

Recovery & Resolution

A LEGAL NEWSLETTER FOR
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

Premises No Fault Medical Payment Coverage

Inside this month's R&R...

Mexican Auto Tourist Insurance on page 2

Rental Car Insurance Issues on page 3

Free Seminar Schedule on page 3

We Wrote the Book Your Patients Need... "Crash! Course" on page 4

In the event that a patient is injured while on the premises of a commercial business, a commercial apartment complex or a residential home, medical payment coverage can often be found under the homeowner's policy or commercial general liability policy. Policies have clauses that state "We will pay medical expenses as described below for 'bodily injury' caused by an accident:

- On premises you own or rent;
- On ways next to premises you own or rent; or
- Because of your operations; provided that:

The accident takes place in the 'coverage territory' and during the policy period;

Expenses are incurred and reported to us within one year of the date of the accident;

The injured person submits to examination at our expense, by physicians of our choice, as often as we reasonably require."

Homeowner's and commercial insurance policies will make medical payments regardless of fault. Consequently, even if your patient is 100% at

fault for their own injuries, first-party medical payment coverage may very well exist to cover their medical treatment provided the patient was injured at a business, apartment complex or residential home.

In the past, our firm has found first-party medical coverage where our client fell at a yacht club. In another case we found coverage where a client was injured at an apartment building. In still another case we found coverage for a client who was severely injured while visiting a home that was up "for sale" when a stairway handrail gave way. In the event a patient of yours has been injured on residential or commercial property, it is imperative that he or she seeks competent legal counsel to help in obtaining first-party medical payment coverage and to investigate a possible third-party negligence claim against the liable party or parties. Our firm would be more than happy to assist any patients with issues similar to those noted above.



Mexican Automobile Tourist Insurance

Planning a motor vehicle trip into Mexico? Following is some general information to consider in making those plans. While Mexico is a neighbor to the United States, keep in mind that it is a foreign country. Its laws regarding auto accidents are very different than those in the United States, and Mexico's laws can be very treacherous and exhaustive. Although U.S. and Canadian auto insurance is not valid in Mexico, some American insurers offer coverage on vehicles traveling up to 75 miles into Mexico.

Mexican Automobile Tourist Insurance is not mandatory, however, it is highly recommended. It is also highly advisable that anyone who is not a resident of a USA border area not travel any distance into Mexico without Mexican Automobile Tourist Insurance issued by a reputable insurer. If you become involved in an accident or other vehicle-related problem and you do not have insurance, you may be arrested and your vehicle impounded until such time as the authorities have resolved the matter.

There are insurance agencies in cities near the USA-Mexico border which can provide Mexican Automobile Tourist Insurance. Additionally, some insurance companies will sell the coverage by telephone, facsimile, or internet. Policies are issued for daily, weekly, monthly, and annual rates. If the motor vehicle trip into

Mexico will exceed 30 days, it is less expensive to purchase an annual policy. If a travel trailer is being towed, it must be included in the policy for an additional premium. Mexican Automobile Tourist Insurance policies can include coverage for liability, collision, medical, fire, total theft, and natural disasters. The collision deductible is 2% and the deductible for fire, theft, and natural disasters is 5%. Most policies will also include legal defense and bail bond coverage, as well as travel assistance coverage.

An alternative to Mexican Automobile Tourist Insurance is a Vehicle Importation Permit to travel into Mexico. These permits are acquired at the Vehicular Control Module of the Mexican Customs Office located at the U.S.-Mexico border crossing. It will be necessary to present two copies of the following documents, all issued in the name of the driver:

- Valid proof of citizenship (passport or birth certificate);
- Appropriate immigration form (tourist card);
- Valid vehicle registration certificate;



