What Happens When the At-Fault Driver Has No Insurance?

If you are in a car accident in California and the other driver is at fault but has no insurance, you still have options to recover compensation for your injuries and losses. The direct answer is that your own insurance policy's uninsured motorist coverage steps in to pay for medical expenses, lost income, and other damages up to your policy limits. Without that coverage, you may need to pursue the at-fault driver personally, but that route often yields little if the driver has no assets. Understanding how this situation works can help you take the right steps quickly.

How Uninsured Motorist Coverage Works

California law requires all drivers to carry liability coverage, but many still drive without it. When you are hit by an uninsured driver, your uninsured motorist (UM) coverage acts as a substitute for the at-fault driver's missing insurance. This coverage is not mandatory in California, but insurers must offer it, and you can reject it in writing. If you have UM coverage on your policy, it applies to bodily injury you and your passengers suffer in an accident caused by an uninsured driver.



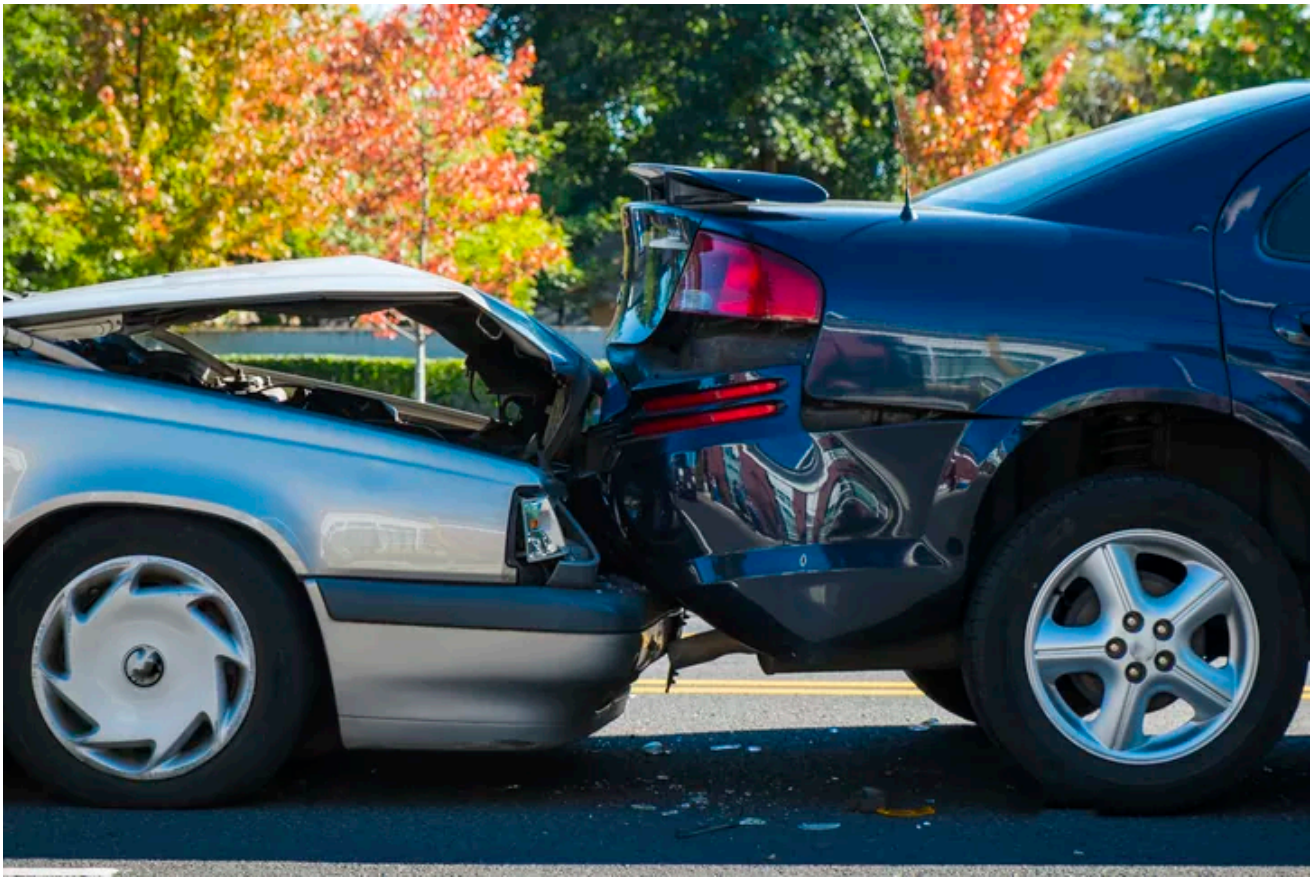
Your UM coverage can pay for medical bills, lost wages, and pain and suffering, but only up to the limits you selected. For example, if you chose 30/60 UM coverage, you can receive up to $30,000 per person and $60,000 per accident. If your medical expenses exceed those limits, you may need to look elsewhere for recovery. Your UM coverage does not pay for property damage to your vehicle. That requires uninsured motorist property damage (UMPD) coverage, which is a separate add-on.

