

AUTO **INSURANCE**

UNDERSTANDING YOUR POLICY & RIGHTS

AUTO INSURANCE

UNDERSTANDING YOUR POLICY & RIGHTS

**ERIC J. SWAN
ATTORNEY AT LAW**

Copyright 2007 by Eric J. Swan, Esquire, Galfand Berger LLP, 1818 Market St., Suite 2300, Phila., PA 19103; Phone: 215-665-1600. www.galfandberger.com No part of this book may be reproduced by any means without the prior written permission of the Copyright owner. For permission and copies write or call the above.

INTRODUCTION

Galfand Berger, LLP, was founded in 1947 as a law firm dedicated to serving injured people. While the practice of law has changed, our dedication continues. During the past 50 years, we have designed our practice to give the highest service in the following legal practice areas:

AUTOMOBILE ACCIDENTS:

The confusion of insurance policies and coverages has made automobile accident law a full time study. Accident victims need to speak with a lawyer. As experienced auto accident lawyers, we know how to evaluate accident cases, protect a victim's legal rights, and negotiate full compensation from insurance companies. If you, a friend, or family member are injured in an auto accident, call us. We can help.

PERSONAL INJURY:

When a serious industrial accident happens it is necessary to find out if someone other than the the employer might be responsible for the injury. That "someone" may be a contractor at a construction site, the manufacturer of equipment or the owner of the premises on which the injury occurred. Early investigation is the difference between no case and a successful recovery. Many times we find the injured worker has lost the opportunity to bring a case because witnesses forget or evidence is destroyed. A phone call to our office will

INTRODUCTION

initiate a thorough investigation to protect the claim and make sure the responsible party answers for the injury.

EMPLOYMENT LAW:

We represent victims of discrimination and sexual harassment. We are ready to help you enforce the Americans With Disabilities Act, the Family and Medical Leave Act and other protective legislation that saves jobs.

WORKERS' COMPENSATION:

We help injured workers receive benefits and protect them when the employer or the insurance company tries to take away their benefits.

The reason our practice has grown is because satisfied clients as well as union representatives have recommended us to their family members, friends and fellow workers. Those recommendations are made with confidence that we serve with great professionalism, reliability and honesty.

Every day, we give people the type of advice contained in this book. But the book is not intended to replace legal advice specific to your case. Each case is different. If you have any questions, call us at: 1-800-222-8792.

We'll be happy to answer your questions.

FOREWORD

This book was written to answer the variety of questions that arise when you are injured in an automobile accident. Though the book centers on insurance issues, we have tried to cover the broad spectrum of issues that can impact on you if you are in an accident.

The purpose of the book is to arm you with the information you need to protect your rights. The information we provide is tailored to help you ensure your rights are protected before you are involved in an accident, relying on the adage that an ounce of prevention is worth a pound of cure.

The book is divided into three sections: Understanding Auto Insurance; What To Do If You Are Involved In An Accident; and Additional Sources of Recovery. The first section, Understanding Auto Insurance, explains basic coverage options and offers tips on which options to choose. The second section, What To Do After An Accident, offers tips and information on how best to protect your rights in the event of an accident. And the third section, Additional Sources of Recovery, discusses how to identify others who may be responsible for causing injuries in an auto accident.

Throughout this book, you'll find red stop sign symbols. These stop signs identify tips we thought would be especially helpful to you.



Our goal in writing this book is to provide you with a working knowledge of insurance coverage options available in Pennsylvania so that you can make the right choices for your situation as well as your pocketbook. Again, the best time to learn whether you have adequate coverage is before you need it.

Our friends and clients have provided thoughtful input that has helped make this book a useful-reference. We welcome your comments and thoughts.