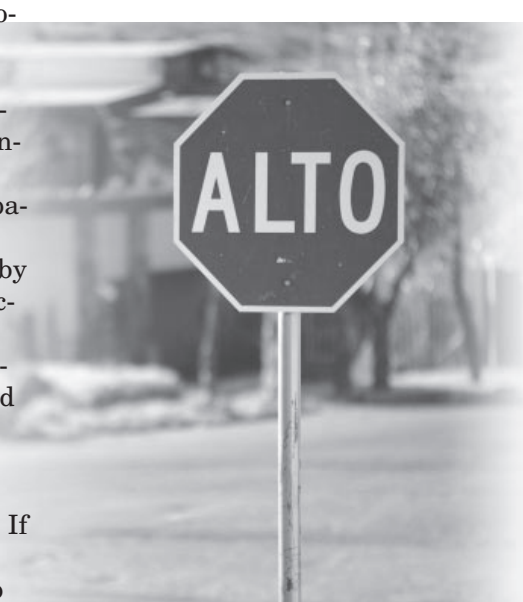
- The lease contract if the vehicle is leased or rented;
- Valid driver's license;
- An International credit card - VISA, Master Card, American Express, Diner's Club.

The credit card will be charged an amount in Mexico's national currency equivalent to \$15.00 U.S. currency. If you do not have a credit card, a cash deposit in an amount equal to the value of your vehicle will be accepted. This cash deposit will be deposited into one of Mexico's banks and it, plus any interest it may earn, will be reimbursed to the depositor upon leaving Mexico.

Another alternative to a credit card or a cash deposit is obtaining a bond through an authorized Mexican bonding company. These bonding companies are also located at all border crossings. The bonding company will require a refundable deposit equal to the value of the vehicle, according to their tables of value, and they will assess taxes and processing fees for this service.

Upon your departure from Mexico, and if the vehicle is not going to be driven back into Mexico, the temporary importation permit must be cancelled at Customs.

Planning wisely for your motor vehicle trip into Mexico will ensure your safety and pleasurable trip. Keep in mind that if your vehicle is found in Mexico beyond the authorized time, or without appropriate documentation, it will be immediately confiscated.



Rental Car Insurance Issues

With summer fast approaching, many of us will be renting cars while on vacation. Motor vehicle accidents involving rental cars can pose some tricky legal issues that can affect your patients, whether they rent a car or are involved in an accident with a rental car. This article is a brief and general description of issues regarding rental car coverage. Because insurance coverage issues applying to rental cars are complicated, anyone involved in an accident with or while in a rental car, should consult with a personal injury attorney for specific advice on how best to handle any claims. Rental car companies will offer renters optional liability coverage. Many people reject this coverage to save money or because they believe they have coverage under their own automobile coverage or even through their credit card company. But what happens if someone is rear-ended by a rental car where the renter rejected optional coverage? Where does that person turn for recovery? What if someone is driving or riding as a passenger in a rental car and is hurt when that car is in an accident? How do the medical bills get paid?

Washington statute RCW 46.04.465 defines a rental car as "a passenger car" that is used solely by the rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days." Statutes RCW 46.04.465 and RCW 46.04.382 exclude from the definition any loaner vehicles provided to customers by automotive repair businesses while the customer's vehicle is being repaired, motorcycles, taxicabs and vehicles that

carry more than ten passengers. The operator of a rental car has the same duty as any other driver to comply with the rules of the road governing the state in which the vehicle is operated.

First, let's take this scenario: Your patient is rear-ended by a rental car, but the driver of the rental car rejected the optional liability coverage available through the rental car company. Let's assume that the driver had personal liability insurance for the minimum \$25,000.00 required in Washington and that your patient's damages exceed those minimal limits. Who would your patient go to for recovery? The simple answer is, the at-fault driver of the rental car. The more difficult issue is where to turn for insurance coverage on that at-fault driver. Although the language of both the rental car contract and general rental insurance policy, as well as the at fault driver's personal insurance policy, would have to be carefully analyzed and compared, generally the conclusion to this scenario is that the driver's own insurance is primary and the rental insurance is secondary, or excess.