Filing a Claim Under Your Own Policy

When the at-fault driver has no insurance, you file a claim with your own insurance company under the UM portion of your policy. The process is similar to filing a claim against another driver's insurer. You will need to provide evidence of the accident, including a police report, medical records, and proof of lost income. The insurer will investigate and determine fault. Since the other driver is uninsured, your insurer will verify that the driver lacked coverage at the time of the crash.

After the insurer accepts liability, they will make a settlement offer based on your documented damages. This is where the quality of your claim preparation matters. Without strong evidence

of your injuries and losses, the offer may be lower than what you need. You have the right to negotiate, and many people seek help from a Union City injury lawyer to handle this process. An attorney can value your claim accurately and push for a fair settlement.



What if You Do Not Have Uninsured Motorist Coverage?

If you rejected UM coverage when you bought your policy, you cannot fall back on your own insurance for bodily injury. In that case, your only remaining option is to sue the at-fault driver directly. You can file a personal injury lawsuit against them to recover medical expenses, lost income, and pain and suffering. However, if the driver has no insurance, they often have limited assets or income. Winning a judgment does not guarantee you will collect money. The driver may have no bank accounts, property, or wages to garnish.

California law allows you to garnish up to 25 percent of the driver's wages, but only if they have a steady job. If they are unemployed or work off the books, garnishment may be impossible. You can also place a lien on any property they own, but if they rent or own nothing of value, you may never recover the full amount. This reality makes UM coverage a crucial safety net. Many drivers do not realize how vulnerable they are without it.

Property Damage and the Uninsured Driver

Property damage to your vehicle is handled separately from bodily injury. If you have collision coverage on your auto policy, you can use it to repair or replace your car. Collision coverage applies regardless of who is at fault, but you will have to pay your deductible. Your insurer may then pursue the at-fault driver to recover the deductible and the claim costs through a process called subrogation. If they succeed, you may get your deductible back.

If you do not have collision coverage, you may need to rely on UMPD coverage if you purchased it. UMPD covers damage to your vehicle caused by an identified uninsured driver. It typically has a lower deductible than collision coverage. Without either collision or UMPD coverage, you would have to pay for repairs out of pocket or sue the at-fault driver for the property loss.

Steps to Take After an Accident With an Uninsured Driver

Knowing what to do immediately after the crash can protect your rights. First, call the police and get a written report. The report should note that the other driver has no insurance. Exchange information with the other driver, including name, address, phone number, and license plate. Take photos of the scene, the vehicles, and any visible injuries. Seek medical attention even if you feel fine, because some injuries appear hours or days later.



Next, notify your insurance company as soon as possible. Give them the facts of the accident and tell them the other driver is uninsured. Ask about your UM and UMPD coverage limits and the claims process. Keep records of all medical treatment, including bills and doctor's notes. Track any time you miss from work and any out-of-pocket expenses related to the accident.

Finally, consider speaking with a Union City injury lawyer before you accept any settlement offer from your insurer. An attorney can review the offer to see if it covers all your losses, including future medical costs and long-term pain and suffering. They can also provide valuable support during settlement negotiations. Having legal representation can make a significant difference in the final amount you receive.

When Legal Help Makes Sense

Not every car accident claim requires a lawyer, but uninsured driver cases can be complicated. Your insurance company is not on your side in the same way a third-party insurer would be.

Their goal is to minimize the payout, so they may lowball your claim or dispute the severity of your injuries. A lawyer who handles personal injury cases in Union City can help you gather the right evidence, calculate the full value of your claim, and push back against unfair offers.

An attorney also understands the deadlines that apply. In California, you generally have two years from the date of the accident to file a lawsuit for bodily injury. If you need to sue your own insurer over a UM claim, the timeline may be shorter depending on your policy language. Missing a deadline can bar you from recovering anything.

Beyond the legal work, having a lawyer handle the paperwork and phone calls can reduce your stress. You can focus on recovering from your injuries while your attorney manages the insurance company. They can also provide support during settlement negotiations, ensuring you do not accept a quick offer that leaves you undercompensated.



How to Protect Yourself Going Forward

The best way to prepare for an accident with an uninsured driver is to review your own auto policy. Make sure you have uninsured motorist bodily injury coverage and consider adding UMPD coverage as well. The added premium is usually modest compared to the financial protection it provides. If you currently have UM coverage, check your limits. Raising them may be worth the extra cost, especially if your income or assets have grown since you bought the policy.

Also, keep an emergency kit in your car with a notepad, pen, camera, and the phone numbers for your insurance company and a personal injury lawyer. Being prepared helps you act quickly and calmly after a crash. No one expects to be hit by an uninsured driver, but having the right coverage and knowing your options can make a difficult situation more manageable.