

LEGAL BRIEFS

A QUARTERLY NEWSLETTER DEDICATED TO PERSONAL INJURY LAW

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FIGHTING FOR THE RIGHTS OF THE INJURED FOR 30 YEARS

Unlike cabs, Uber and Lyft have different levels of insurance for anyone injured in a collision

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Uber and Lyft, the rideshare service companies, have overtaken taxis as the primary way that Americans hire a vehicle to transport them around town.

And, thus, it is becoming more common for collisions to occur involving an Uber or Lyft vehicle.

If you are involved in a collision with an Uber/Lyft vehicle - either as a driver or passenger in another vehicle, or as a passenger in the Uber/Lyft vehicle - Uber and Lyft have another advantage over taxis.

Taxicab drivers and operators of Uber/Lyft vehicles are all independent contractors, and for this reason, taxi companies do not carry liability insurance on their cabs. The taxi driver must purchase his own insurance for his vehicle. Many of them buy policies providing the bare minimum in coverage.

Uber and Lyft, however, have started carrying liability car insurance for their drivers, and their coverage applies in similar ways. The two companies also require their drivers to carry personal auto insurance that covers the vehicle they will be driving for Uber/Lyft.

The amount of coverage provided by an Uber or Lyft policy depends on the status of the driver at the time of a collision:

- *When the driver is not logged into the Uber/Lyft app and is not available for hire, the Uber/Lyft insurance does not cover the vehicle, and the driver's personal insurance must be responsible for any damages;*
- *When the driver is logged into the app but has not accepted a ride request, Uber/Lyft coverage provides up to \$50,000 per person and \$100,000 total injury coverage for any collision that is the driver's fault;*
- *When the driver has accepted a ride, Uber/Lyft provides \$1 million in liability coverage.*

Expansion of bicycle sharing programs means increase in collisions with vehicles

Ride sharing companies such as Uber and Lyft are experiencing an explosion in business across the country, and so are urban bicycle sharing programs.

In Houston, the primary bike sharing program is called BCycle, and its ridership is up more than 65 percent from this time last year. In 2018, the number of stations where people can rent a bike from BCycle doubled to 90, and it plans more expansion in 2019.

This same trend is happening in cities all across the country.

But this national increase in inner city bicycling has also produced an increase in the number of collisions between bicycles and cars and trucks.

A common form of collision happens when a motor vehicle turns right into a bicycle that is crossing the intersection at a traffic signal. Another is when an occupant of a car opens a door into a passing cyclist.

Drivers of motor vehicles have a responsibility to share the road, but bikeshare pro-

grams are fairly new, and so the law that governs them is still evolving.

If you pay to rent a bike from BCycle or any other bikeshare program and you're injured in a collision with a motor vehicle whose driver was negligent, the driver's personal insurance should compensate you for your injuries.

Many cities use a waiver that applies to anyone who rents a bike, and specific language in the waiver usually exempts the city from bodily injury or property damage that may occur when the rider is on the bike in the city.

If you're injured by a defect in the bicycle while riding it, you may have a claim against the manufacturer of the bike. If the city government, the program sponsor, or anyone else knew of the defect and did not warn of it, they may also have liability.

If you're injured while riding a bicycle rented from a city bikeshare program, contact DeSimone Law Office.

Pre-existing condition is not a bar to compensation

Pre-existing conditions are a central issue to discussions about health insurance, but what happens when you have a pre-existing condition and are injured in a motor vehicle collision?

A pre-existing condition is defined as any health-related ailment that you had *before* the accident occurred.

A pre-existing condition can be anything from a previous injury you sustained (and for which you were treated for) or a chronic illness.

A pre-existing condition makes a person more fragile and more susceptible to

re-injuring or aggravating the prior ailment.

In Texas, the law is that a defendant "takes the Plaintiff as he finds him." This simply means that a negligent party or that person's insurance company cannot blame your pre-existing condition for any re-injury or further hurt that was caused that person.

For instance, if you had previous neck or lower back injuries, and those areas are inflamed or made worse by an auto collision, you may still be compensated for the aggravation of those injuries.

If DeSimone Law Office has successfully represented you on your injury case, please go to "Google Maps," type in our firm's name and write a review!

DeSimone Law Office

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DeSimone Law Office handles a variety of injury cases

DeSimone Law Office has been serving Houston and the greater Gulf Coast area for 30 years. From the start, the firm has focused on representing persons injured because of the negligence of someone else - whether it is a person, a business, or a unit of state or local government.



Ronald DeSimone

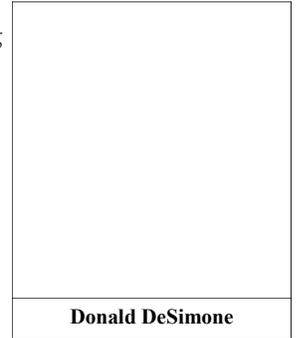
Attorneys Ronald DeSimone and Donald

DeSimone handle the following types of personal injury cases:

- **AUTOMOBILE AND TRUCKING ACCIDENT**
- **SHOOTINGS AND ASSAULTS AT APARTMENTS/BUSINESSES**
- **RAILROAD WORKER INJURIES**
- **BOAT ACCIDENTS/ DROWNINGS**
- **OFFSHORE ACCIDENTS**

Ronald DeSimone graduated from the University of Florida with a chemistry degree in 1984. He entered the University of Houston Law Center the following fall and received his license to practice law in 1987.

Donald DeSimone graduated from the University of Florida with a business degree in 1986, and, after graduating from the University of Houston Law Center, he was licensed to practice law in 1989.



Donald DeSimone

DeSimone Law Office has won in courts throughout Texas, at Texas courts of appeals and the Texas Supreme Court.



Houston Auto Accident Attorneys, Personal Injury & Car Accident Lawyers

For more information on auto accidents and ways to contact us, visit our website at www.houstonautoaccidentsattorney.com

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