TABLE OF CONTENTS

1. UNDERSTANDING AUTO INSURANCE:

Do I Really Need To Know This?	8
How Do I Know What Coverage I Have?	8
Understanding Insurance Coverages	9
Liability (Bodily Injury)	9
Property Damage	10
Medical Expense.	10
Uninsured Motorist.	12
Underinsured Motorist.	13
Full Tort Or Limited Tort?	14
Loss Of Income	15
Funeral Benefits	16
Accidental Death.	16
Collision	16
Comprehensive.	17
Extraordinary Medical Loss	17
How To Buy Insurance	18
How To Change Your Coverages.	19
Can Anything Disqualify Me From Coverage?	20
Summary Of Coverages.	21-22

TABLE OF CONTENTS

2. WHAT TO DO IF YOU ARE INVOLVED IN AN ACCIDENT

Things You Should Do	23
Things You Should Not Do.....	23
Report The Accident To Your Insurance Co.	24
If I Make A Claim Will My Premium Increase?	24
How Are Medical Bills And Wage Loss Paid?.....	24
How Do I Get My Car Repaired?	25
Coordination With Other Benefits	26
How Do I Know If I Have A Case?	26
What If I Was Partly At Fault In The Accident?.....	27
Do Most Cases Go To Court?.....	27
How Much Does An Attorney Cost?.....	28

3. ADDITIONAL SOURCES OF RECOVERY

Serving Alcohol	28
Product Liability	29
Bad Roadway	30
Bad Faith	30
Free Access To The Courts	31
A Final Word	33

1. UNDERSTANDING AUTO INSURANCE

Do I Really Need To Know This?

The laws in Pennsylvania have changed dramatically in recent years and the insurance coverage you choose will drastically affect whether you and your family are protected in the event of an accident.

Many of our new clients tell us that they are “fully covered” for accidents. Too often, they find out later they are not protected. It is up to you to make the right choices about insurance coverage.


The best way for you to make these choices is to understand exactly what you are buying and whether you need it.

How Do I Know What Coverage I Have?

Every insurance policy comes with a “Declaration Sheet” that lists the coverage you have. This usually is one or two pages with individual typewritten (not pre-printed) information.

It is a kind of laundry list that tells you: (1) the specific kinds of coverage you have; (2) the amount of each kind of coverage; and (3) the cost (premium) of each coverage for each vehicle on the policy.

You need to understand the “Declaration Sheet” and know the listed coverage options. Although an insurance agent can offer useful information, you are the one who makes the



ultimate decisions about the coverage important to you.

Understanding Insurance Coverages

The best way to understand insurance coverages is to think of your insurance policy as a large chest of drawers. Each drawer represents a type of coverage. You have the: Liability (Bodily Injury) Drawer; Underinsured Motorist Drawer; Property Damage Drawer; and so on.

You must decide how much coverage you need and can afford for each drawer. Just because one drawer has a lot of coverage does not mean that they all do. Likewise, there may be drawers that have coverage you do not want or need. Keep in mind that you pay for every drawer that has something in it. As you will see on your Declaration Sheet there is a separate charge (premium) for each coverage. These all are added up at the bottom for a total annual (or six month) premium. Below are the different drawers (coverages) you'll find on most insurance policies.

Liability (Bodily Injury)

This coverage protects you from claims made against you by someone you injure in an accident that is your fault. Without this coverage, you would be responsible to pay damages to those injured in the accident. Insurance companies must make

coverages available in the following range: \$15,000/30,000 to \$100,000/300,000. The first number represents the limit any one person can collect for an accident and the second number is the total amount the insurance company will pay for an accident in which more than one person is injured. An insurance company may offer higher limits but there is no requirement that it do so.



We recommend liability (bodily injury) coverage of \$100,000/300,000 or higher.

Property Damage

This coverage protects you against claims made against you by someone whose property you damage in an accident that is your fault. Insurance companies must make this coverage available for at least \$5,000. There is no range of coverage listed in the law but most companies offer a variety of coverages up to \$50,000.

Medical Expense

This coverage pays for the medical bills of you and your family regardless of who was at fault in the accident. The range of coverages that insurance companies must offer is from \$5,000 to \$100,000. These medical expenses include hospitalization, surgical, chiropractic, ambulance, physical therapy,

psychiatric, psychological, medications, medical supplies, prosthetic devices, audiology, speech pathology, osteopathic, dental, occupational therapy, optometric services and nursing services. These bills should be paid by your insurance company within thirty (30) days after it receives reasonable proof (bill and supporting report) that the medical expense was required for necessary treatment.



