

What to Do If the At-Fault Driver Has No Insurance in Massachusetts

Massachusetts car accident attorneys committed to protecting your rights

You followed every rule. You were careful and fully insured. Then someone ran a red light, smashed into your car, and when the dust settled and you exchanged information, you discovered they have no insurance. Suddenly, you're hurt, your car is wrecked, and the person responsible is unable to pay for the damages you suffered. Talk about adding insult to injury.

Getting into a [car accident](#) with an uninsured driver in Massachusetts is more common than most people think, and it creates a uniquely frustrating situation. You did everything right, but now you're stuck dealing with medical bills, lost work, and a totaled car because the at-fault driver has no insurance.

The good news is that Massachusetts law actually provides several ways to recover compensation even when the other driver has no insurance. Here's what you need to know about your options and how to protect yourself after a crash with an uninsured motorist.

How common are uninsured drivers in Massachusetts?

Even though Massachusetts has strict insurance requirements and some of the toughest penalties in the country for driving without coverage, uninsured drivers are still out there. Some people let their policies lapse and keep driving anyway. Others are deliberately avoiding the system because they've lost their license or can't afford coverage. Hit-and-run drivers who flee the scene might as well be uninsured because it's possible you'll never track them down to file a claim.

The reality is that despite heavy fines, license suspensions, and even jail time for repeat offenders, there's always going to be a percentage of drivers on Massachusetts roads who don't have the insurance they're supposed to carry. That's exactly why the state requires all drivers to have uninsured motorist coverage on their own policies.

What does Massachusetts law say about uninsured drivers?

Massachusetts doesn't mess around when it comes to auto insurance. The state has what's called a [Compulsory Auto Insurance Law](#), which means every single driver must carry minimum coverage or face serious consequences. As of July 2025, those minimum requirements include:

- \$25,000 per person and \$50,000 per accident for bodily injury
- \$30,000 for property damage
- \$8,000 for personal injury protection (PIP)
- \$25,000/\$50,000 in uninsured motorist (UM) coverage

If someone gets caught driving without insurance in Massachusetts, the penalties are steep. For a first offense, they're looking at a \$500 fine, a 60-day license suspension, a \$500 reinstatement fee, and up to a year in jail. Second and subsequent offenses can bring fines as high as \$5,000, a full year of license suspension, and an even greater chance of jail time. On top of that, they have to pay \$500 to the state's assigned risk plan before they can even think about getting their license back.

What should I do immediately after an accident with an uninsured driver?

First things first; call 911. Even if the other driver is apologizing and promising to pay out of pocket, you need police and medical responders at the scene. The police report is going to be key evidence later, and you need medical documentation from the moment the crash happens. Injuries don't always show up right away, and if you wait to see a doctor, the insurance company will argue that your injuries weren't that serious or weren't caused by the crash.

While you're waiting for help to arrive, document everything. Take photos of the damage to both vehicles, the road conditions, any skid marks, traffic signals, and anything else that helps tell the story of what happened. Get the other driver's contact information, license plate number, and driver's license number. Talk to any witnesses and get their names and phone numbers. If you have a dashcam, save that footage immediately.

Once you're safe and have been checked out by a doctor, report the crash to your own insurance company. This is important even if the other driver has no insurance, because you're going to be filing a claim under your own uninsured motorist coverage. Don't wait on this. Most policies require prompt reporting, and delays can give the insurance company an excuse to deny your claim.

Lastly, don't discuss fault at the scene, don't give recorded statements to anyone without talking to an attorney first, and don't sign anything that releases the other driver from liability.

How does Massachusetts' no-fault insurance system work?

Massachusetts is what's called a no-fault state, which means your own insurance company pays for your medical bills and lost wages through your PIP coverage regardless of who caused the crash.

Massachusetts drivers are generally required to have PIP coverage, but some choose a deductible of up to \$8,000, which can reduce or effectively eliminate those benefits in exchange for lower premiums.

Even if the other driver was 100% at fault and even if they have no insurance, any PIP coverage you have usually kicks in first to cover your immediate medical expenses and a portion of your lost income.

The no-fault system is designed to get you medical treatment fast without waiting for insurance companies to figure out who was at fault. However, you can only step outside the no-fault system and sue the at-fault driver if your injuries meet certain legal thresholds. Specifically, you can file a lawsuit if:

- Your medical expenses exceed \$2,000.
- You suffered serious injuries like fractures, permanent disfigurement, loss of sight or hearing.
- If there was a fatality or severed limb.

What is uninsured motorist coverage and how does it help?

UM is insurance that you carry on your own policy to protect yourself and certain members of your household – such as your spouse, children, or other family member – when the at-fault driver has no insurance. In Massachusetts, this coverage is mandatory, and it applies in several situations.

Obviously, it covers you when the at-fault driver has no insurance at all. It also applies in hit-and-run situations where you never identify the other driver. In many cases, UM coverage also protects qualifying household members, even if they are not listed drivers on the policy.

If you're injured as a pedestrian or bicyclist by an uninsured driver, your UM coverage or a household member's UM coverage can help there too.

However, the minimum required coverage of \$25,000 per person often isn't enough to fully compensate someone who's been seriously injured in a crash. Medical bills pile up fast. If you've got broken bones, surgery, months of physical therapy, and lost income from missing work, \$25,000 might not even scratch the surface.

That's why it's smart to purchase higher limits of UM coverage if you can afford it. It's relatively inexpensive to increase your coverage, and it could save you from financial disaster if you're ever hit by an uninsured driver.

To file a UM claim:

- You work directly with your own insurance company.
- You'll need to provide the police report, medical records, proof of lost wages, repair estimates for your vehicle, and any other documentation that shows the extent of your injuries and losses.
- Your insurance company will investigate the claim just like they would if they were paying on behalf of an at-fault driver.

What mistakes should I avoid after an accident with an uninsured driver?

The biggest mistakes people make are failing to report the crash quickly, not seeking immediate medical attention, and giving recorded statements to insurance adjusters without legal advice. Insurance companies love to use delays and inconsistencies against you. If you wait a week to see a doctor, they'll argue you weren't really hurt. If you give a recorded statement right after the crash when you're still in shock and don't mention every ache and pain, they'll claim you're exaggerating your injuries now.

Another common mistake is accepting a quick settlement offer. Insurance companies know that people are desperate to pay their bills, and they'll offer you a lowball settlement hoping you'll take it and go away. Once you accept a settlement and sign a release, you can't go back and ask for more money later when you realize your injuries were worse than you thought.

Finally, don't forget the deadlines. Missing the statute of limitations or failing to comply with your insurance policy's reporting requirements can kill your claim before it even gets started.

How can a Massachusetts car accident attorney help?

UM claims can be highly complicated. You're dealing with your own insurance company, which means you're dealing with a company that's looking for reasons to pay you less. At the [Law Offices of Mark E. Salomone](#), we know how to:

- Gather the right evidence.
- Document your injuries properly.
- Negotiate with adjusters who are trying to reduce your compensation.
- Investigate whether there are other sources of coverage you haven't considered.
- File a lawsuit if the insurance company refuses to offer fair compensation.

You didn't cause the crash. You didn't ask to be hurt. So you shouldn't have to pay the price because someone else broke the law by driving without insurance. If you were hurt in an uninsured motorist crash or hit-and-run, [contact us](#) today for a free consultation. We work on a contingency fee basis, which means there are no upfront or hidden costs if you decide to work with us.