What Happens If the Driver Who Hit You Is Uninsured or Underinsured in Washington?

If a driver who causes a Washington car accident has no insurance or not enough insurance to cover the resulting damages, the injured person may still have other potential sources of coverage. One of the most important is uninsured/underinsured motorist coverage under the injured person's own auto policy, when that coverage applies.

The exact result depends on the policy, the facts of the crash, the available liability coverage, and the losses involved. Puyallup personal injury attorney John Forsythe represents people injured in motor vehicle collisions and can review the insurance issues that arise when the at-fault driver has limited or no coverage.

What Is an Uninsured Driver?

An uninsured driver generally has no applicable liability insurance available for the accident. Although Washington requires motorists to carry liability insurance or otherwise satisfy the state's financial-responsibility requirements, uninsured drivers still cause collisions.

If the at-fault driver is uninsured, an injured person should not automatically assume there is no possible recovery. The person's own auto policy may contain coverage that applies.

What Is an Underinsured Driver?

An underinsured driver has liability insurance, but the available limits are insufficient in relation to the damages the injured person Personal Injury Lawyer Puyallup is legally entitled to recover.

John M. Forsythe Campbell Barnett PLLC 317 South Meridian Puyallup, WA 98371 (253) 848-3513 Injured in a car accident? Contact John Forsythe to discuss your case and learn about your legal options.

Washington's underinsured motorist statute, RCW 48.22.030, defines an underinsured motor vehicle and requires underinsured motorist coverage to be provided with qualifying auto policies unless the named insured or spouse rejects all or part of that coverage in writing, subject to the statute's terms and exceptions.

Because coverage depends on the actual policy and circumstances, the declarations page and policy should be reviewed rather than assuming UIM coverage is available.

How Uninsured/Underinsured Motorist Coverage Can Help

When applicable, uninsured/underinsured motorist coverage can allow an injured person to make a claim with his or her own insurer for losses caused by an uninsured or inadequately insured driver.

The Washington State Office of the Insurance Commissioner explains that people who have uninsured/underinsured motorist coverage can file a claim with their own company after a qualifying accident. Its guidance for uninsured and underinsured driver accidents also notes that other coverages,

such as collision or personal Puyallup Personal Injury Lawyer injury protection, may be relevant depending on the policy.

What About Hit-and-Run Accidents?

Uninsured/underinsured motorist coverage may also apply to some hit-and-run accidents. A driver who leaves the scene cannot always be identified, so the injured person's own coverage may become especially important.

Report the incident promptly and preserve any information that could help identify the vehicle or establish how the collision occurred. Photos, witness information, surveillance video, dash-camera footage, vehicle debris, and law-enforcement records can all become important.

What Is a Phantom Vehicle?

Washington law also addresses a "phantom vehicle," which can cause an accident without physically striking the injured person's vehicle. A common example is an unknown vehicle that forces another driver to swerve and crash.

For a phantom-vehicle claim under RCW 48.22.030, Washington law requires competent corroborating evidence beyond the testimony of the insured or another person making the UIM claim, and the accident must be reported to the appropriate law-enforcement agency within 72 hours.

Those specific requirements make prompt documentation especially important in a no-contact accident.

Personal Injury Protection May Be Another Source of Benefits

Washington personal injury protection, commonly called PIP, is a separate type of auto coverage. When it applies, it can help with certain medical expenses, lost wages, and other covered costs without regard to who caused the accident.

The Office of the Insurance Commissioner explains that insurers must offer PIP and that a person who does not want it must reject it in writing. You can review the state's PIP guidance for general information about coverage and limitations.

Why Policy Review Matters

Auto policies contain limits, definitions, exclusions, notice provisions, deductibles, and other conditions that can affect a claim. The fact that a coverage name appears on a policy does not answer every question about whether or how much the insurer must pay.

It may also be necessary to understand how the at-fault driver's liability coverage interacts with the injured person's own policy and whether the insurer must consent before a settlement is finalized. The Washington Office of the Insurance Commissioner advises policyholders to notify their insurer before settling with an at-fault party when doing so could affect the insurer's subrogation rights.

Talk With a Puyallup Car Accident Lawyer About Coverage Questions

Uninsured and underinsured motorist claims can become complicated because the injured person may be making a claim under his or her own insurance Personal Injury Lawyer policy while also proving the fault and damages that arose from the collision.

John Forsythe has approximately 15 years of legal experience, including prior defense-side experience. He handles car accident and personal injury matters for Campbell Barnett PLLC and helps clients review insurance coverage, document their injuries and losses, communicate with insurers, and pursue claims based on the available evidence.

If you were hit by an uninsured, underinsured, hit-and-run, or unknown driver in Puyallup or the surrounding Puget Sound region, review the firm's car accident services or request a case evaluation.

John M. Forsythe Campbell Barnett PLLC 317 South Meridian Puyallup, WA 98371 (253) 848-3513 Need help after a crash? Speak with Puyallup car accident lawyer John Forsythe about your next steps.

This article provides general information and is not legal advice. Insurance coverage depends on the specific policy, statutory requirements, facts of the collision, and other circumstances.