



WHY ALL CYCLISTS SHOULD CARRY UNINSURED MOTORIST INSURANCE

Getting hit by a car while riding your bike is something most of us would rather not think about. After all, riding is all about fun, being outdoors, enjoying life and supporting the environment. But what happens when an accident does occur? When your ride is suddenly interrupted by a negligent driver making an unsafe left turn, or opening a door right in front of you, or sideswiping you as they pass too closely. Many riders assume the driver's automobile insurance will cover the injuries, damage to the bike, medical bills, loss of time from work, and even long-term consequences. And while this may be true in many accidents, many riders don't realize that, under California law, the amount of insurance a driver is legally required to carry is only \$15,000.00 per person for the accident or a total of \$30,000.00 per occurrence. This means, no matter how badly injured you might be, many drivers will only have \$15,000 available to cover your injuries, medical bills, and other damages that result from the accident. This might seem like a decent amount of money but, in reality, this amount could be consumed in the first hour of an emergency room visit by x-rays, MRIs, and other tests and procedures. And if you're seriously injured, this a paltry amount of money to adequately compensate you for your injuries and potential future care. Additionally, a substantial number of drivers don't even have any insurance coverage. The question I often get in regards to an uninsured or minimally insured motorist is: "Why don't we sue them personally for the damages?" They assume there must be some way to make the negligent driver personally responsible either through a lawsuit or threatening them with one, and that this will result in a recovery for their damages. But the reality is not so promising. I explain that, in my experience, policy limits and a driver's personal assets are kind of like ham and eggs – they often go together. In other words, it's highly unlikely that a driver with minimal policy limits of \$15,000 will have personal assets that could be sought after to fairly compensate the cyclist for their injuries. And even if there are some personal assets like a house or a business, there are many legal means of shielding these assets from a judgment. I have obtained several large judgments either through default or other means that were nullified when the debtor just declared bankruptcy wiping out the judgment.

UNINSURED MOTORIST COVERAGE

So, what are riders supposed to do? How can they protect themselves from the current state of California's minimal policy limits requirements? The answer: UNINSURED MOTORIST PROTECTION UNDER YOUR OWN AUTOMOBILE INSURANCE COVERAGE. I can't emphasize enough just how important this is. Many riders are not familiar with uninsured motorist insurance and wonder how their own automobile insurance could be applicable when riding their bike. The answer is that if you are hit by a vehicle, you may be able to receive additional money from your own uninsured/underinsured motor coverage. It would even apply if were a pedestrian or walking your bike, as long as the other party involved was driving a car or some type of vehicle. Uninsured motorist coverage applies if the driver has no insurance or not enough insurance to cover your injuries and damages, and may apply to family members while they are riding a bike. Here's a typical case scenario of what this would look like: Bike rider is injured by a negligent driver. The rider sustains serious personal injuries including a fractured collarbone requiring surgery to repair it. The medical bills are \$30,000 (paid by health insurance). The negligent driver has only minimal policy limits of \$15,000.00 which is offered by his automobile insurance company. Fortunately, the rider has uninsured motorist protection with limits of \$100,000.00. The rider will recover the \$15,000 from the negligent driver, leaving an additional \$85,000 from his own uninsured motorist policy to compensate him. Note, there is an offset for the \$15,000 recovered from the negligent driver which is deducted from the \$100,000 uninsured motorists' policy.

HOW MUCH DOES UNINSURED MOTORIST COVERAGE COST?

The costs for this type of coverage are minimal – usually only several hundred dollars per year, and your insurance company can't raise your rates or cancel your coverage for using it. I can't tell you how many times a badly injured cyclist I have represented was literally saved by having this kind of protection. I have had clients with life changing injuries who received substantial compensation through their uninsured motorist coverage when the negligent driver had minimal limits or no liability insurance. I am often asked how much coverage they should buy. The answer is of course unique to each individual and their financial resources, but if you are a rider, I would recommend a minimum of \$100,000, and, if it fits in your budget, \$500,000 - \$1,000,000. You would be surprised at how affordable these kinds of coverage can be, and, if you are unfortunate enough to be involved in a serious accident, it may be the difference between frustration and heartache and a fair and reasonable recovery for your injuries.

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