

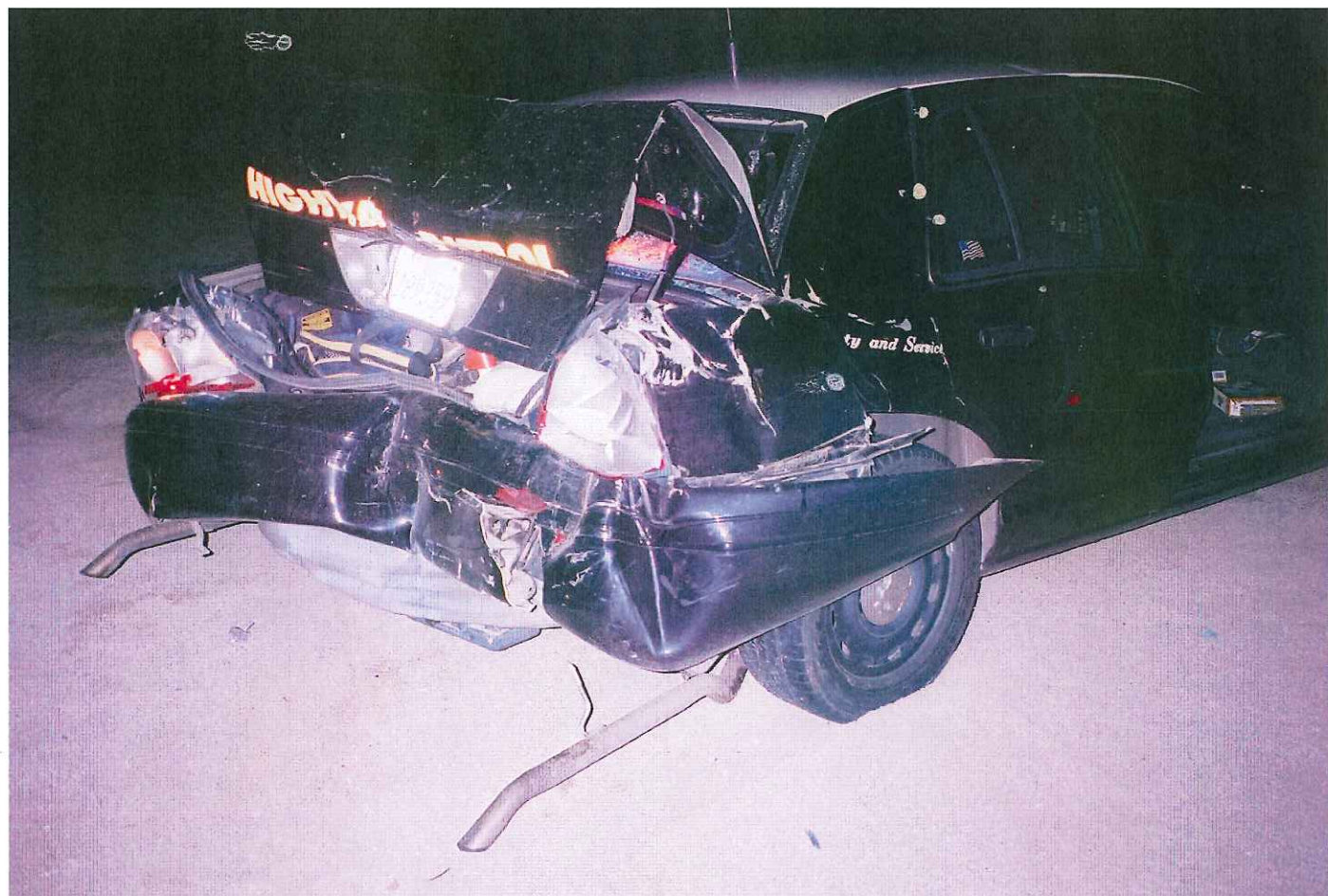
**QP PADILLA**  
LAW GROUP, LLP

## **TRIAL LAWYERS WITH REAL RESULTS**

### ***UNINSURED MOTORIST INSURANCE***

*What is it?*

*Why do I need it?*



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## **Understand the Value**

Uninsured and Underinsured motorist coverage is the part of your auto policy that protects you and your family. This coverage is triggered when you or a family member are injured by a motor vehicle accident and the at fault party is either uninsured or has insurance coverage less than the coverage of your policy and thus "underinsured."

