

I Was Injured In A Hit-and-Run Accident. What Do I Do?

June 5, 2014 | by Thomas F. Dorn, Jr

The other day I was sitting in my car at the curb waiting for a friend to come out of her house. All of a sudden, I was hit from behind - hard - and when I turned around to see what had happened the car that hit me sped off. I saw the color of the car, but not the make or license number. In addition to the damage to my car, I was also hurt pretty badly and had to go to the hospital. What do I do?

G. D.

Dear G.D.:

Hopefully, the first thing you did was contact the police and emergency services. A police report is needed because your automobile insurance company may require written proof of your accident. In addition it is a traffic violation to leave the scene of an accident.

As for your injuries and the damage to your car, your question raises several potential issues involving your automobile insurance. You should contact a personal injury attorney to receive information as to your rights to file a claim for damage to your car and/or for any personal injury that you sustained.

Because you were in your car when your accident occurred your medical bills have to be submitted to your automobile insurance company. You are allowed to choose any medical doctor or chiropractor to treat you for your injuries. The medical doctor or chiropractor will submit your medical bills to your automobile insurance company.

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

have the right to make a claim for the deductible from the insurance company for the other car. However, because the other car could not be identified, your car will be repaired less any deductible that you chose for your policy.

Also, 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. Every insurance policy has liability coverage and uninsured motorist coverage. Liability coverage applies if a motor vehicle accident is determined to be your fault. Uninsured motorist coverage applies if the vehicle that struck you did not have automobile insurance or if the other vehicle left the scene of the accident and could not be identified. It should be noted that the uninsured motorist limits that you chose under your policy will be the most amount of money that you can recover for your injuries. For example, if you selected \$15,000 for your uninsured motorist limits then the most you can recover for your injuries is \$15,000.

Furthermore, if you wish to pursue a personal injury claim under your uninsured motorist provision of your policy you may have to have a treating doctor or chiropractor certify that your injury is permanent before you are permitted to file a claim. Specifically, if you chose in your automobile policy what is known as the “verbal threshold” or “lawsuit threshold”, you must meet this permanency threshold before filing an uninsured motorist claim. However, if you chose what is known as the “zero threshold” or “no threshold” you are allowed to file an uninsured motorist claim even if your injuries are not determined to be permanent.

Although most personal injury cases have to be filed within two years of the accident date, an uninsured motorist claim must be filed within six years because it is considered a contractual claim under your insurance policy. However, if the other car was identified but did not have insurance you may have to file a claim against the other driver within two years.

Because the answer to your question depends 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 determine what steps you should take now.