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PERSONAL INJURY

Claimants' Rights Under the Fair Claims Settlement Practices Regulations

Generally, insurance companies are required to do the following:

- Tell you about all benefits, coverage, time limits or other relevant provisions of your insurance policy.
- Acknowledge claim, start investigation, provide forms and instructions, and provide reasonable assistance immediately but in no event later than 15 days after receiving notice of your claim.
- Reply to communications received from you immediately but in no event later than 15 days.
- Accept or deny your claim immediately but in no event later than 40 days after receiving proof of claim. (Proof of claim is documentation in your possession which provides any evidence of the claim and supports the magnitude or the amount of the loss such as estimates of repair, medical bills, police report, et cetera.)
- Offer a fair settlement.

- Once the claim has been accepted, the insurer must pay the claim immediately, but in no event later than 30 days from the date settlement was reached.

The above represents a summary of some of the Fair Claims Settlement Practices Regulations effective March 5, 1997. You may view a complete copy of the Regulations by visiting the CDI website located at www.insurance.ca.gov.

VEHICULAR (AUTOMOBILE) ACCIDENTS

Catastrophic injuries, permanent disability or disfigurement, brain damage, spinal cord and death are often caused by various types of vehicular accidents: Car, Truck, Bus, Motorcycle, Bicycle, Recreational and Off-road and Pedestrian. These injuries generally result in devastating financial losses to the persons involved. Justifiably, the law provides injured parties with the right to recover their damages from the responsible party. Damages recoverable due to an accident include, but may not be limited to, medical expenses, lost wages, funeral expenses, property damage and other economic losses. Injured parties are also entitled to recover for the pain and suffering arising from their injuries. A spouse of a person killed or injured in an accident may also be entitled to recover for emotional distress or the loss of support, comfort, consortium or services of their spouse.

In California, owners and drivers of automobiles are required to maintain liability insurance coverage on their cars in the event of a vehicular accident. The minimum limits for bodily injury auto liability insurance coverage are \$15,000.00 per person and \$30,000.00 per auto accident. These insurance limits often are insufficient to compensate a person injured in a vehicular accident. Many times a person injured in a vehicular accident must determine what other insurance coverage is available. The driver responsible may be covered under the policies of family members, an employer, rental car company or from an "umbrella" or excess policy. Further, other persons, entities or companies may also be responsible for the vehicular accident. For example, if the road or traffic control was defective, a city, county or the State may share responsibility for the vehicular accident and the injuries it caused. In addition, your own auto insurance policy may provide coverage for injuries you sustained in a vehicular accident.

It is best to retain a personal injury accident lawyer like Glenn Johnson who regularly handles vehicular accident injury claims and is prepared to file a lawsuit on your behalf if the insurance company is not willing to settle your claim for a fair value.

BICYCLE ACCIDENTS

Wrongful deaths which occur from bicycle accidents account for 3 percent of all traffic fatalities, and cyclists make up 3 percent of all persons injured in auto accidents. Over 50,000 riders have been killed in bicycle accidents in the United States over the last 75 years. There have been even more cases involving catastrophic injuries to cyclists despite the advances in safety equipment.

Bicycle accidents sometimes occur because of defective equipment or roadways, but more often occur because drivers of motor vehicles are not paying attention to the cyclists sharing the road. Drivers often ignore the bicyclist's right of way or unlawfully enter a protected bicycle lane. Even when cyclists are extremely careful, bicycle accidents still occur and the cyclist generally loses the confrontation. Bicycle accidents have become increasingly more common on the roads today.

Special investigation by skilled law enforcement is required, but the handling of bicycle accident claims are hindered by the extensive bias which very often exists with police officers and the motor vehicle driving public against cyclists. In understanding how to deal with these special investigations and prejudices to adequately represent the injured parties requires an attorney who has extensive experience dealing with bicycle equipment, experts and with bicycle accident litigation. Special investigation considerations must be taken if the accident occurred at night or if there were no witnesses.

Glenn Johnson has many years of experience in handling hundreds of bicycle, motor cycle and pedestrian accidents with combined verdicts and settlements exceeding \$15,000,000.00.

TRUCK ACCIDENTS

The most devastating of all type of accidents occurs when a tractor trailer, 18 wheeler or semi truck is involved. Most of these truck accidents result in victims being severely injured or killed. Truck accidents, sadly, are increasingly common on roads and highways today. Commercial trucks are involved in over 400,000.00 accidents per year resulting in hundreds of thousands of injuries and over 4,000 deaths.

The corporation which owns and operates the truck and their insurance company will immediately start an investigation of the truck accident, tractor trailer accident, 18 wheeler accident or semi truck accident. The law in California only requires companies to carry truck liability insurance coverage of \$750,000.00 for a truck weighing more than 10,000 pounds. These insurance limits may not be sufficient to compensate a person injured in a truck accident, tractor trailer accident, 18 wheeler accident or semi truck accident. All the more reason to have an attorney or lawyer with considerable experience dealing with truck accident claims.

Truck accidents have their own unique issues and problems, including:

- driver fatigue, scheduling and driving times---Federal Regulations
- drugs and alcohol
- driver's background, license and qualifications
- how the truck was loaded
- the condition of the roadway
- inspections, maintenance and record keeping
- the weather

- ECM's (electronic control module) recordings of driving time, speed, distance, braking and other aspects of operation
- GPS (global positioning systems) used by dispatchers
- commercial brokers v. independent contractors

You will need an attorney who is familiar with these issues and who regularly handles claims involving truck, tractor-trailer, 18-wheeler or semi truck accidents. Attorney Glenn Johnson has handled truck accident claims involving multiple fatalities with combined verdicts or settlements in excess of \$20,000,000.00.