

## **Automobile Accident Questions**

**1. What if both I and the other driver are at fault?**

In New Mexico, in most cases each driver is responsible for his or her own fault. Therefore, if each of you is 50% at fault, you can recover 50% of your total damages.

**2. Can I recover damages if the person who caused the accident has no insurance?**

If you have uninsured motorist coverage on your vehicle, or any relative with whom you reside has such coverage, it is likely you will be able to recover. Uninsured motorist coverage provides if a motorist who causes a collision with you is uninsured, your insurance company will provide coverage. Because there are many uninsured motorists in New Mexico, we recommend that you carry uninsured motorist coverage.

**3. If I am a victim of a hit and run driver or if I am struck by an unidentified automobile as a pedestrian, do I have insurance coverage?**

Most uninsured motorist policies provide that an insured or family member living with an insured is covered in these situations.

**4. Can I recover damages against a drunk driver in addition to the usual damages?**

You can argue punitive damages against a drunk driver. Such damages serve to punish a person whose conduct deserves punishment and can be very substantial. While punitive damages are usually limited to intentional acts, they may also be recovered against drunk drivers.