McLEOD LAW LLP

PUBLICATION

Recourse for Albertans Involved in an Accident with an Uninsured Motorist

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McLeod Law's Personal Injury lawyers defend Albertans injured on the road—motorists, cyclists and pedestrians alike. And there are more uninsured drivers on the roads than we've ever seen before.

Fortunately for those involved in a situation where an uninsured motorist causes a car accident and injures other people, the injured parties still have a means of recovering compensation. That means is the provincial government office called the Administrator of the *Motor Vehicle Accident Claims Act* (the "Administrator").

In a situation where you've been injured by an uninsured motorist, the Administrator will respond to your claim for damages as if they were the uninsured motorists' insurance company.

But first and foremost, if you are injured in a car accident by an uninsured motorist, you should see your doctor and follow all their recommendations for treatment.

Then, from the legal standpoint you should notify the office of the Administrator in writing, as soon as you learn that the other driver is not insured with the following information:

1. That you plan to commence a lawsuit against the uninsured driver for injuries flowing from the car accident

2. The other drivers contact information, so the Administrator can check insurance records to verify whether insurance coverage was present at the time of the impact

Once the Administrator confirms there is no insurance coverage for the time and date of the accident, they will adopt the role of the at-fault driver's insurance company.

You'll be allowed (and expected) to access your no-fault accident benefits under your own auto insurance policy, but your damages for pain and suffering, loss of income, out-of-pocket expense, future care, future income loss, etc. will be payable by the Administrator's office, up to a limit of $200,000.

In cases that involve an uninsured driver, the injured party has two years from the date of the accident to sue

the owner and driver to maintain their right to compensation. The Administrator’s obligation is capped at $200,000 (plus costs) per accident, regardless of how many people were injured in that accident. That means if an uninsured driver causes a 10-car pile-up and all 10 people are injured, they all have to share one $200,000 amount. If their claims are worth more than their share of that limit, the injured parties have to pursue their own insurer for the balance (under their own car insurance policy). The Administrator is exempt from paying for property damage including damage to vehicles as well as lost clothing, glasses, jewelry or other items inside the car.

Receiving payment from the Administrator almost always requires that you properly commence a lawsuit within the correct time-frames and take the necessary steps to reach a settlement. This system is difficult to navigate correctly without legal assistance, and it's strongly encouraged that people seek legal representation if they find themselves in this type of situation.

If you or someone you know is injured in a motor vehicle accident with an uninsured motorist, we can help. Contact one of our lawyers in the McLeod Law Personal Injury group—we are here to assist you.