

Watch Out For Motorcycles!

Additional Roads Of Financial Recovery

A biker called advising he had been involved in a crash, he is represented by another attorney, he notes the cage driver had very limited insurance, his medical bills are much higher and he asked for a second opinion, asking if he should accept the at fault driver's small policy limits.

The above question happens frequently. This is especially true in Florida where approximately 25% of drivers have no insurance, bikers often have very high medical bills and lost wages; and, many bikers themselves have little or no insurance. Again, I cannot stress enough the importance for every biker to have their own uninsured motorist coverage.

Also, had the above biker been represented by this office, he would have the comfort and peace of mind of being represented by an experienced motorcycle accident attorney having more than 23 years of experience, who goes "the extra mile" to help the injured biker by all means possible, who takes all steps to investigate a case, who looks beyond insurance limits before recommending any settlement. At a minimum, additional investigation includes:

1. Determining whether the at fault driver had any excess umbrella coverage. If so, we place the second carrier on notice, request the additional declarations of coverage and we make a demand upon the excess insurance carrier;
2. Determining whether the biker had a motorcycle insurance policy having any underinsured motorist coverage, also asking if the biker had any automobile insurance policy having "stacked" uninsured/underinsured motorist coverage, as this coverage may also apply. Finally, we ask if the biker lived with a resident relative having an automobile insurance agreement having uninsured/underinsured motorist coverage; as, the biker might even be covered under this policy;

3. Determining whether the at-fault vehicle was owned by someone else. In Florida, in most cases, the owner is liable for damages caused by a permissive driver. Supplemental investigation searches the vehicle identification number to determine if someone other than the listed driver owned the vehicle; and, we have had cases where we found someone else owned the vehicle, leading to additional insurance, substantially increasing the recovery;
4. Determining whether the driver (and owner) have assets beyond their insurance to allow them to personally contribute towards any possible settlement. One method is to request the driver/owner to complete a financial affidavit listing all assets and liabilities. A second method is to request the driver/owner to appear for a sworn assets and income examination, to produce a list of financial documents including their bank statements (checking and savings) and tax returns to verify their income and assets, to see if they can personally contribute towards any settlement. With positive findings, a supplemental demand can be made upon the driver/owner for additional recovery, increasing a biker's recovery beyond policy limits. I can think of at least a half a dozen cases where such demands made a "significant" difference to the biker's recovery; and
5. Determining whether the driver operated the vehicle during their employment at the time of the collision. If the at fault driver operated his or her vehicle within the scope of their employment, on the clock when the accident happened, the employer is liable; and, a supplemental demand can be made upon the employer's insurance company. In one case, the at fault driver was returning his employer's telephone call when he turned left in front of a biker; and, the employer's insurance carrier made a huge difference to the biker's ultimate recovery.

By thorough investigation, having answers to the above questions, the bikers represented by my

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office have the peace of mind of knowing we looked for all possible roads of financial recovery, knowing the entire picture. Afterwards, the biker makes an informed decision on whether to settle their case for the policy limits of the at-fault driver; or, whether to make other demands or insurance claims when circumstances permit. By taking such steps, by going the extra mile, traveling down each road, we do everything possible to maximize the biker's financial recovery!

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