Uninsured driver leaves woman fuming

Posted Monday, Oct. 31, 2011  8 Comments  Print  Reprints  Share  Like 0

By Amanda Rogers
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After her accident, Lauren Middleton was surprised to discover the other driver didn't have a license or insurance. She was even more surprised when the police officer didn't arrest the other driver.

"It just doesn't seem fair," she said. "Because he doesn't have insurance, I have to fix my car and it's not my fault."

The 22-year-old was going home on FM 917 when she says she saw an SUV pull out of a gas station into her lane.

"I tried to slow down and turn into the Valero and I clipped the back of his car," she said. "He was all the way into my lane. I don't think he saw that I was coming."
Middleton's 2000 Pontiac Trans Am was damaged on the front driver's side, but her father hammered out the wheel well so that she could drive the vehicle home, her mother, Janet Middleton, said.

"I asked for his insurance card and all he said was no, so I called the cops," Middleton said.

The Mansfield police report states that the other driver, a 20-year-old Alvarado man in a 1997 Suburban, "failed to yield right of way," and that Middleton "took evasive action and attempted to pull into a driveway."

The police cited the other driver for not having a license and failure to maintain financial responsibility. According to Police Chief Gary Fowler, the owner of the vehicle was called to the scene and took possession of the Suburban.

"Why am I carrying insurance?" Janet Middleton asked. "All he got was a ticket and a slap on the hand."

She wanted the police officer to arrest the other driver, while Lauren Middleton said she wanted the police to impound his car.

The police officer said he did not have the authority to do that, they said.

Some cities, like Dallas, do. If a driver is stopped and cannot produce proof of insurance or paperwork that states they have posted a cash bond with the state, the police will impound the car until they can.

"Cities routinely do not arrest for failure to have insurance or have a driver's license," said City Attorney Allen Taylor. "Cities can adopt ordinances that allow officers to place vehicles in an impoundment yard that require proof of insurance."

Mansfield does not have an impound ordinance, said Fowler.

"If you have a cookie cutter ordinance, you take that discretion away from officer," Fowler said. "Every situation is different. There are cities where if it's expired by one day, they can impound your car. It's all or nothing."

City Prosecutor Craig Magnuson agreed.

"How do you prove on the side of the road if they don't have insurance or just couldn't find their insurance card?" he said. "It's a very sticky situation."

For now, Lauren Middleton is able to drive her car very slowly. The full-time University of Texas at Arlington mechanical engineering student also works full-time as a quality representative at Gamma Engineering.

"Work is a mile down the street so I go 10 mph," she said. "I can't miss work. My teachers are e-mailing me all my work so I don't have to drive."

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