If you have adequate health insurance through your work that also covers your family, you may want to save some money and get the lowest Medical Expense coverage. If you select the lowest Medical Expense option, your first \$5,000 in medical bills is paid for by your auto insurance. After this initial \$5,000 is used up, you then send your medical bills to your health insurance company (Blue Cross/Blue Shield; HMO; etc.) Another reason to select low Medical Expense coverage is that some doctors do not want to treat patients covered by auto insurance. Under the new auto law, doctors are limited to collecting only 110% of the Medicare/Medicaid schedules for bills and the doctor's bill is subject to a review where their bill could be rejected.

The above three coverages (drawers) - Liability (Bodily Injury), Property Damage and Medical Expense - must be part of every auto policy in Pennsylvania. You do not have to ask for them; they have to be in the policy. You, however, must decide on the amount of each coverage.

The coverages discussed next are not required to be in your policy. They can be waived, or simply not purchased. You must make some important decisions with regard to these coverages.


Uninsured Motorist

This coverage protects you and your family if you are injured by a careless driver who has no insurance. It also covers you if the accident is caused by an unidentified driver who flees the accident scene. This option pays for pain and suffering, uncompensated medical expenses, uncompensated wage loss or the permanent decrease in your ability to perform work, and other damages. The insurance company must offer coverages in the following range: \$15,000/30,000 to \$100,000/300,000. However, your coverage cannot be at a higher amount than your Liability (Bodily Injury) coverage. Coverage of \$100,000/300,000 (stacked) or higher is recommended.



Uninsured Motorist coverage is one of the most important coverages on your policy.

Unfortunately, there are many drivers who do not have insurance. If you or a family member is injured by an uninsured motorist the only way you can protect yourself is through uninsured motorist coverage. This coverage is so important that you should always have it in an equal amount to your Liability (Bodily Injury) coverage. You cannot buy



uninsured motorist coverage in an amount higher than your Liability (Bodily Injury).

Never sign a waiver of this coverage. This waiver is called “REJECTION OF UNINSURED MOTORIST PROTECTION.”

Never sign a waiver for a coverage lower than your Liability (Bodily Injury) coverage. This waiver is called “UNINSURED COVERAGE LIMITS.” You should always get “stacked” coverage. NEVER sign a waiver of “stacking.” This waiver is entitled “UNINSURED COVERAGE LIMITS.” Note: Uninsured Motorist and Underinsured Motorist are the only coverages that can be “stacked.”

Underinsured Motorist

This coverage protects you and your family if you are injured by a careless driver who has low coverage. Suppose the person who hits you has only the bare minimum of insurance (\$15,000). This may not come close to compensating your losses. In this situation, underinsured motorist coverage allows you and your family an additional source of coverage in the event the other driver’s insurance is not enough to cover your losses. Insurance companies must offer you coverages from \$15,000/30,000 to \$100,000/300,000. Underinsured Motorist coverage can not be at a higher amount than your Liability (Bodily Injury) coverage. Coverage of \$100,000/300,000 (stacked) or higher is recommended.



Underinsured Motorist coverage is one of the most important coverages on your policy.

NEVER sign a waiver for this coverage.

This waiver is called “REJECTION OF UNDERINSURED MOTORIST PROTECTION.” You cannot buy Underinsured Motorist Coverage in an amount higher than your Liability (Bodily Injury).

NEVER sign a waiver for a coverage lower than your Liability (Bodily Injury) coverage. This waiver is called “UNDERINSURED COVERAGE LIMITS.” You should always get “stacked” coverage. NEVER sign a waiver of “stacking.” This waiver is entitled “UNDERINSURED COVERAGE LIMITS.”

Full Tort Or Limited Tort?

Choosing Full Tort on your Auto policy is both one of the most important and most confusing parts of buying auto insurance. A tort is a legal term that means a “wrong” or injury to a person. For example: if you hit someone’s car and hurt them, you have committed a “tort” against that person. You must choose on your policy between Full Tort or Limited Tort coverage. If you choose Limited Tort, you give up your right to claim important compensation for injuries caused by another driver unless your injuries are deemed “serious.” A “serious” injury is one resulting in death, serious impairment of a bodily function or permanent serious impairment.



DO NOT give up this right. NEVER sign a form in which you select “Limited Tort.” This form is called “NOTICE TO NAMED INSURED.” If you do sign this, the insurance company for the driver at fault may not have to compensate your losses. This waiver is not worth the few dollars you may save.

