

[Car accidents](#) are stressful and overwhelming, but the situation can become even more complicated if the at-fault driver does not have insurance. In North Carolina, where state law requires all drivers to carry *minimum* liability insurance, this scenario can leave you wondering how to cover medical expenses, property damage, and other costs resulting from the accident. Fortunately, there are several legal options available to help you recover compensation.

Below, our [personal injury](#) lawyer discusses your legal rights and options if you are involved in a motor vehicle collision involving an at-fault uninsured driver in North Carolina, including uninsured motorist insurance coverage, your legal options, and what you should do after a crash.

North Carolina's Insurance Requirements

Before discussing your options, you must first take note of North Carolina's car insurance requirements. All drivers must be insured with the following minimum liability limits:

- \$30,000 for bodily injury per person
- \$60,000 for bodily injury per incident
- \$25,000 for property damage per incident

In addition to liability coverage, North Carolina requires that you also have uninsured motorist (UM) coverage, which you can use to protect yourself if you're in an accident with an uninsured driver. It's important to understand how this coverage works to help you navigate an accident with an uninsured at-fault driver.

Uninsured motorist (UM) coverage is your primary coverage if the at-fault driver is not insured. This type of coverage will pay your medical expenses, lost wages, pain and suffering, and property damage up to the policy limits.

How Uninsured Motorist Coverage Works

When you file a claim under your UM coverage, your insurance company essentially steps into the shoes of the at-fault driver's insurer and pays for the damages the other driver would have been responsible for if they had insurance.

The process typically involves the following:

- Reporting the Accident: Call your insurance company. Notify them that the at-fault driver is uninsured.
- File a UM Claim: File a claim under your uninsured motorist coverage for your damages (medical bills, property damage, etc).
- Investigation and Negotiation: Your insurance company will investigate the accident to determine that the other driver was at fault and uninsured and then negotiate a payout based on the damage you have claimed.
- Settlement: If your claim is approved, your insurer will pay you for your damage up to the policy limits.

Policy Limits and Coverage Gaps

One key factor to keep in mind is that the limits of your policy will limit any recovery you make under your UM coverage. For instance, if your UM coverage limits are \$50,000 and your damages are greater than that, you could be on the hook for the remaining charge out-of-pocket unless you have other coverage options like med pay coverage.

The other option is to file a personal injury claim in court directly against the other driver – and this may be your only choice if your damages are greater than the limits of your UM coverage or you don't have UM coverage at all.

The Process of Filing a Lawsuit

The following information is provided as a general overview of the steps to take if you decide to sue the at-fault driver.

Call an Attorney: Meet with a personal injury attorney to evaluate the merits of your case and learn about the damages you can recover. Your attorney will help you collect evidence, including police reports, your medical records, medical expert opinions, and witness statements to support your case.

File the Complaint: Your attorney will file a complaint in court stating the damages you are seeking and the legal basis for your claim.

Serve the Defendant: The at-fault driver will be officially notified of the lawsuit and provided an opportunity to respond.

Pre-Trial: During discovery, the parties will exchange information, documents, and evidence. Negotiations or mediation may also be held to settle the matter before the trial.

Trial: If there is no settlement, the case will be tried before a judge or jury who will decide whether the other driver is liable to compensate you for your damages and, if so, how much.

Collecting a Judgment

It's possible to win a lawsuit against the person who caused your car accident; however, if the at-fault driver doesn't have much money, you might have a hard time collecting the judgment from him. For example, you may have to go through other means to enforce the judgment, such as having the driver's wages garnished or placing a lien against his or her home – and these steps can take quite a long time.

Explore Other Insurance Coverage Options

If any of these apply to your situation, you might have other types of insurance coverage that can cover your losses from an accident with an underinsured motorist. These options include:

- **Underinsured Motorist (UIM) Coverage:** If the at-fault driver has insurance but the coverage is not enough to cover your damages, then UIM coverage can cover some of the difference, but only if the driver is underinsured, not uninsured.
- **Medical Payments Coverage:** This coverage is not required in North Carolina. But if you have it, it will pay for your medical bills and some lost wages, even if you are at fault.
- **Health Insurance:** You may find it beneficial to determine if your health insurance covers your medical bills after a crash. If so, you must also find out if your health insurer will want to be reimbursed for your UM claim or lawsuit.

Seeking Compensation from Third Parties

In certain circumstances, other parties may share fault for the accident, and you have a right to recover from them as well. For example, if the at-fault party was working at the time of the accident, his or her employer may be liable under the doctrine of vicarious liability.

Also, an at-fault driver who was operating a vehicle owned by someone else might be personally responsible for your damages, but the vehicle's owner could also be responsible.

A Note About Government Liability

If the accident was caused by a dangerous road condition or other issue related to the government's failure to properly maintain the road, you might have a claim against the responsible governmental entity.

A Knowledgeable Personal Injury Attorney Help

The reality of dealing with an uninsured motorist is that you have multiple potential avenues of recovery – including insurance policy provisions, potential lawsuits, and other legal options. Potential avenues that your attorney may explore include:

- Reviewing the facts of your accident and explain your legal options.
- Working with your insurer to negotiate fair compensation under your UM coverage.
- Filing a lawsuit on your behalf against the at-fault motorist and representing you in court, demanding the full amount of compensation you're owed for your damages.
- Identifying all sources of recovery, such as third-party liability and other insurance.

Contact Our Office Today to Speak to a Personal Injury Attorney

If you are involved in an accident with an uninsured driver in North Carolina, there are a variety of legal remedies available to you to seek compensation for your injuries and damages. Uninsured motorist coverage is your primary remedy, but you may also be able to sue, pursue alternative coverage, or make claims against third parties.

Given the possibilities, it's important to reach out to a knowledgeable personal injury lawyer who will guide you through the process, protect your rights, and help you get the compensation you need to recover and get back to your life. [Contact](#) us immediately to discuss the specifics of your case.