

# FAQs Regarding Virginia PIP and UM/UIM Coverage

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## Virginia PIP/MEDPAY FAQs:

*Question: Does Virginia require mandatory Medical Payments ("MedPay") coverage?*

Answer:

No. Virginia does not have mandatory MedPay coverage, but an insurance company MUST notify policy holders in writing that there is optional coverage available. If requested by policy holder, insurer must provide minimum coverage of \$2,000. Va. Code Anno. § 38.2-2202.

*Question: Who is ineligible to collect on a MedPay claim?*

Answer:

A person who is engaged in an illegal act (i.e. reckless driving or driving while intoxicated). VA Code Ann. §38.2-3504.

*Question: Are buses and taxicabs required to carry MedPay?*

Answer:

No. MedPay is optional. Va. Code Anno. § 38.2-2202.

*Question: Are you allowed to subrogate MedPay claims?*

Answer:

No. Va. Code Anno. § 38.2-2209.

*Question: Can a company driver, injured in a company vehicle, recover MedPay benefits from the auto policy on his personal vehicle?*

Answer:

It depends. Primary coverage generally "follows the vehicle." If the company vehicle does not have MedPay coverage, the driver is usually entitled to coverage under his personal policy. However, if the company vehicle also has MedPay coverage, that coverage will be primary and the coverage under the policy on his personal vehicle will be secondary.

*Question: Can a company driver, injured in a company vehicle, recover MedPay benefits if he has made a workers' compensation claim?*

Answer:

It depends which benefits he/she pursues first. An insurer is not prohibited from excluding claims for MedPay when medical expenses were payable under the workers' compensation statute.

*Question: Can a company waive MedPay coverage for members of the public (i.e. passengers)?*

Answer:

No. If MedPay is carried, an insured cannot limit or waive coverage for members of the public.

*Question: Can a company waive MedPay coverage for its drivers?*

Answer:

No. If MedPay is carried, an insured cannot limit or waive coverage for its drivers.

*Question: Does a defendant in a regular bodily injury case get a credit for MedPay benefits paid to a plaintiff?*

Answer:

No. MedPay is considered a collateral source. There is no credit and it is inadmissible evidence at a civil trial.

*Question: Can passengers collect MedPay coverage from the host vehicle?*

Answer:

Yes.

*Question: Can passengers stack MedPay coverage from the host vehicle?*

Answer:

No. But they can stack from their own other vehicles (up to 4). Va. Code Anno. § 38.2-2201.

### **Virginia Lost Wage Coverage FAQs:**

*Question: Is lost wage coverage mandatory in Virginia?*

Answer:

No. Virginia does not have mandatory lost wage coverage, but an insurance company **MUST** offer this coverage to policyholders in writing (i.e. policy holder can decline). Va. Code Anno. § 38.2-2202. Lost wage is separate and distinct coverage from MedPay.

*Question: Can lost wage coverage be stacked in Virginia?*

Answer:

Yes. Can stack up to four other owned vehicles.

*Question: Is lost wage coverage subrogatable?*

Answer:

Yes. Va. Code Anno. § 38.2-2201.

*Question: How much coverage is available under lost wage coverage and for how long?*

Answer:

\$100 per week for one year from date of accident. Va. Code Anno. § 38.2-2201.

### **Virginia UM/UIM Coverage FAQs:**

*Question: Does Virginia require mandatory Uninsured (“UM”) Motorist Coverage?*

Answer:

Yes. The minimum policy requirement in Virginia is at least \$25,000 for any one person and at least \$50,000 for any two or more persons. Va. Code Anno. § 38.2-2206

*Question: Are you allowed to “stack” UM coverage from separate policies?*

Answer:

Yes, but subject to provision of VA Code Anno. § 38.2-2204

*Question: Are there any exemptions to the UM coverage requirements?*

Answer:

Yes. Vehicles being used for government business.

*Question: Can a company waive UM coverage?*

Answer:

No.

*Question: Can a company exclude UM coverage for its employees?*

Answer:

No.

*Question: Can a UM coverage obligation be off-set or reduced?*

Answer:

Yes. UM Coverage can be reduced by a) the amount of coverage paid by the primary policy (i.e. tortfeasor’s policy) and b) the amount of workers’ compensation benefits received and not repaid by claimant.

*Question: Are you allowed to have UM limits that are greater than limits of your liability coverage?*

Answer:

No, your UM limits must be equal to or less than your liability coverage.

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