

## PUBLICATION

### What to do if injured in a hit and run car accident

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Every year hundreds of people in Alberta are struck and injured in a "hit and run" accident where the driver flees the scene or gives false information about their identity.

Fortunately there is recourse for people injured in a hit and run. It is not simple to do but it is possible, and we assist clients with the process every day.

First, you can still access "accident benefits" through your car insurance. The benefits are in "Section B" of an auto insurance policy, and are not affected by a hit and run.

While you cannot sue the other driver when you don't know who they are, you can sue a "John Doe" in their place. To do so, you must also sue a government agency called the "Administrator of the *Motor Vehicle Accident Claims Act*".

The Administrator acts as an insurance company for the unknown driver and takes the steps of running a trial and negotiating a settlement. Their obligation is capped at \$200,000 per accident (plus costs), regardless of how many people were injured in the accident. So if an unknown driver causes a 10 car pile-up, and all 10 people are injured, they all have to share one \$200,000 amount. If the injured parties have claims worth more than their share of that limit, they have to pursue their own insurer for the balance.

If you're ever injured in a hit and run accident, we recommend that you:

- Get medical treatment.
- Inform the Administrator that you plan to commence a lawsuit against them because of the actions of an unknown driver (this must be done in writing and within 90 days of the occurrence).

The Administrator will often ask you to take whatever steps you can to identify the other party. Steps may involve:

- Reaching out on social media or by advertising in a newspaper, community bulletin board, etc. to ask witnesses to come forward with information they have about the unknown vehicle.
- Requesting footage of the accident from any nearby businesses, homeowners, or the police that may have been captured on traffic or security cameras.

- NOTE: If no one responds to these types of requests within a reasonable time frame (three weeks), then it's fair to assume the identity of the unknown driver will remain unknown. In this case your only recourse will be your own Section B insurer, and the Administrator.

There are a lot of cars on the roads these days. Unfortunately not all of them are driven by conscientious, responsible people.

If you are ever injured in a hit and run accident, you can call any of our [Personal Injury lawyers](#). We offer a free initial consultation and we'll give you an honest assessment of your claim and talk about the best approach.