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Auto insurance

Why you may not be adequately covered

Most people spend 20 to 30 hours researching and looking at new cars, but only 30 minutes buying auto insurance. Since most don't understand insurance, drivers often have insufficient automobile coverage to protect their vehicles and families.

Insurance companies—Focused on the bottom line

To an auto insurer, you're a set of "risk factors." See inside for the factors affecting your rates.

Insurance companies work hard to be profitable. They increase premiums, raise deductibles, and reduce liability coverages when they can. They also spend millions lobbying lawmakers to limit the ability of victims of auto accidents, personal injuries, and medical malpractice to recover fair and just compensation in courts of law.

Auto insurance agents—Not always there for you

To an auto insurance agent, you're a person and a sale. Most agents provide good coverage and services. But some don't live up to the "we're there for you" messages in television commercials. Everyone has heard insurance-agent horror stories.

Do you have enough auto insurance?

Many who think they have sufficient auto insurance protection learn otherwise after accidents.

One option every driver should purchase is uninsured/underinsured motorist coverage (UM/UIM). Never sign UM/UIM waivers.

UM coverage protects you when a negligent driver in an automobile accident has no insurance. UM coverage pays for your lost wages, medical costs, mental and physical pain and suffering, and for permanent injury. **We recommend that you purchase UM coverage in the same amount as your liability coverage.**

UIM coverage protects you if you are injured by a negligent driver who does not have enough insurance to pay all your damages. UIM coverage pays for your lost wages, medical costs, mental and physical pain and suffering, and for permanent injury. In Oklahoma, your UM coverage includes UIM coverage.

Protect yourself

Be sure you have sufficient auto coverage for all your family's drivers. Talk to your auto insurance agent to learn the extent to which your UM/UIM coverages will safeguard you and your family. If they are inadequate, increase this relatively inexpensive protection.



Stipe-Harper Law Firm. Over 50 Years of Fighting For You.

What you need to know

Shopping for auto insurance



The seven steps in buying auto insurance that will best protect you and your family include:

1. Educating yourself about state auto insurance requirements.
2. Comparison-shopping coverages.
3. Meeting with several insurance agents.
4. Reading the entire policy very carefully.
5. Listing all drivers.
6. Paying premiums promptly.
7. Disclosing past claims.

Types of coverage

Auto insurance policies include several coverage elements, specifically costed out, that you should understand:

Bodily injury liability—protects you against injury, death claims, and legal expenses from an accident.

Property damage liability—covers property damaged by your car in an accident. Since liability covers other parties, almost all states require it.

Medical payments—reimburses you for medical bills incurred in an accident, up to the limits of your coverage. Your insurance company has to pay you this coverage even if you are at fault. **We recommend that you purchase at least \$10,000 in medical payments coverage.** If you can afford to purchase more, then you should consider doing so.

Uninsured/underinsured motorist protection—pays for your and your occupants' accident injuries from uninsured, inadequately insured, or hit-and-run drivers. **We recommend that you purchase UM/UIM coverage in the same amount as your liability coverage.**

Collision coverage—after you pay the deductible, it reimburses for damage to your vehicle, up to its book value.

Comprehensive—covers physical damage to your car from fire, flood, theft, vandalism, wind, and other nonaccident causes, also with deductibles.

What affects auto insurance rates?

The insurance industry uses data that weigh the following risk factors in calculating your policy payments:

- **Accidents**—Every fender bender increases a driver's risk quotient.
- **Age**—Youthful males and older drivers can be expected to have more accidents.
- **Credit rating**—Lower FICO credit scores translate to higher insurance risk.
- **Gender**—Women are safer drivers than men.
- **Location**—Rural drivers are lower risks than urban drivers.
- **Marital status**—Married individuals are considered safer drivers.
- **Occupation**—Significant business-related driving increases risk.
- **Traffic citations**—Every speeding, red-light running, and other traffic ticket raises the risk ante.
- **Vehicle**—Sporty vehicles are more risky than conservative family sedans. Also, air bags, braking-safety systems, theft-deterrent devices, and other features decrease risk.
- **Others**—Insurers also factor annual mileage, distance to work, and years behind the wheel into risk assessment.



How about auto insurance

Auto insurer tactics

Insurers are profitable because they increase premiums and deductibles, and then reduce liability coverages whenever they can. Many drivers report abusive and unfair behavior by insurance companies.