Loss Of Income

This option pays 80% of your actual loss of gross income. The first five work days missed are not covered. An insurance company is required to offer coverages up to \$2,500 per month with a \$50,000 maximum. If you happen to be self-employed, your insurance will pay for the cost of hiring someone to perform your job duties while you are disabled. As with Medical Expenses, the insurance company must send you a wage loss check within thirty days after it receives proof (wage verification and doctor confirmation of disability) of your income loss.



If you are unemployed (and not collecting unemployment), retired, physically unable to work or have a wage continuation plan, you cannot claim loss of income because you do not have an “actual” loss of income. Therefore, you should not purchase this coverage.

Likewise, if you have an adequate disability plan you may not need this coverage.

Funeral Benefits

This option pays for funeral costs regardless of fault if death occurs within two years of the accident. An insurance company is required to offer this coverage up to \$2,500.



If you have adequate life insurance for you and your family, you probably do not need this additional funeral benefits coverage.

Accidental Death

This option pays a death benefit regardless of fault if an accident-related death occurs within two years of the accident. An insurance company is required to offer at least a \$25,000 death benefit.



If you have adequate life insurance for you and your family, you probably do not need this additional accidental death coverage.

Collision

This coverage pays for property damage to your car regardless of who is at fault in the accident. Insurance companies are not required to offer this coverage but most companies do.

Most insurance policies cover only property damage up to the “book value” of your car.



This coverage usually is expensive. The higher your deductible the lower the premium cost. The insurance company is not liable for the deductible when it pays a collision claim. For example, if you have \$1,000 of damage and a \$300 deductible, the insurance company owes you \$700. Given how quickly many cars depreciate in value over a few years you may not want to pay for this coverage on an older car. You may not want to get this coverage at all if the book value of your car is low.

Comprehensive

This option pays for damage or loss caused from theft, fire or other peril. Insurance companies are not required to offer this coverage but most do.

Extraordinary Medical Loss

This option covers medical expenses in excess of \$100,000. The coverage pays the next \$1,000,000 in medical expenses. For example, if you or your family suffered a catastrophic automobile accident, your Medical Expense coverage would be first in line to pay medical bills (for this example, we will use \$5,000 in coverage). The next \$95,000 in medical is paid by your Blue Cross/Blue Shield (or similar insurance) at work. Now that you have reached the threshold (\$100,000), the next \$1 million is paid by your Extraordinary Medical Loss coverage. If your

medical bills go over \$1,100,000, you revert back to your Blue Cross/Blue Shield coverage.




Although this coverage rarely is used, when you need it, you really need it. People are the victims of catastrophic accidents every day and often through no fault of their own. This coverage is relatively inexpensive and could be critically important if you or a member of your family is involved in a catastrophic accident. This coverage pays medical bills regardless of who was at fault in an accident.

How To Buy Insurance

When you understand the coverage options that are available to you, you are ready to get the best price for this insurance. Call several insurance companies to get price quotes for the coverages. Ask how much it costs to increase coverages and shop around. Then compare quotes and get the best price. Different companies have different pricing for coverages. It also is important to select a reputable insurance company and to check consumer magazines that sometimes rate different insurance companies for service. The cheapest insurance is not always the best.

There are a few things that can reduce your auto insurance premiums:

Take a car pool or public transportation to work. Companies



sometimes offer discounts if the annual mileage on a car is under 7,500 miles.

Buy your auto insurance from the same insurance company that you have for your homeowners and/or life insurance. This can sometimes result in a discount.

Have your car equipped with air bags, anti-lock brakes, or an anti-theft alarm system.

Have a safe driving record.

Attend a defensive driving course or a drivers' education course.

Have teenage drivers in your house who are honor students at school.

Live in a low crime or low population area.

Buy an average car (high performance sports cars are charged higher premiums).

Ask the insurance company how you can reduce your premiums. Each company offers different discounts. However, they usually do not volunteer this information, unless you ask.

How To Change Your Coverages

If you want to change your coverage, simply call your insurance company and specify what you would like changed. It should send you forms to sign and a new Declaration Sheet.

Check these documents to be sure they show the changes you want and watch out for those waivers.

Can Anything Disqualify Me From Coverage?

