

# NEW MEXICO INJURY ATTORNEY BLOG

PUBLISHED BY  
**COLLINS & COLLINS, P.C.**  
ATTORNEYS AT LAW

April 14, 2010

## **Stacking Uninsured/Underinsured Motorist Coverage in New Mexico**

Uninsured/Underinsured motorist coverage is vitally important to New Mexico drivers. New Mexico has one of the highest uninsured motorist rates in the nation with 29% of its drivers uninsured. Many more are underinsured meaning they carry only minimal liability coverage that will fall well short of covering any injuries they cause in an accident.

Uninsured/Underinsured (UM/UIM) motorist coverage can cause much confusion for motorists. This is particularly so with stacking of UM/UIM coverage. Stacking allows the insured driver to stack the coverage on several vehicles insured under the same policy. Stacking of UM/UIM coverage may be critical to an injured person recovery of damages.

Typically, UM/UIM is covered at the same level as the liability limits on the policy. As such, if a driver carries \$25,000 in liability coverage, then the UM/UIM coverage will also be at \$25,000. If the driver has 3 vehicles insured at \$25,000 limits, then stacking will provide for a total of \$75,000 in UM/UIM coverage.

UM/UIM coverage and the stacking of coverage is automatic on auto insurance policies in New Mexico. In order to either waive UM/UIM coverage or the stacking of UM/UIM coverage, the insurance company must obtain a rejection of UM/UIM coverage from the insured driver. Likewise, the insurance company must get an agreement with the insured driver to reject stacking of the coverage on all vehicles covered under the policy. Recent decisions have added some confusion to the issue stating that though the rejection must be made part of the policy, it need not be signed. This is contrary to prior case law.

In cases of serious auto accidents, the injuries can be very severe. Often, the medical costs alone, past and future, will far exceed \$25,000 in cases of serious personal injuries. In these situations, stacking of coverage alone will provide the injured person with any reasonable compensation for his or her damages. Even this at times may prove grossly inadequate.

**Main Office:  
400 Gold Ave. SW  
Suite 500  
Albuquerque, NM 87102  
(505) 242-5958**

<http://www.newmexicoinjuryattorneyblog.com/>

UM/UM is relatively inexpensive to carry. To be expected, because the coverage is such a good deal for its customers, some insurance companies will often try to talk drivers out of it. They will also try to convince the driver to waive stacking coverage.

All that a driver needs to know is that there is no good reason to reject uninsured/underinsured motorist coverage. Neither is there any good reason for waiving stacking of UM/UIM coverage. Such waivers of coverage benefit nobody but the insurance company. The consequences for the driver can be devastating leaving unrecoverable damages such as past and future medical expenses, lost earnings, disfigurement and permanent injuries, pain and suffering and the like.

**Main Office:  
400 Gold Ave. SW  
Suite 500  
Albuquerque, NM 87102  
(505) 242-5958**

<http://www.newmexicoinjuryattorneyblog.com/>