

Bike Friendly Community Corner : Uninsured Motorist Coverage | Do Not Get On Your Bike Without It

By Jim Dodson

Our goal as the Bike Friendly Advocacy Group is safety when we ride. This article, written at our request by bicycle attorney Jim Dodson, reflects on another aspect of safe cycling, accidents involving other people and vehicles with no insurance to protect us, their victims.

As cyclists, we understand and accept the risk of sharing the road with drivers who are sometimes careless and inattentive. What you may not know is that 40% of those drivers do not have a penny of insurance that will pay for the harm they cause if they were to run into you. Yes, you read that correctly, 40% have no bodily injury liability insurance because Florida has no mandatory bodily injury liability requirements. Drivers can legally register their vehicle without being required to purchase any insurance that will pay for the harm they may cause you or me. Most people don't learn this sad reality until after their first crash.

There's a simple way to protect yourself and anyone in your household. Purchase uninsured motorist coverage on your auto policy. In my view this is the most valuable coverage any cyclist can have. Your agent may not have explained this to you, but I will. Your UM coverage protects you in a number of ways when you are involved in a crash with another vehicle. It not only protects you while in your own vehicle, but the same protection covers you while riding your bicycle, as a pedestrian, riding in a friend's car or driving a rental vehicle. It protects you in Florida or in another state.

The purpose of UM is to provide the insurance protection which should have been provided by the driver who caused the crash. If the driver has no bodily injury liability insurance or only a small policy, your UM will pay what they would otherwise be obligated to pay you.

It works like this: if you are injured in a crash caused by an uninsured driver and you suffer an injury claim worth \$100,000 you would receive no compensation unless you had UM on your policy. If you had UM on your policy you would receive compensation up to the limits of your UM policy (not exceeding the value of your \$100,000 claim). If you are injured in a crash caused by a driver who had a small \$10,000 bodily injury liability policy, your UM policy would pay the \$90,000 difference, assuming you had \$100,000 UM coverage.

Some people have suggested we may not need UM if we have Medicare or a comprehensive health insurance policy. That thinking is very short sighted. While it's true your Medicare or health insurance may pay your medical expenses after an injury, they frequently don't pay all of them. In addition, anyone who has been seriously injured has a large potential claim for the value of the loss of their enjoyment of life (imagine not ride your bicycle again for months or potentially forever) as well as unpaid medical expenses, future medical expenses, lost wages, loss of future earning capacity in addition to mental and physical pain and suffering inflicted.

In the most tragic circumstances involving the death of a cyclist, their survivors (spouses or children) are entitled to be compensated for the loss of their spouse or parent. These losses can be devastating. Often the only source for their compensation and protection is through UM.

Another incentive for the purchase of UM is that it covers every resident relative of your household. That means if a family member is injured in a crash caused by a vehicle while riding a bicycle, on foot, or driving or as a passenger in someone else's car they are covered by the UM policy you had the foresight of purchasing.

We have a great resource available at absolutely no

cost at www.JimDodsonLaw.com. It is a consumer pamphlet entitled Uninsured Motorist Insurance, Don't Leave Home Without It. Simply go to our website fill out the contact form and we will get a copy to you in the mail right away. You may also call our office directly and request a copy. You can easily review it in 15 minutes.

One of the great privileges I have in the practice of law is to be able to help fellow cyclists who have been injured in a crash. As an active cyclist myself for many years, I understand the issues each of us faces on the road as well as how and where we ride. This can be an enormous help in making sure the rights of the cyclist are protected when an unexpected crash occurs. You would be shocked at how often my intimate knowledge of cycling comes into play in assigning fault after a bike crash. Most claims adjusters do not ride a bicycle, they don't know anyone who rides a bicycle and they can't imagine why on earth anyone would want to ride a bicycle 50 or 100 or 200 miles a week. I have been involved in investigating numerous cycling crashes in which the first instinct of the police officer or claims adjuster was to blame the cyclist. Reversing their first impression requires not only years of experience investigating these crashes but the ability to prove what really happened. This has proven to be invaluable for my clients.

Jim Dodson is an experienced bike accident lawyer, cyclist and bicycle safety advocate who has been representing accident victims for over twenty-five years. He represents injury victims throughout Florida. He is the author of the Florida Bicycle Accident Handbook, relied upon by hundreds of cyclists across the state. If you have a question about a cycling accident, contact Jim at www.jimdodsonlaw.com. There is never any charge to discuss your case.

Veterans Corner : What is a NEXUS Letter & Why is it Important?

A NEXUS letter is the medical evidence a doctor prepares for a veteran that explains how and why the veteran's current medical condition is related to his military service or secondary to an established service connected disability.

In order to have a successful VA disability claim, the Veteran must meet three specific criteria;

1. he must have a current, chronic disability;
2. the disability must have been caused by, the result of, or aggravated by his military service or a secondary condition caused by an existing service connected disability; and
3. there must be a NEXUS or link between the first two criteria.

For example; Private Gomer S. Pyle breaks his arm during field training while in service, it is placed in a cast and six weeks later the cast is removed, all of which is documented in his service treatment records (STR.) However, further review of his STR reveals there are no further entries regarding his arm

AFTER the cast is removed. When Private Pyle's enlistment is complete and he separates from service, the separation physical may or may not mention the broken arm. Nonetheless, approximately 10 years after his military separation, Mr. Pyle decides to submit a VA disability claim for his arm. Assuming he has a diagnosis of a current arm condition, the VA would need to see a link or NEXUS between his current arm disability and the training accident that happened in service. In this scenario, the VA will not dispute the injury in service, and with a recent diagnosis of an arm problem will not refute the current disability. However, because more than 10 years have passed and there is no obvious chronicity of an arm problem directly related the broken arm in service, the VA will insist that Mr. Pyle prove a NEXUS or link between the in-service training accident and his current diagnosis.

As you can see from this simple example, the

NEXUS, or link is often the hardest element of service connection to establish. If you have a claim that has been denied and you believe a NEXUS letter would improved your chances of receiving a service connected grant, we encourage you to make an appointment with us to discuss your claim (352) 689-4450.

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