

What Happens if there is an Accident and I am Uninsured?

Introduction

If you drive a vehicle that is required to be registered in Washington State, you must have auto insurance or other proof of financial responsibility.

If you drive your car without the required insurance, you could receive a fine of \$550 or more. If you are at fault in an automobile collision and you do not have insurance, your driver license may be suspended if you do not pay for the resulting damages and/or injuries. See

www.dol.wa.gov/driverslicense/suspenduninsuredaccidents.html

I have no auto insurance. I was in an accident. How do I stop the suspension of my driver license?

The Department of Licensing (DOL) could suspend your license if the accident injured anyone or caused at least \$1,000 in property damage. [RCW 46.52.030](#); [WAC 446-85-010](#).

DOL will send you a suspension notice if it decides within 180 days of the accident that a court might hold you responsible for the damage. The notice will say:

- DOL intends to suspend your license in 60 days.
- How to avoid the suspension.
- Your right to appeal the suspension.

To stop the suspension you can:

- 1. Deposit security and get future insurance.** You can deposit with DOL the amount it estimates you owe because of the accident, and provide proof of insurance. [RCW 46.29.070 & .250](#). An SR-22 insurance certificate is proof of insurance.

The suspension notice states how much you must deposit. Ask DOL for forms and instructions on how to deposit security. DOL will return the deposit if no one sues you within three years of the accident.
- 2. You can give DOL a written statement** signed by all the other parties **releasing you from liability** (responsibility) for the accident. The list of who must give this statement is in a *Contact List* that comes with the suspension notice.
- 3. Reach written agreement with the others involved in the accident.** You and everyone else in the *Contact List* must sign the agreement. Give DOL a copy. [RCW 46.29.140](#).

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- ❖ Usually you will admit owing money and sign an agreement to pay, either one payment or in installments. If you need a payment plan, try to set payments you can afford to make. If DOL finds out you missed a payment, it will issue a new suspension notice.
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4. File for bankruptcy. A bankruptcy will discharge the debts you owe because you were uninsured at the time of the accident. “Discharge” means you no longer owe the debt and DOL can no longer suspend your license solely based on that debt.

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- ❖ **Some debts are not dischargeable,** like traffic tickets or damage caused by drunk driving.
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Even after a bankruptcy, you must still show “financial responsibility” (that you have insurance) before you can get a license.

After an accident, you must show proof of SR-22 insurance, an expensive, high-risk type of insurance. In most cases, you must provide proof of SR-22 insurance for three years from the date you are eligible to reinstate your license.

Make sure DOL has your current address.

If you move and you do not update your address:

- You may not get the notice.
- You may not learn that DOL suspended your license.
- You may lose your appeal rights.

What do I do if I am in an accident?

If there are injuries or property damages, you must file an accident report within 24 hours, even if the police at the scene filed a report. You can get a report form from any police department. You must answer each question completely and accurately.

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- ❖ Make sure any police officer who comes to the scene fully understands what happened.
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Take witnesses’ names, addresses, and phone numbers in case you need to go to a hearing. Take photos of the damage. If you are insured, call your insurance provider.

DOL sent me a notice of suspension. What can I do?

You can request a hearing within 20 days from the date on your suspension letter to contest (challenge) the suspension of your license. The suspension letter should include a form to request an appeal of the suspension. It should also give you a deadline to request a hearing. Complete the hearing request form you received with your suspension letter, and mail it to the address on the form postmarked on or before the hearing deadline.

Should I ask for a hearing?

The hearing officer will determine the following:

- Whether you were the driver or the owner of the vehicle.

- Whether the accident resulted in property damage of less than \$1,000 or personal injury.
- Whether an exception listed in [RCW 46.29.080](#) applies.
- Whether there is a reasonable possibility that a civil court judgment could be entered against you.
- Whether you have deposited enough security to satisfy (pay) such judgment.

If the facts in your situation meet these criteria, there is no reason to request a hearing.

I have requested a hearing. What will happen?

A hearing officer will conduct and record the hearing. You may offer your own testimony, witnesses' testimony, or documents or other evidence. You can bring a lawyer.

After the hearing, the hearing officer will send you a written decision. The decision can uphold, change, or reverse the decision you appealed. If the hearing officer's decision upholds the Department's decision, the suspension order will have an effective date of 30 days after the date of mailing of the decision. You can appeal the decision to Superior Court if you disagree. [RCW 34.05.470\(5\)](#).

What if the other driver has a judgment against me and DOL suspends my license?

If you cannot pay the judgment all at once, ask the other side to agree to a payment plan.

If you stay current in your payments, DOL will give back your license. [RCW 46.29.400](#). You must provide proof of SR-22 insurance and pay a reissue fee.

DOL can let you keep your license if those who won the judgment against you agree in writing. [RCW 46.29.350](#).

What if I own the car involved in the accident, but I was not driving?

DOL may suspend your license and the driver's. Owners are usually legally responsible for accidents caused by others driving their cars. You can avoid license suspension if you can prove the driver was driving without your permission; for example by filing a police report. [RCW 46.29.080\(8\)](#).

What if the police stop me while driving with a suspended license?

This is a crime. [RCW 46.20.342 \(c\)](#). The punishment for a first conviction can be jail time of up to 90 days and a fine of up to \$1,000. [RCW 9A.20.021\(3\)](#).

DOL might cancel your car's registration and take its plates away if you were the driver *and* registered owner of the uninsured car involved in the accident. [RCW 46.29.605](#).

Can I get a restricted license to get to and from work?

Yes, if you meet DOL's criteria. You must pay a license fee of \$100 and show proof of SR-22 insurance. The license can take seven to ten working days to process.

An occupational or restricted license:

- States the reasons for its issuance.
- Sets out specific hours you may drive to and from home, days you can use the license, and general routes you may travel. [RCW 46.20.391](#) & [.394](#).

For more info, contact Customer Service at DOL: 360-902-3900 or visit www.dol.wa.gov/driverslicense/orl.html.

Can I get a temporary license for other reasons?

Yes, if you need it to:

- Get to and from school.
- Keep a job where you need to drive.
- Do court-ordered community service.
- Get health care or give care to a dependent.
- Go to substance abuse treatment or meetings with groups such as Alcoholics Anonymous.
- Take part in programs helping people in WorkFirst get work.
- Take part in an apprenticeship, on-the-job training, or welfare-to-work program. [RCW 46.20.391\(3\)](#).

What if I need legal help?

- Apply online with [CLEAR*Online](#) - nwjustice.org/get-legal-help or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- Outside King County: Call 1-888-201-1014 weekdays 9:15 a.m. - 12:15 p.m.
- King County: Call 211 for info and referral to an appropriate legal services provider weekdays 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also learn about King County legal service providers at www.resourcehouse.com/win211/.
- Persons 60 and Over: Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at WashingtonLawHelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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