

# I got into an accident and am uninsured

## Author

Northwest Justice Project

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Learn about Washington's mandatory insurance law and the laws that apply if you have an accident while driving without insurance.

## 1. Insurance

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If you drive a vehicle that is required to be registered in Washington State, you **must** have vehicle insurance or other proof of financial responsibility. You can read more about the financial responsibility law on the Department of Licensing website (<https://dol.wa.gov/driver-licenses-and-permits/suspended-license/types-driver-license-suspensions/failure-pay-accident-damages-financial-responsibility-law>).

If you drive your vehicle without the required insurance, you could receive a fine of \$550 or more (<https://dol.wa.gov/driver-licenses->

and-permits/mandatory-insurance). If you're at fault in an automobile collision and you don't have insurance, your driver license may be suspended if you don't pay for the resulting damages and/or injuries.

## 2. Accidents

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### What do I do if I'm in an accident?

Take witnesses' names, addresses, and phone numbers in case you need to go to a hearing. Take photos of the damage. If you're insured, call your insurance provider. Write down notes and details about what you remember happening as soon as you can.

Make sure any **police officer** who comes to the scene **fully understands** what happened. Tell them all the facts as you understand them.

Note the officer's name and badge number. Ask the officer which precinct or location they work at. Find out whether the responding officer was a local police officer, county sheriff, or state patrol. You'll need to know this to follow up about the accident report. Ask the officer how you should contact them to get your copy of the accident report.

If there are injuries or property damage that could result in \$1,000 or more in damages, you must file an accident report within 4 days (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.52.030>). You might not have to do this if the responding officer filed the investigation report.

Confirm that the officer did. If they didn't, or if the police didn't respond to the accident, you can get an **accident report form** from the police or sheriff's department and file it. You must answer each question completely and accurately. Your license can also be suspended for failing to file the accident report (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.52.035>).

## **What if I own the vehicle involved in the accident, but I wasn't driving?**

DOL may suspend both your license and the driver's. Owners are usually legally responsible for accidents caused by others driving their vehicles.

You can avoid license suspension if you can prove the driver was driving without your permission (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.080>). You could prove this by showing that you filed a police report that reported the vehicle as stolen.

## **I have no vehicle insurance. I was in an accident. Can the DOL suspend my license?**

The Department of Licensing (DOL) could suspend your license if you were uninsured during an accident that injured anyone (<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.52.030>) or caused at least \$1,000 in property damage (<https://app.leg.wa.gov/wac/default.aspx?cite=446-85-010>) and you didn't file the accident report (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.52.035>).

The 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 suspension.
- Your right to appeal the suspension.

### 3. Preventing suspension

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Here are things you can do to stop the suspension:

- **Deposit security and get future insurance.** You can deposit with the DOL the amount it estimates you owe (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.070>) because of the uninsured accident. The suspension notice states how much you must deposit. Ask DOL for forms and instructions on how to deposit the security amount. DOL will return your deposit if no one sues you within 3 years of the accident.

**You must also get and provide proof of future insurance**

(<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.250>), using an SR-22 insurance certificate (<https://dol.wa.gov/driver-licenses-and-permits/suspended-license/types-driver-license-suspensions/financial-responsibility-sr-22>) as your proof. SR-22 insurance is an expensive, high-risk type of insurance. You must usually provide this proof of insurance for 3 years from the date you're eligible to reinstate your license.

- **Give the DOL a written statement signed by all the other parties** (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.140>) (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.140>) **releasing you from liability (responsibility) for the accident.** The list of who must give this statement is on a “Contact List” that comes with the suspension notice.

- **Reach written agreement with the others involved in the accident.** You and everyone else on the Contact List must sign the statement and give the DOL a copy.

Usually, you'll admit owing money and sign an agreement to pay, either one payment or in installments. If you need a payment plan, try to set payment amounts you can afford to make. If the DOL finds out you missed a payment, it will issue a license suspension notice.

- **File for bankruptcy.** 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 the DOL can no longer suspend your license solely based on that debt. Even after bankruptcy, you must still show "financial responsibility (<https://dol.wa.gov/driver-licenses-and-permits/suspended-license/types-driver-license-suspensions/financial-responsibility-sr-22>)" (that you have insurance) before you can get a license.

**Some debts aren't dischargeable**, like traffic tickets or damage caused by drunk driving.

- **Make sure DOL has your current address.** If you move and you don't update your address, you may not get the notice. You may not learn that DOL suspended your license. You may lose your appeal rights.

## 4. Suspensions

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

If you can't 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 (<https://app.leg.wa.gov/rcw/default.aspx?cite=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 (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.350>).

### **My license is suspended, but I need to drive now. What can I do?**

Depending on why your license was suspended, you can apply to DOL for an Occupational/Restricted License or an Interlock Driver License (<https://www.dol.wa.gov/driverslicense/restricted.html>). You must meet the eligibility requirements. Financial help is available if you have a low income.

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

**Driving with a suspended license** is a crime

(<https://app.leg.wa.gov/rcw/default.aspx?cite=46.20.342>). The punishment for a first conviction (<https://app.leg.wa.gov/rcw/default.aspx?cite=9A.20.021>) can be jail time of up to 90 days and a fine of up to \$1,000.

If you were the driver *and* registered owner of an uninsured vehicle in an accident and the DOL suspends your license because you didn't pay the accident judgement or security deposit, then the DOL might also cancel your vehicle's registration and take its plates away (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.29.605>).

## The 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 challenge (contest) 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.

## 5. Ask for a hearing

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## Should I ask for a hearing?

A hearing might help if you want a hearing officer to determine:

- 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](#) (<http://app.leg.wa.gov/RCW/default.aspx?cite=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.

## 6. The hearing

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### I've requested a hearing. What will happen?

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

**You can bring a lawyer.** If you want [a lawyer](#) for your hearing (<https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536>), hire one quickly, so the lawyer doesn't miss any deadlines.



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 (<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.470>) to Superior Court if you disagree. This is called a petition for reconsideration.

There are short timelines to file your appeal. Don't wait if you want to file a petition for reconsideration.

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