

Uninsured Motorists

Uninsured motorist insurance is insurance that will pay you for damages that you are legally entitled to recover from an at-fault driver in an accident who does not carry liability insurance required by state law.

A few years back, we saw Mary Smith who was hit by a drunk driver. The police report says that the drunk driver had insurance. What really happened is that the other driver bought one of those insurance policies that let him make monthly payments.

The driver had a card saying that he had liability insurance for six months, but he chose to use his money to buy liquor rather than buying insurance. He only made one payment and his insurance was canceled months before the accident where the irresponsible driver hit Mary. Mary had a ruptured disc in her low back, she had a broken leg, and she was off work for more than six months. Unfortunately, Mary didn't have health insurance.

Mary thought she had full coverage insurance but truth is, she didn't have uninsured motorist insurance. Now, Mary has thousands of dollars in medical bills, even more in lost income, and the only source for recovering these damages is an irresponsible drunk who doesn't hold a regular job. Your parents may have told you that "you can't get blood out of a turnip." Truth is, there are a lot of turnips on the road today. Uninsured motorist insurance protects you against these irresponsible drivers.

If your car is damaged in an accident and the at-fault driver does not have insurance, uninsured motorist insurance will pay for the damage to your car. That's uninsured motorist—property damage. If you are in an accident and injured and the at-fault driver does not have insurance coverage, uninsured motorist coverage will pay for the damages you are entitled to recover from the other driver, like medical bills, loss of income while you are injured, and pain and suffering. This is uninsured motorist—bodily injury. Your insurance company may require you to buy both uninsured motorist—property damage and uninsured motorist—bodily injury to have both coverages.

Your agent should explain these coverages to you. However, we frequently hear that people did not understand the explanation provided by their agent. Many people say that they have "full coverage" insurance when, in reality, they may have little more than liability insurance that will pay the damages that another driver is entitled to recover from you if you are at-fault.

If you think that you have full coverage insurance, it only takes a few minutes to review the Declarations Page of your insurance policy, which will typically be the first page of your insurance policy. Look at the Declarations Page to see if you have uninsured motorist coverage or if such coverage is either shown as being waived or rejected or that it does not appear at all on your Declarations Page. Unless the Declarations Page says that you have uninsured motorist insurance coverage, then you do not generally have such coverage available to you in the event of an accident.

Many drivers on the road today do not have liability insurance. Unfortunately, with the cost of gasoline, many people are having to choose whether to buy gasoline or insurance. The end result is that many people are driving without liability insurance.

If a driver without insurance hits your car and you do not have uninsured motorist insurance, then you may be left paying thousands of dollars for the damage to your car, thousands of dollars in medical

bills, losing thousands of dollars in income, or incurring other damages. Uninsured motorist insurance pays for these damages.

The cost of uninsured motorist insurance is typically only a small percentage of the total cost of your insurance premium. Anyone who has ever had an accident where the other driver didn't have insurance coverage will tell you that uninsured motorist saved them hundreds if not thousands of dollars and that the cost for the coverage was small.

Arkansas law requires that you must reject uninsured motorist coverage in writing if you don't want the coverage. If you have an accident and haven't signed a written rejection, then you may be covered by uninsured motorist insurance.

It's also important that you the limits of liability of your uninsured motorist insurance be adequate to cover your damages. The limit of liability is the maximum amount that your insurance company will be required to pay to you if you are damaged by an uninsured motorist.

Arkansas law requires that coverage of at least \$25,000 per person injured in an accident, with a maximum of \$50,000 per accident, be offered to you. However, in many instances, this amount is not adequate.

For example, Mary Smith's medical bills and lost income combined were more than \$25,000. Increasing the limits of your uninsured motorist insurance coverage is generally a small cost for major increases in coverage that will benefit you if you are damaged by an uninsured motorist.

To find out more about uninsured motorist coverage, talk to your insurance agent. Tell your agent that you want to have an adequate amount of uninsured motorist coverage to pay your medical bills and lost income if you are injured by an irresponsible driver who does not have insurance.

If you don't get answers from your agent or if you need additional information, call us at McCutchen Buckley – The Law Firm. We'll be glad to look at your insurance declarations page to see whether you have uninsured motorist insurance coverage.

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