Second, let us take this scenario: Your patient is a passenger in a rental car that is involved in an accident. This time let's assume that the driver rejected all optional coverage. Where would your patient turn for help in paying for treatment? In this situation, your patient's own vehicle coverage for "Personal Injury Protection" would likely be primary. Potentially there may be additional or secondary coverage through several other sources.

The advice for anyone renting a car is to carefully check the coverage offered by the rental company,

check with your own insurance company, and check with your credit card company to see what types of coverage they provide on a rental. Make sure you have adequate insurance coverage to protect you and your passengers in the unfortunate event that there is an accident.

Rental car insurance issues can become very complicated and rely heavily on often confusing and conflicting insurance policy contract language and the latest Washington court cases. We are here to help you and your patients sort through these issues. Remember that any initial consultation with our office is free.

FREE SEMINAR

Office Managers & Professional Assistants

Join us for a complimentary Legal Educational Summer Seminar regarding

INSURANCE ISSUES

Thursday, June 12

Port Orchard – Mary Mac's at McCormick Woods

Thursday, June 19

Lakewood – Lakewold Gardens

Thursday, June 26

Seattle – Seattle Center House Conference Room H

Plan to attend this informative seminar!

- All Seminars: Noon – 3 pm
- Attendees receive a complimentary copy of Graham Lundberg & Peschel's Legal Guide To Insurance Issues!
- Enclosed is an RSVP. Reply today! Seating is limited.



We are a team of legal professionals working together to advocate for the injured while being recognized in the community for providing the highest level of service.

Our Attorneys

John Graham
 Scott F. Lundberg
 Brian J. Peschel
 Kenneth B. Golden
 Cydney Campbell Webster
 Sean A. Ayres
 Angela DeWig
 Kenneth Barry Dore
 John Webber
 *John Williams
 Rodney G. Zerr
 Tara Eubanks – Intern
 Ben Lambert – Intern
 *admitted in Ohio only

Our Paralegals

Patricia Clanton
 Patti Cryder
 Kimberly Cutting
 Johnnie Dano
 Kathleen Gottlieb
 Judy Hanson
 Lora Harris
 Grace Stephens
 Heather Webb

Our Administration

Arlene Bolger
 Tamara Briggie

Administration, cont.

Diane Daniel
 Thelma James
 Brian Jones
 Heather Kelly
 Martha McDonald
 Becky Moilanen
 Tina Mulcahy
 Lucinda Pieczatkowski
 Tom Reger
 Celine Cloquet Vogler
 Joyce Watts
 Marie Wohler

CONVENIENTLY LOCATED

For the convenience of your personal injury patients, we offer several meeting locations throughout Puget Sound and Peninsula communities. Attorney consultations are encouraged and always free.

- Auburn 253-931-1111**
- Bellevue 425-827-1111**
- Burien 206-241-1708**
- Everett 425-252-1111**
- Federal Way . . 253-946-1111**
- Gig Harbor . . . 253-853-5005**
- Lakewood 253-274-1111**
- Lynnwood 425-775-1111**
- Marysville 360-658-1111**
- Port Orchard . 360-876-5005**
- Puyallup 253-845-1112**
- Renton 425-235-1111**
- Seattle 206-448-1992**
- Tacoma 253-627-7701**

Or Call Toll Free

North Puget Sound area including King & Snohomish Counties
800-422-4610

South Puget Sound area including Pierce, Kitsap & Thurston Counties
800-273-5005

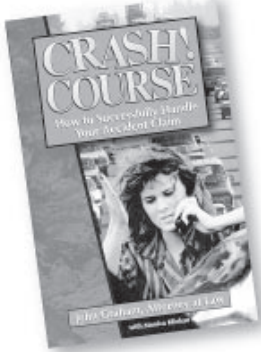
or visit us online...
www.glpattorneys.com

Are Your Patients Asking Questions About Their Recent Accident And You Don't Know Where To Turn For Help?

YOUR PATIENTS NEED...

Crash! Course

By John Graham
How to Successfully Handle Your Accident Claim



Call our office for your complimentary copy at (800) 422-4610



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