There are a number of situations in which you will not be eligible to collect auto insurance benefits. One situation that disqualifies you is if you own a registered vehicle that is not insured.



If you are going to “take a car off the road,” you must first cancel the registration then cancel the insurance.

For example, if you put a car up on blocks in a barn for the winter and do not take it out for a drive, you still must cancel the car registration. The car still is considered registered even if it does not run. If you cancel the insurance on your vehicle while it still is registered, you are in violation of the law and could be ineligible to collect benefits on your other auto insurance if you are hurt while driving the uninsured car.

You also are ineligible for auto insurance benefits if you are: injured while operating a recreational vehicle not intended for highway use, a motorcycle, or a motorized pedicycle; injured while intentionally trying to hurt someone; or injured while trying to get away from the police or committing a felony crime.

SUMMARY OF COVERAGES:

Type Of Coverage:	What It Protects:	Recommended:
Liability-(Bodily Injury).....	Other driver's injuries.....	\$100,000/300,000
Property.....	Damage to other driver's car.....	\$25,000
Medical.....	Your/family medical bills.....	\$5,000 if good health insurance; \$100,000 if no health insurance.
Uninsured Motorist.....	Your/family injuries where other driver has no insurance.....	\$100,000/300,000 Stacked.
Underinsured Motorist.....	Your/family injuries where other driver has low insurance.....	\$100,000/300,000 Stacked.
Full or Limited Tort.....	Your right to claim for injuries.....	Full Tort.
Loss of Income.....	80% of your lost wages.....	Don't need if you have other income loss benefits; \$5,000/month \$50,000 max if no other coverage.

SUMMARY OF COVERAGES, CONT.

Type Of Coverage:	What It Protects:	Recommended:
Funeral Benefits.....	Your funeral costs.....	Don't need if other coverage; \$2,500 if no other coverage.
Accidental Death.....	Death benefit.....	Don't need if other coverage; depends on your individual needs.
Collision.....	Damage to..... your car	Not recommended for older vehicles. Higher deductible lowers the cost. Whether to purchase depends on vehicle value.
Comprehensive.....	Theft or fire loss.....	Depends on your individual needs.
Extraordinary..... Medical Loss	Medical bills over..... \$100,000; covers next \$1,000,000	Important for very severe injuries.

2. WHAT TO DO IF YOU ARE INVOLVED IN AN ACCIDENT

Things You Should Do

1. Call the police and ask them to come to the scene.
2. Exchange names, addresses, car registration, license information, license plate number, and proof of insurance (insurance card) with the other driver.
3. If you are hurt, seek necessary medical attention immediately and inform the doctor that you were involved in an auto accident.
4. Notify your insurance company of the accident.
5. Take photographs of the damaged vehicles and the accident scene to preserve evidence (skid marks, etc.).
6. If you think your injuries are or could be serious, get advice from a personal injury attorney about your legal options.

Things You Should Not Do

1. Do not give any statements to anyone, except the police, until you speak with an attorney.
2. Do not move the cars from the accident scene before the police arrive, unless the cars create a traffic hazard.
3. Do not leave the scene of an accident before the police arrive unless the need for medical care requires you to do so.

If you are hit by a unidentified driver who flees the accident scene, you must immediately report this fact to the police and your insurance company. If you fail to do this, you may be prevented from collecting uninsured motorist benefits.

Report The Accident To Your Insurance Company

If you do not report the accident and later make a claim or have a claim brought against you, your insurance company may try to disclaim coverage. You should always report the accident even if you are not at fault.

If I Make A Claim Will My Premium Increase?

The fact that you make or do not make a claim should not affect how much you pay for insurance. The mere fact that you were in an accident should not cause your premium to increase. Your premium could increase if you were determined to be “at fault” (even partly) in causing an accident. The insurance company could then view you as more of a risk and may increase your premium.

How Are Medical Bills And Wage Loss Paid?

When you report an accident to your insurance company and advise it that you have medical bills and lost wages resulting from your injuries, the company sends wage forms to you or your employer to verify your wages. When you go to the doctor or health care provider, you give them your insurance informa-

tion and they usually will submit your bill to the insurance company for payment.

How Do I Get My Car Repaired?

