

## Accidents with Uninsured Drivers

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If you have recently been in an accident with an uninsured driver and have been unsuccessful in collecting damages, the Idaho Transportation Department may be able to help you. After a court judgment has been entered, the department will suspend the driving privileges of the uninsured driver until you have been paid.

### THE LAW

Idaho law requires motorists to carry liability insurance to pay for damages arising out of the ownership, maintenance, or use of a motor vehicle. The law also allows the transportation department to suspend the license of an uninsured driver until:

- A judgment for bodily injury or property damage resulting from an accident is paid, and
- The uninsured driver has provided the department with proof of financial responsibility (proof of ability to pay damages arising from liability equal to the minimum standards in Idaho) [49-117\(18\)](#). The minimums are "25/50/15" for damages sustained in any one accident:
  - \$25,000 for bodily injury to or death of one person,
  - \$50,000 for bodily injury to or death of two or more people, and
  - \$15,000 for injury to or destruction of property.

### COLLECTING UNPAID DAMAGES

Your first step in collecting unpaid damages from an uninsured driver is to file a claim in the county where the accident occurred or in the county where the uninsured driver lives. Claims may be filed in either Small Claims Court (to collect damages of less than \$5,000) or District Court. If the damages are more than \$5,000, you may want to obtain the services of a private attorney.

After a claim has been filed in court and the uninsured driver has been served with a copy, the court will hear the case. If a judgment ([49-111](#)) is rendered in your favor, the defendant has 60 days to satisfy the judgment (pay you) or file an appeal.

If the defendant fails to pay you or appeal the judgment within 60 days, the Idaho Transportation Department can begin to take action on your behalf if:

- the judgment arose out of the ownership, maintenance, or use of a motor vehicle and the damages awarded were for bodily injury or property damage;
- the judgment has remained unsatisfied for 60 days; and
- you provide the department with a certified copy of the judgment, a copy of the complaint, and a copy of the accident report, if available.

### SUSPENDING THE DRIVER

The department will issue an "**Order of Intent to Suspend**" to the uninsured driver upon receipt of a certified copy of the judgment, a copy of the complaint, and a copy of the accident report, if available. The driver has 30 days to satisfy the judgment or enter into a satisfactory payment agreement with you. If the driver does not respond, the department will issue an "**Order of Suspension**" which will suspend the driver's license and driving privileges indefinitely.

The uninsured driver's license and privileges will be reinstated if:

- the driver pays the judgment or a payment agreement is executed, and
- the driver has filed proof of financial responsibility (SR-22) with the department and paid a reinstatement fee.

## QUESTIONS

### **If the driver fails to pay the installments as agreed, what can I do?**

- Upon written notice of default, the department will suspend the driver's license until the judgment is paid in full or you negotiate a new payment agreement.

### **Do I need an attorney to file a claim?**

- You do not need an attorney for Small Claims Court. If the claim is for more than \$5,000 in damages (District Court claims) you may want to retain the services of an attorney.

### **If I am involved in an accident in Idaho with a non-resident, is there anything I can do?**

- Yes, you may file a claim in an Idaho court, as if the driver were a resident of Idaho.

### **Can I file a claim against the registered owner of a vehicle or the parents of a minor driver?**

- Yes.

FOR ADDITIONAL DMV INFORMATION, contact Driver Services via e-mail at:

[driverrecords@itd.idaho.gov](mailto:driverrecords@itd.idaho.gov)