills anyway, so why do we need UM or UIM coverage? But let's think again of that driver who rear-ended you. You have severe injuries – whiplash, and maybe the airbag hit you too hard, maybe you hit your head on the glass – and you have expensive vehicle repair bills (a rear-end accident can even total your vehicle if it knocks the chassis out of shape).

You can sue the other driver if you can prove that he/she caused the accident. But if he has no insurance, chances are that you won't be able to get any compensation. However, if that driver is under-insured, you can potentially get compensation to the value of their insurance, such as it is.

Advantage of UM and UIM But your bills total a higher amount than that. If you have no UM or UIM, you have no other recourse and will have to pay the bills out of your pocket. But let's say you did buy UM and UIM along with your required coverage. Now you can obtain compensation from your insurance company up to the value of your UM/UIM, as well as recovering from the under-insured driver. Hit and run accidents

Looking at our rear-end scenario again, if the other driver takes off before you can get any contact information from him, that leaves you with only your own insurance as a source of compensation.

If you've bought UM and UIM, you have more coverage than just the PIP and PPI. Enhance your changes with legal help.

If you've been in an accident with another driver who turns out to be uninsured or under-insured, the smartest thing to do is immediately consult an experienced accident attorney. The law is complex; there are exceptions to the no-fault law, and every situation is different. Some sound legal advice can help you decide on what course of action to take. You could well be eligible for more compensation than you think.www.jtrucks.com For more information on automobile accident liability, please feel free to contact Jay Trucks of Flint, Michigan.