If your accident is the other driver's fault, you have the option of claiming under that driver's insurance (his property damage coverage) or under your own collision coverage, less your deductible. If you claim under your collision, your insurance company likely will seek reimbursement from the other driver's insurance and pay you back your deductible. You should speak to your insurance company about this.

If the accident is your fault, you must look to your collision coverage to get your car repaired.

You should take prompt steps to get an estimate for repairs from a reputable body shop.

The repair shop and the insurance company adjuster should arrange to look at your car and reach an agreement on a fair cost of repair.



Be sure to find out if a repair shop or garage is charging a storage fee for keeping your car. Most do and it can be expensive. If you have a place to store the damaged car, off the street, you may want to do this.

Check with the insurance company to see if it is going to pay these storage charges. It always is best to get your car repaired as soon as is practical. Your policy may provide for rental costs

while your car is being promptly repaired or replaced.

Coordination With Other Benefits

It is important to coordinate all the benefits to which you are entitled in the event of an accident. There are rules that determine which benefits have priority (must pay first) and which are offset (one pays, and the other does not). For example, in a work-related auto accident, workers' compensation benefits are paid first. However, you may be able to get additional wage loss through your auto policy and may be eligible to make a claim for uninsured motorist benefits on your employer's auto policy. Other benefits could include: Social Security Disability; Sickness and Accident Benefits; Unemployment Compensation; Disability Insurance Benefits; and Life Insurance Benefits. It is important to consult an attorney to find out how these benefits can work together to maximize your recovery.

How Do I Know If I Have A Case?

If you are in a serious accident, you should get the advice of an attorney with experience in this area of the law. Keep in mind that in Pennsylvania you have only two years from the accident to file your case in Court or your claim is barred. Prompt investigation and the preservation of evidence is the best way to protect your legal rights. We do not charge for an initial consultation. After dis-



cussing the facts of your case, we are able to advise you regarding whether or not to pursue the matter.

What If I Was Partly At Fault In The Accident?

The law in Pennsylvania provides that you can be up to 50% responsible for an accident and still be compensated for your damages (reduced by your percentage of fault). Usually, a thorough investigation of an accident is required before any conclusions can be reached about who caused an accident.

For example, many people think that if they received a ticket for an accident and paid it they can not make a claim. This is not true. The payment of a traffic ticket is not admissible evidence in Court. Likewise, a police officer's opinion of who was at fault usually is not admissible evidence unless he actually witnessed the accident.

Do Most Cases Go To Court?

The vast majority of cases settle before trial. Once both sides are aware of all the facts in a case, they usually can agree on the value of the case. You always have the final say on any settlement. We always inform our clients of any settlement offer and advise them of our recommendation.

How Much Does An Attorney Cost?

We understand that most people cannot afford to pay an attorney by the hour. Therefore, we charge a client a percentage of the money we are able to recover for the client. This is called a contingent fee. If we do not make a recovery for you, there is no fee owed for the legal work performed.

There also are costs involved in pursuing a case. These can include the cost of getting medical records, hiring medical experts, investigators and other expenses involved in litigation.


Our firm usually pays all these expenses. If there is no recovery, we do not charge our client for these expenses. If we are successful in making a recovery for the client, then part of this recovery will be used to reimburse these costs.

3. ADDITIONAL SOURCES OF RECOVERY

If you are hurt in a motor vehicle accident, there may be other sources of recovery in addition to the driver of the other vehicle. In accidents in which there are serious injuries, it is necessary to look to other responsible parties.

Serving Alcohol

The Commonwealth of Pennsylvania has a law that holds commercial establishments (bars for example) liable if they serve alcohol to a visibly intoxicated person and this causes an



accident. For example, if a drunk person causes an accident, the bar that served him drinks could be liable for the injuries he causes. Most businesses that serve alcohol have insurance (Liquor Liability coverage) for this situation.

Product Liability

In some situations, a person's injuries in an auto accident may actually be caused or made worse by the vehicle. Examples of this are: seatbelts that fail to work correctly; air bags that do not work or cause injuries when they do work; accidents in which people are thrown out of the vehicle; rollover accidents in which the vehicle roof crushes in and a person has a severe head injury; a low speed collision in which there are severe injuries; back- seat injuries in which there are only lap belts; and gas tanks that explode and result in burn injuries.