Pressure to settle

A woman sustained lifelong, debilitating injuries as a result of an auto accident. The at-fault driver's insurance company tried to pressure her into a speedy, unfair settlement. Incredibly, when she refused, insurance company representatives demanded money from her for the driver who caused the accident. If she disagreed, they threatened to ruin her credit!

Silence from adjusters

A driver didn't hear from an insurance adjuster until two months after a wreck in which she was seriously injured and not at fault. She tried to settle her claim for the amount of her expenses, but was refused. With bills piling up and creditors calling, she finally settled her claim after a year of battling the at-fault insurance company. She was still forced to pay \$2,500 out of her own pocket for damages.



Special considerations

Rental car liability insurance

Personal auto insurance will usually cover you for a rented car. However, you should confirm this with your insurance agent.

Most auto policies provide rental car liability. However, collision damage to rental cars is covered only under a policy's comprehensive and collision coverage. Be sure your auto policy includes these coverages.

Your credit cards may also provide insurance accident coverage. To be eligible, you may have to decline the collision damage waiver (CDW) and charge the full amount of the rental car on your card. Reconfirm that your card issuer offers these services, and review the limitations and exclusions your credit card may impose, such as limited rental contracts and approved rental dealers. If in doubt, purchase the CDW for peace of mind.

Consult an attorney experienced with auto accidents for counsel.

Work-related accidents

Employees injured in auto accidents during employment-related driving customarily have three protections:

■ Workers' compensation benefits. Workers' compensation benefits, such as wage-loss coverage,

often face insurance-company-imposed limitations, so check with human relations specialists. Consult an attorney experienced with workers' compensation for counsel.

■ Personal liability insurance coverage. Be sure your liability and UM/UIM coverages are adequate.

■ Personal injury claims against at-fault drivers. Contact an attorney for counsel.



Auto accident attorneys

No matter how carefully you drive, you can't control other drivers' behavior on the road. Attorneys experienced in representing drivers who have gotten into auto accidents as a result of others' negligence and poor judgment can obtain fair and just compensation in courts of law.

Accident cases

Insurer fails to pay underinsured motorist claim

A pickup truck backed into a car driven by a driver recovering from back surgery. The injured driver's doctor determined that the accident caused the patient's initial disk-fusion surgery to fail, which necessitated two additional surgeries. When the injured driver sued for medical expenses, the truck driver's insurance company refused to pay the full underinsured motorist claim. When the injured driver's attorney filed a bad-faith claim on his behalf, a jury's verdict resulted in a significant award.

Passenger killed by drunk driver

A husband and wife were passengers in a car allegedly driven by a drunk driver who lost control of the vehicle and struck a utility pole. The husband was killed instantly by a section of the pole that entered the car. The defendant pleaded guilty to impaired driving, and the wife's attorney sued for her husband's significant lost income and her own posttraumatic stress disorder. The parties settled prior to trial.





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Tenth Circuit Court of Appeals Upholds Award for Stipe Client

Our client claimed that her insurance company breached its insurance policy by refusing to pay income protection benefits following a motorcycle accident. She filed suit in the Eastern District of Oklahoma against the insurance company. The District court ruled in her favor and awarded her \$20,000 in income protection benefits, which was the maximum coverage available under the policy. The insurance company appealed, and the Tenth Circuit Court of Appeals in Denver ruled that our client was entitled to the income protection benefits.

We also filed suit alleging the insurance company acted in bad faith when it wrongfully denied the income protection benefits. That claim was resolved prior to the appeal. The client was represented by **James Belote** and **Tim Maxcey**, along with attorneys from two other firms.



Recent verdict

Russell Uselton, of the Stipe Harper Law Firm, represented the plaintiffs from McAlester, Oklahoma, concerning a semi-truck accident which occurred on Highway 69, near Savanna, Oklahoma, on March 21, 2006.

The plaintiffs were traveling in a northerly direction on Highway 69 and were attempting to make a left turn. At the same time, Richers Trucking, Inc.'s semi-truck was also traveling in a northerly direction on Highway 69 when it collided with the rear of the plaintiffs' vehicle.

This case proceeded to trial in the United States District Court in the Eastern District of Oklahoma, and the jury awarded the plaintiffs the total sum of \$124,084.50.

