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Can You Recover Compensation in an Uninsured Motorist Accident?

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Auto insurance isn't an option regardless of which state you call home. If you're planning on driving your vehicle away, auto insurance is a must. Like every other state, Texas has auto insurance guidelines. These guidelines dictate how much coverage you need to stay legal and not be uninsured.

So, what happens if you're in a traffic accident with an uninsured driver? While [navigating a Texas uninsured accident claim](#) can be frustrating, it's possible. However, you're going to need to follow a few steps.

Do You Have Uninsured Motorist Coverage?

The Lonestar State requires all drivers with vehicles registered in the state to carry at least the [minimum insurance requirements](#). Known as 30/60/25 liability coverage, you're required to have at least:

- \$30,000 for injuries per person
- \$60,000 per accident
- \$25,000 for property damage per accident

This helps ensure the other driver is covered if you cause a traffic accident. However, the emphasis on this type of coverage is on the other driver. Your liability policy only covers damages you cause to the other involved party. Your injuries and property damage aren't covered if you're only meeting the state's minimum insurance requirements.

You need full coverage and even then it may not be enough if your damages are caused by an uninsured motorist. Chances are, you're going to need to up your coverage to include [uninsured motorist protection](#). This is usually considered a ride-on to your full coverage policy. Yep, this also means an increase in your monthly premiums.

Uninsured motorist coverage typically kicks in to take care of what's left over after your full coverage policy pays out. Think of the add-on policy as extra protection that's there if you need it.

How to File an Uninsured Motorist Claim in Texas

Your full coverage auto insurance has paid out up to the policy's cap. This is a huge help, you're

finally receiving compensation and can start whittling down your accident-related expenses. Most of your property damage and medical expenses are covered. Your policy even paid out some of your lost income.

However, you're still left with bills that you're not sure how you're going to pay. Something else typically not covered by your policy, regardless of type, are your non-economic losses. These are things like your pain, suffering, and mental anguish. While recovering compensation from an uninsured motorist definitely isn't easy, it's possible when you follow a few simple steps.

File a Notice of Claim

You're probably going to need to call your insurance provider for the notice of claim form. Yep, there's a special form you need to fill out. You can't just use a scrap of paper or send an email. Filling out the form is pretty simple. Just enter the requested information in the supplied fields. Most of the information is probably included in your official accident report.

Provide a Proof of Loss Statement Form

Yep, this is another form you need to fill out. Usually, your insurance provider sends this form when you request a notice of claim. Once again, grab your official accident report. You need to jot down a detailed account of the accident. This includes writing down the date, time, location, and parties involved.

The form also has a space for you to list a detailed description of your injuries and property damage. This isn't the time to be brief so feel free to write an extremely detailed account of your damages.

You Probably Need a Medical Release Form

This is one of those types of things you may need so check with your insurance provider. A medical release form gives the insurance provider the authority to review your medical records relating to injuries sustained in the accident.

Don't worry, signing a medical release form doesn't give an insurance adjuster the right to start digging through your health history. The form limits what insurance companies can see so the majority of your health information remains private. If you signed a medical release form when you submitted a claim with your insurance company, you probably don't need to go through this step again. You can just use the original release form.

There's Probably Another Form

Are your injuries severe enough to keep you from returning to work immediately after the accident? Regardless of whether you miss one work day or more than a month, there's a good chance it's recoverable damage.

However, before you can even think about claiming lost income, you need to fill out a form. Sure, this takes you up to three forms so far but it's a necessary part of the uninsured motorist claim process. The form will ask for information on your employment, average weekly or annual salary, and number of days missed.

Get Your Evidence Ready

Filling out the necessary forms is only part of the process. You still need to provide proof of your damages. What type of proof do you need? Thankfully, it's all pretty easy to gather. This typically includes things like:

- Accident report. You can usually pick up the report about 10 days after the accident.
- All of your medical records, bills, and receipts.
- Any property repair/replacement estimates, along with any relevant bills and receipts
- Past pay stubs if you're claiming lost wages, along with a confirmation letter from your employer.

You really can't provide any proof for your non-economic damages except for proof of the formula used to estimate your losses. If you have any witness statements, add these to your evidence pile. All of this goes towards helping prove the uninsured driver owes you compensation for the accident.

Are You Ready to File an Uninsured Motorist Claim?

You have the forms filled out and your supporting evidence ready to go. All that's left is contacting the uninsured driver. This means sending a letter of intent. This lets them know you're seeking compensation for your damages. From there, your claim typically turns into a lawsuit. Yep, you're filing a lawsuit against the motorist. You can't file a claim with their non-existent insurance company.

This is also when it's a good idea to retain legal counsel. Your personal injury attorney can represent you in civil court and help ensure you're awarded compensation for your uninsured motorist accident.

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