

Page Title: Can I sue for more than the defendant's insurance policy limits? | ABC Car Accident Lawyers |

Meta Description:

Do you know what to do if you were hurt in a car accident and the at-fault driver did not have enough insurance to cover your damages? Click here to learn more.

Can I sue for more than the defendant's insurance policy limits?

If you have uninsured or underinsured motorist coverage, you might be able to collect additional compensation from the defendant in your compensation claim. Although [California Department of Insurance](#) (CDI) regulations do not require you to purchase uninsured (UMC) or underinsured (UIM) motorist coverage, they do require:

- Your insurance provider to offer it
- You to sign a waiver if you refuse it

You **can pursue more than the defendant's insurance policy limits** from your own insurer if you do choose to add this coverage to your policy. If the at-fault party's insurance is insufficient to cover your costs, your lawyer may carefully read and review your insurance policy to see if you have this added coverage and to determine how you may tap into it.

Calculating Your Recoverable Damages After A Car Accident

The recoverable damages you might typically expect to receive from an at-fault driver include lost income, medical care, property damage, pain and suffering, and emotional trauma. According to [California Department of Insurance](#) (CDI) guidelines, once the defendant's insurance coverage is exhausted, your UMC and UIM coverage might be used to cover your remaining costs.

- Uninsured motorist bodily injury (UMBI) coverage pays for damages for you and any passengers in your car if the at-fault driver is uninsured
- Underinsured motorist (UIM) coverage pays for the costs associated with your physical injuries if the at-fault driver was underinsured
- Uninsured motorist property damage (UMPD) coverage pays up to \$3,500 to repair your damaged car if the uninsured driver cannot be identified

You may not have to settle for the coverage of the defendant's insurance policy if it falls short of paying your accident-related expenses. Your lawyer may be able to help you understand the total recoverable damages you are entitled to and at which point you can seek added protection from your own insurer.

Get Help Tapping Into These Added Financial Resources

The financial costs of a car accident can grow at an alarming rate. If the driver who caused the collision only has the minimum required insurance, and it does not cover your costs, a lawyer may take these steps on your behalf:

- Read and review the at-fault driver's insurance policy to be sure of their maximum coverage limits
- Carefully scrutinize your insurance policy to verify your UMBI, UIM, UMPD, or UMC coverage
- Determine the maximum coverage you might be entitled to under these added protections

Understanding how multiple insurance policies might work together can be challenging. The lawyer who represents you might be able to help you combine multiple policies – your own and the at-fault driver's – to maximize your potential financial recovery.

Understanding How Settlement Negotiations Work

When attempting to resolve your case with a financial settlement, your lawyer and the at-fault party or their insurance company representative might each examine the evidence and determine fault and liability.

Each side may also determine what the resulting compensation claim is worth by assigning a value to the economic and non-economic portions of your claim. Both parties will then negotiate to reach an agreed upon settlement amount. Your legal team may present each settlement offer to you and explain its pros and cons. If an agreement cannot be reached, your case may proceed to court for a final resolution.

Documents and Evidence Each Side May Request

To prove the cost of a car accident and the cost of its financial consequences, your lawyer and the at-fault driver's lawyer might request some or all of the following documents:

- Medical records that detail your injuries
- Medical bills that demonstrate the cost of your treatments
- Insurance policies from you and the at-fault driver

- Tax and employment records to prove loss of income
- Damage bills or value estimates for your vehicle

If you are seeking additional monetary coverage from uninsured or underinsured motorist protection, your insurance company may also request these documents. Provide these documents upon request along with any other documents, photos, or other evidence that might bolster and support your right to financial recovery.

You May Be Able To Optimize Your Financial Recovery

If you were injured and your property was damaged in a car accident, you might be entitled to financial compensation if the at-fault driver was negligent. If the driver who caused the accident did not have enough insurance coverage to compensate you for your losses, you **can sue for more than the defendant's insurance policy limits**. Contact the personal injury team at ABC Law Offices by calling (123) 456-7890 to learn more about your financial recovery options.

References:

1. https://www.americanbar.org/groups/public_education/resources/law_issues_for_consumers/injury_settle/