Hit & Run Accidents: What are Your Rights to Recovery for Personal Injury?

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I've been hit by a vehicle that fled the scene, what should I do first?

1. **Call the Authorities.**

If you have been in an accident where the car that hit you fled the scene, immediately contact the police and emergency services to report the accident and any injuries. If you are injured or experiencing any pain, seek medical attention right away.

By reporting the accident immediately, you will obtain a police report, which is required by your automobile insurance company as written proof of the accident. The insurer considers law enforcement to be an independent entity whose report about how the accident occurred can help to attribute liability and fault.

2. **Take Photos.**

Use your cell phone or another camera to take as many photographs of the accident scene as possible, including the people and vehicles involved, the road and surrounding area, and anything else that you think is even remotely important as to how the accident occurred.

For example, if you believe that weather conditions factored into the accident, take photographs of the fog, rain, wind, ice or snow. Similarly, if you believe that improper signage or an obstruction contributed to the accident, take photographs of the signage or the obstruction. Be sure that you save these photos to the Cloud or email them to yourself or another person you trust as they will be important to share with your personal injury lawyer.

The accident caused damage to my car and injuries to me, what should I do?

1. **Look to your Automobile Insurance Policy for Coverage Terms**

   Your automobile insurance policy will have terms for filing a claim for property damage and personal injury depending on the coverage you originally selected. It is advisable to speak with a personal injury attorney to review your policy and your unique facts and circumstances and discuss your rights for recovery.

2. **Check on your Collision Coverage for Property Damage**

If you have collision coverage under your automobile insurance policy then you may make a claim, less any required deductible, for the damage to your car.

In circumstances where the other car is identified, you have the right to make a claim for the deductible from the insurance company for the other car, which your own automobile insurance company would normally handle. However, because the other car fled the scene of your accident and could not be identified, your car will be repaired, and that cost is impacted by the deductible that you chose for your own policy.

3. Get medical care and submit bills according to your policy terms.

Generally, because you were in your car when the accident occurred, your medical bills will be submitted to your automobile insurance company. It is important to know that you are allowed to choose any medical doctor or chiropractor to treat you for your injuries, and the medical doctor or chiropractor will submit your medical bills directly to your automobile insurance company for reimbursement. If you choose your health insurance as the primary source of insurance on your automobile insurance policy, your medical bills would be submitted to your health insurer.

What other coverage does my automobile insurance policy provide, and can I file a personal injury lawsuit?

1. **Check Your Uninsured Motorist Provision and Limits**

Since the car that hit you could not be identified, you have the right to make a claim under the uninsured motorist provision of your automobile policy. The uninsured motorist provision has limitations that you chose when you purchased your policy and will therefore cap the amount of money that you can ever recover for your injuries in this scenario. For example, if you selected $15,000 for your uninsured motorist limits then the most you can ever recover for your injuries is $15,000.

If you wish to pursue a personal injury claim, your ability to institute a lawsuit depends upon the language of your insurance coverage.

Specifically, if you chose on your automobile insurance policy what is known as the "verbal threshold" or "limitation on lawsuit option," your injuries must fall within one of six exceptions in order to file a lawsuit:

- Death;
- Disfigurement;
- Loss of fetus;
- Significant disfigurement or scarring;
- A displaced fracture; or
- A permanent injury.

However, if you chose the "zero threshold" or "no threshold" option on your policy, you can file an uninsured motorist claim even if your injuries are beyond the scope of the six exceptions.

Because the facts of each case are different and depend on the exact language and insurance limits of your automobile insurance policy, you should consult with a personal injury attorney to help you determine your rights and what steps you should take toward recovery.