

LAPSED AUTO INSURANCE AND PROP 213

I want to address a very unfortunate way that an injured party in a typical auto collision in California will not obtain fair compensation. Over the years, various laws have been passed at the urging of the Insurance Industry and Chamber of Commerce. Proposition 213 put one of these laws into effect in 1998. Proposition 213 was sponsored and entirely paid for by the Insurance Industry and its business arm, the Chamber of Commerce. Proposition 213 was advertised to the California public as a way to limit the rights of some of the most horrible individuals who cause harm to our society by eliminating pain and suffering awards (which comprise 50% to 90% of most personal injury claims) for carjackers and drunk drivers who were hurt in automobile accidents that the drunk driver or carjacker did not cause.

You ask yourself: "What's wrong with that? Who cares about carjackers and those who drink/do drugs and drive?" Nothing and no one, except that in the bottom of the Proposition language, also included under the "do not compensate bad guy list," were drivers who had lapsed insurance coverage. In other words, merely because your car insurance had lapsed at the time of an accident **that was not your fault**, you are now grouped in with the dregs of our society: carjackers and those who drive under the influence. Lapsed insurance drivers were the real focus of the Proposition. The goal was not just to take away compensation from carjackers and drugged out drivers, two groups of individuals that comprise an infinitesimal sliver of the driving population.

The result of Prop 213 is that if your absent-minded Aunt Betsy, who forgets to drop her insurance premium payment in the mail because her cat knocked the envelope off the kitchen counter, gets creamed by a Sears truck that runs a red light and causes her to become a complete quadriplegic, she is not be entitled to one penny of compensation for being confined to a hospital bed for the rest of her life.

I don't believe the voters who passed Proposition 213 realized their votes would bring about such a travesty. Now mind you, one has to be a bad soul to be a carjacker; and you really have to possess a devil may care attitude and not be concerned about others in society to purposefully drink or use drugs and then get behind the wheel of a three thousand pound machine that can travel at 100 MPH. But is forgetting to pay your car insurance premium a reason to be lumped in with carjackers and drunk/drugged drivers? Have you never been late on your car insurance payment?

The result of Prop 213 is that if you are driving a vehicle where the policy has lapsed, whether it was by intention or mistake, the insurance company -- which would normally be obligated to compensate you for all of the pain and suffering in the past and any pain and suffering you may incur in the future -- is completely off the hook.

On a final note, I stress to you to please make sure that you drive a vehicle that has insurance to avoid being lumped in with drunk drivers and carjackers.

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