

## ***Appalling Hit and Runs, and Using UIM to Cover Costs***

There are many crimes that shock and appall right-thinking people, especially when an innocent victim is seriously injured or killed in the process. Included in the list of almost inconceivably criminal behavior are the hit and run incidents—not accidents—where one driver makes the cold and sinister decision to leave the scene of an accident without stopping to see if someone has been badly hurt, or worse.

Of course, some hit and run drivers are in shock immediately after an accident. Some are afraid of the consequences. Perhaps they've been drinking, or maybe they're driving without insurance, or on a suspended license, or maybe they've been in trouble with the law before.

No excuse is good enough, but some would be almost laughable, if they weren't so serious. Take as an example one case in Arkansas where [the driver's excuse for leaving the scene of the hit and run was because she was afraid her ice cream would melt](#).

Flora Burkhart, 58, from Newser, Arkansas, rear ended a pickup truck on a state highway and instantly made the decision to continue on her merry way home. The driver of the pickup, Derek Parker, was able to follow Burkhart home, and he phoned 911. The police arrived shortly afterwards and asked Burkhart why she hadn't stopped after hitting Parker. "I left because I did not want my ice cream to melt," Burkhart reportedly responded.

The remorseless woman also told officers she didn't think there was enough damage done to the vehicles to worry the police, who cited Burkhart for hit and run, as well as following the other vehicle too closely.

In Oregon, hit and run incidents seem to be reported on almost a weekly basis, and some with tragic results. In Eugene, lightning, in the form of hit and run cases, seems to have struck in the same place twice in a very short span of time.

On May 30, [a 54-year-old hit and run victim was left lying in the road, where another car hit him before any help could arrive](#). The man had been riding his bicycle on West 30th Avenue, not far from the Lane Community College campus. He later died from his injuries, and to date police have been unable to locate the driver of the first vehicle to hit the man.

Less than six weeks later, Oregon State Police troopers were investigating another hit and run on West 30th Avenue, and again, the incident was very near the entrance to Lane Community College. In this case, a pedestrian was hit by a motor vehicle, which instantly sped away from the scene without checking to see how badly the pedestrian had been injured.

### **Who's going to pay the bills?**

Portland personal injury lawyers frequently received calls from worried victims of hit and run drivers who want to know how they can pay their medical bills while they wait and hope the police will eventually track down the at-fault motorist.

In Oregon, both UIM and PIP coverage are required elements of all motor insurance policies, so if you've been injured in a hit and run incident, follow these steps:

- Get the medical treatment you need. If you fail to see a doctor because you're worried about the costs, this could seriously affect your eventual claim, as well as your health and long-term well being.
- Contact your insurance company. Let them know, without fail, that you have been involved in an accident.
- Ask that your medical bills be paid through your personal injury (PIP) coverage, not your health insurance. Ask your insurance adjuster to explain the process to you, and keep asking questions until you're confident you understand the steps to be taken.
- Give your medical providers your PIP information, so they can bill your auto insurance company, but bear in mind that PIP only lasts for a specific length of time (your adjuster will tell you how long), and that it generally only provides cover up to \$15,000 in medical expenses.

### **What if I can't prove the accident was a hit and run?**

Insurance companies are notoriously slow in paying out settlements in hit and run cases where the at-fault driver hasn't been identified. This is why PIP coverage is important and useful. PIP is no-fault insurance, so your medical bills will be paid even if you caused the accident.

PIP is also preferable to using health insurance because:

- PIP will continue to pay your bills until you receive compensation from the at-fault driver.
- Unlike health insurance, PIP can also be used to cover lost wages if you're out of work due to your injuries.
- If you do eventually receive a settlement in a personal injury lawsuit, it is unlikely you will be asked to reimburse any PIP payments you may have received. Health insurance providers will almost certainly look for their money back and will claim as much of your settlement as they can.

### **I found the other driver, but there's no insurance. Now what?**

This is one of the reasons Uninsured Motorist (UIM) coverage is required in Oregon. If you've been injured in an accident and the at-fault driver was not insured, this is what will happen:

- Your PIP cover will apply for the first \$15,000 in medical bills and lost wages.
- Beyond the \$15,000 threshold, your UIM coverage takes over. The minimum requirement in Oregon for UIM cover is \$25,000 (on top of the \$15,000 PIP cover), but Portland personal injury attorneys always advise paying slightly more to get higher levels of cover.
- UIM will also cover your costs if the other driver does have insurance, but your injuries are so severe the other driver's policy limits prevent you from being paid. This happens more frequently than people think and is another very good reason to have extra UIM coverage in place.

### **It sounds a bit complicated. Where do I start?**

It's true that about the last thing someone who has been injured wants to deal with is a reluctant insurance company. Remember, their job is not to pay you what you need; it's to pay you as little as they can possibly get away with and maximize the company's profits.

Once you've received the medical treatment you need and contacted your own insurance company, it might be an excellent idea to [contact one of Portland's finest personal injury law firms and get them to do all the work](#). A good attorney will get you through the complicated process by:

- Making sure PIP is used to cover medical expenses, thereby reducing health insurance claims against your settlement
- Investigating your accident thoroughly and filing a claim with the at-fault driver's insurance company
- Filing a claim with your own insurance company if the at-fault driver's policy doesn't fully cover you for all your injuries, expenses and other damages

By using an experienced personal injury lawyer, you can be certain that the proper procedures will be followed within the established time limits and that everything necessary will be done to get you the compensation you and your family need. With everything else being looked after, you can be left to get on with the most important thing of all after your accident—getting better.