Where a person's injuries are severe, it is very important to check that a vehicle is "crashworthy." Did the vehicle do what it was supposed to do to safely protect its occupants?

Manufacturers sometimes put profits ahead of safety and this can result in needless injury and death.

If you think the vehicle caused your injuries, it is important that you preserve the vehicle (preferably in a garage). Contact a lawyer to coordinate: prompt investigation; preservation of scene evidence (skid marks for example); and examination of the vehicle by an automotive engineer.

Bad Roadway

Sometimes a roadway is poorly designed or maintained and this causes an accident.

Examples of these kinds of claims are: poor traffic control in construction areas; speed limits that are too high; lack of proper traffic signals at an intersection; bad potholes; poorly designed shoulders; unprotected bridge or guardrail abutments; no guardrails; large puddles of water caused by poor design or lack of drainage.

In any claim against the Pennsylvania Department of Transportation or a local government responsible for a roadway, you must give notice of your claim within six months of the accident. This notice must contain specific information and be sent to the proper agency or office. If you do not give notice within the six month time limit, you cannot pursue your claim in Court.

Bad Faith

There now is a law in Pennsylvania that allows people who buy insurance (any type of insurance: auto, homeowners, life, etc...) to sue their insurance company if the company acts in “bad faith.” When you buy insurance, the insurance company has a duty to treat you properly.


If the insurance company intentionally delays your claim, refuses to pay an uncontested claim, harasses you, or in any way fails to act as it should, you may have a claim for the insurance company's “bad faith” conduct.

Free Access To The Courts

Almost every week there is a story in the newspapers about “tort reform” and the so-called need to limit an injured person’s rights to make a claim for compensation. All this “tort reform” is necessary, they say, to stop frivolous lawsuits. The real reason is that the insurance companies and corporations do not want to take responsibility when they injure someone. When anyone tries to limit your rights and your access to the Courts, they are not helping you – they are protecting their own interests. According to the National Center for State Courts, only 10% of the lawsuits filed in 1991 involved people injured in accidents.

But aren’t there lots of dishonest people making fraudulent claims? No, this is simply not true. The insurance industry has worked hard and spends lots of money to promote this image because it helps them deny legitimate claims and defeat claimants at trial. This myth is used to influence jurors to doubt all injured people at trial. In an independent study conducted in 1991, the Rand Corporation found that only 10% of injured people ever used the courts to seek compensation for their injuries. Justice demands that they should not settle for less!

Our firm, Galfand Berger, is made up of 13 attorneys who are dedicated to the principle of helping injured people get fair and just compensation for their injuries. For over fifty years we



have represented injured people throughout Pennsylvania and helped to protect their rights. If you or your friends or relatives have questions regarding your rights in an accident, give us a call and we will be glad to help you.

Our toll free number is: 1-800-222-8792.



A Final Word

This book was written to promote your understanding of automobile insurance and your rights under the law. Take a look at your insurance policy and be sure you have the protection you need before you are involved in an accident. “An ounce of protection is worth a pound of cure.”

This Book should serve as a general outline of auto insurance and provide information regarding your rights if you are involved in an accident. It is not intended to provide a legal opinion or replace the advice of an attorney. Because laws change and circumstances differ, you should consult an insurance agent if you are buying insurance, and an experienced attorney for advice concerning your accident.

postage here

Galfand Berger, LLP
1818 Market Street
Suite 2300
Philadelphia, PA
19103-3648

(Tear Along Perforated Line)

Please send me _____ copies of the Auto Insurance Book

Please send me _____ copies of the Workers' Rights To Workers Compensation Book

Please send me your Newsletter

Name

Address

City

State

Zip

Telephone

PLEASE CALL FOR LEGAL HELP IN CLAIMS INVOLVING:

WORKERS' COMPENSATION • MACHINE ACCIDENTS

SEXUAL HARASSMENT • FIRE AND EXPLOSIONS •

INSURANCE COMPANY MISCONDUCT

EMPLOYMENT DISCRIMINATION • AUTO ACCIDENTS

SOCIAL SECURITY DISABILITY

1-800-222-8792



1818 Market St., Suite 2300, Philadelphia, Pa 19103-3648
www.galfandberger.com