It doesn't matter whether the injury occurs while in your car, in a friends car, in a cab, on a motorcycle, on a bike or even walking. As long as the injuries are the result of another vehicles negligence, you will be entitled to coverage.

This is essential in California where 15.2% of all drivers carry no insurance at all (2017 Insurance Research Commission Study) and most remaining drivers have only the minimum policy limits required by law (\$15,000 per person or \$30,000 per accident). By securing high levels of uninsured and underinsured coverage you are protecting yourself and your family against all other drivers on the road.

## **Understand the Law**

The California Insurance Code requires that auto insurers include uninsured and undersinsured motorist coverage in every policy unless it is waived and that waiver must be secured in writing. However, they have no obligation to make sure your uninsured or underinsured motorist coverage is the same as your liability coverage. They are only obligated to provide coverage up to \$30,000 per person and \$60,000 per accident, regardless of the amount of liability insurance you purchase.

Don't wait for the agent to ask you about uninsured motorist protection. Be sure that your uninsured and underinsured motorist limits are as high as you can afford and, at the very least, that they match the amount of your liability coverage.

## **Consider Increasing Your Coverage Limits**

Insurers will only allow uninsured / underinsured motorist coverage to be equal to or less than your liability coverage. In this day and age, even a moderate collision can result in a claim worth in excess of \$30,000. If you or a family member are involved in a more serious accident that requires hospitalization and surgery, your claim could be worth in excess of \$250,000. Our firm recommends all our clients carry at least \$1,000,000 in auto coverage if they can afford to.

This can be done by purchasing \$500,000 in your auto policy and then securing an umbrella policy with \$1,000,000 in coverage, or more.

## **Consider This Example**

Imagine you are hit while on duty and suffer injury to your neck. You are diagnosed with a herniated disc which requires surgery to repair. You are out of work for weeks prior to the surgery and more after. When you do return to work it is on light duty during which time you cannot work any overtime shifts.

At the conclusion of the claim it is determined you have a claim worth over \$300,000. Because you were in the course and scope of employment, you received workers compensation benefits. These are limited to covering your medical care, regular wages and a permanent disability award - if justified. Let's assume the State paid a total of \$50,000 in benefits.

You make a claim against the other driver, but it turns out they only have \$15,000 in liability coverage. The Labor Code allows employers to have a first right of recovery. In this example, because the benefits paid total more than the other driver's policy, the State would take all of it.

If you don't have uninsured motorist coverage that is where the story would end. You would be limited to the workers' compensation benefits and take nothing from civil claim. Having uninsured motorist coverage allows another option for recovery.

Turning back to our hypothetical, let's assume you have \$1,000,000 in uninsured coverage. Your insurer is able to subtract the \$50,000 in workers' compensation benefits you received and you would then have \$950,000 in coverage to pursue.

In that claim you can recover for your lost overtime, lost quality of life, physical pain, emotional distress, and any other relevant category of damages that you would normally be able to collect against the other driver.

You get to collect from your own insurance company. They will not increase your premium because they are only allowed to do so if you are found at fault for the incident.

## **Consider an Umbrella Policy**

An umbrella is an added layer of insurance which is triggered if your underlying limits fail to cover your losses. Because they are supplemental coverages beyond your primary policies, these umbrellas can provide large coverages at affordable rates. You may be able to get \$1,000,000 in coverage for less than \$500 a year!

If an injury causes life long disability or forces you to retire from law enforcement prematurely it can be valued over \$2,000,000 in many cases. In that situation your damages would include future lost wages equal to the difference in earnings between your prior career and the average of the wages from employment options that would remain available to you. In addition, your pension would be impacted and any difference caused by the incident would also be recoverable.

### **Check Your Auto Policy Today**

Get a copy of your declaration page and make sure that your uninsured and underinsured motorist coverage is equal to your liability limits.

If you are able, increase your underlying auto policy limits to \$500,000 and secure an umbrella policy with \$1,000,000. Don't expect your insurance agent to do this for you, be proactive!

### **We Are Here To Help**

We hope none of you have to face these issues during your careers. But if you do, we want to make sure there is coverage available to fully compensate you for all the harms and losses you endure. Maximizing your uninsured motorist coverage will help us help you should you find yourself injured in a collision.

At The Padilla Law Group, we have over 40 years of experience representing injured law enforcement in claims against negligent drivers and uninsured motorist cases. We have an outstanding history of success and are available to answer your questions with no cost or obligation.

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