



## Who is Liable If You Are in an Accident with an Uber or Lyft Driver?

**A**s in any car accident case, the person bringing the claim must be able to prove three things in order to get compensation: who was at fault, damages and how badly the claimant was injured. If you are hit by an Uber or Lyft driver or injured as a rideshare passenger, you must be able to prove that someone was negligent in order to have a claim.

If the negligent party was an Uber or Lyft driver, your most straightforward case will be against that person, and it would proceed just like most other car accident claims. The trick is figuring out whose insurance will apply to your claim: the driver's or the rideshare company's?

It's an uphill battle to try to hold Uber or Lyft liable for a car accident caused by one of their drivers, but it's also largely a moot point, since these companies have recently started carrying liability coverage for their drivers. So, legal responsibility aside, it's entirely possible to hold Uber or Lyft financially responsible when you're a nonnegligent driver in an accident caused by an Uber/Lyft driver.

### Uber/Lyft Drivers and Car Insurance

Uber and Lyft require all of their drivers to have personal car insurance that meets or exceeds state minimums for liability coverage, even though the driver's personal policy probably won't provide coverage when they're driving for Uber/Lyft. Most personal (noncommercial)

car insurance policies exclude coverage when the policyholder is driving for hire. So, what happens when an Uber/Lyft driver causes an accident?

Both Uber and Lyft provide liability coverage for their drivers, and the companies have adopted very similar policies, with coverage that varies depending on when the accident occurs: when the driver is not logged into the Uber/Lyft app, Uber/Lyft provides no coverage; when the driver is logged into the app but has not yet accepted a ride request, Uber/Lyft provides liability coverage for any accident that is the fault of the driver, up to \$50,000 per person injured in an accident, and \$100,000 total injury liability per accident, and \$25,000 property damage

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## Letter From Jan

It has been estimated that there are close to one million Uber and Lyft drivers in the U.S. However, since both companies are privately held, they don't have to release any figures about their independent contractors. But the point is, they seem to be everywhere. So, what happens if you and a rideshare vehicle collide?

While the service has been around since 2010, legal issues are still being worked out in the courts. We hope this article provides some insight into what to do and who to call if you are injured in an accident.

When it comes to a personal injury settlement, the injured party is paid out one of two ways:

either as lump sum or through structured payments. There are pros and cons to both depending on your situation. For a critical matter like this, it's important to have a trusted and open relationship with your legal advisors. Our firm has decades of experience putting our clients first. We adhere to the highest legal standard with the understanding that we earn the opportunity to represent you should you ever need us.

Sincerely,  
Jan Dils



Jan Dils brings her expertise to issues that affect you and millions of other Americans every day. While her knowledge spans the critical areas pertaining to Personal Injury, Veterans' benefits, Social Security disability benefits and related appeals and claims, her practice remains focused on people, making sure you get the right answers and results.

## EMPLOYEE SPOTLIGHT! Sean Francisco

Sean Francisco is a Social Security attorney with the Jan Dils firm. Having grown up in an impoverished area surrounded by people in need, he learned the importance of helping others early on. Long before he became an attorney, he knew he wanted to pursue a career that would allow him to make a real difference in people's lives.

"As a Social Security Disability attorney, I have the opportunity to be something of a safety net, helping people who might otherwise not have the resources to

navigate the system," says Sean. "It does my heart good to make what's already a trying situation a little better for my clients."

After earning his undergraduate degree at West Virginia

University, Sean went on to complete Law School at the University of Baltimore. Since then, Sean has gained an impressive amount of litigation experience, with a great deal of success in the courtroom.

When he's not working, Sean enjoys spending time with his wife and two children. A music lover and active member in his church, Sean has also served on a list of charitable boards.



## Community Corner

### Jan Dils Golden Apple Award

On September 25, 2018, we awarded the first Golden Apple Award of the school year to **Lori Estes** of St. Mary Catholic School. Lori is a fourth-grade teacher who is very involved in the lives of her students. She adjusts her teaching style for the individual students in her class. She also encourages the kids to participate in charitable events like Operation Christmas Child.

We congratulate Mrs. Estes for winning this award, and we appreciate all her hard work.



### OFFICE INBOX

Personal Injury Case Manager **Elise McCay** graduated from West Virginia University at Parkersburg with a Certificate in Legal Studies.



## When Should a Personal Injury Plaintiff Decline a Structured Settlement?

**P**ersonal injury settlements are paid out either as lump sum or structured payments. While with lump sum settlement plaintiffs receive their entire settlement up front, a structured settlement means their settlement is divided into smaller payments that are stretched out over a predetermined time frame.

There are significant advantages and disadvantages to both types of settlements, and choosing the best kind will depend on one's own personal and financial situation. The good news is that plaintiffs will often have a choice over whether to accept a lump sum or structured settlement.

### Advantages of a structured settlement

Before discussing "why" you may want to decline a structured settlement, it is important to first look at some of the advantages a structured settlement presents. Structured settlements make the most sense in cases involving large settlement amounts (i.e., over \$150,000). By breaking up large amounts over an extended time period, you will be able to benefit from their significant windfall without the risk of "blowing through" your entire settlement early on. Instead, a structured settlement acts as a guaranteed income. Additionally, structured settlements earn interest and are tax-free. Finally, these settlements are highly flexible and can be tailored to one's financial and medical needs. For example, you can have payments increase temporarily around times when you need a major medical procedure.

### When to decline a structured settlement

While structured settlements have significant advantages, this method is particularly beneficial in personal injury cases where important and costly medical procedures may be an immediate concern and will have to be paid for quickly. Furthermore, unless inflation is built into the settlement itself, there is no guarantee that a structured settlement will keep up with inflation. With a lump sum settlement, on the other hand, a large portion of the money can be invested in order to

gain a higher rate of return over time. Note, however, that while a lump sum settlement is tax-free, money made from investing it is not.

Because structured settlements also act as a guaranteed income, they could interfere with any government assistance you may be receiving (i.e., Special Needs Trusts, Social Security Disability (SSDI), Supplemental Social Security (SSI), Medicaid or food stamps). Finally, structured settlement payments are typically handled by an insurance company. If that insurance company goes out of business, then there is the slight risk that the unpaid portion of the settlement will be lost.

Choosing between a structured and a lump sum settlement can be a difficult decision and one that should only be made in consultation with an attorney. While in some cases a structured settlement will make the most sense, in other cases a lump sum payment will prove much more beneficial. If you find yourself in a settlement claim, please don't hesitate to contact Jan Dils, Attorneys at Law. Our first consultation is always free. And unlike insurance companies, we have your best interest at heart.

Source: [www.thelawdictionary.org/article/personal-injury-plaintiff-decline-structured-settlement/](http://www.thelawdictionary.org/article/personal-injury-plaintiff-decline-structured-settlement/)

## Red Curried Sweet Potato Soup

A warm favorite for a cool winter afternoon or evening from **Shawn Haynes**, VA Leads and Intake Specialist.



### INGREDIENTS:

3 medium sweet potatoes  
3 tablespoons unsalted butter  
1 small onion, chopped  
2 cloves garlic, smashed  
1/2-inch piece ginger peeled and grated  
1/4 teaspoon freshly grated nutmeg,  
plus more for garnish

1-1/2 teaspoons Madras curry powder  
Kosher salt and freshly ground pepper  
2 cups low-sodium chicken broth  
1-1/4 cups chunky applesauce  
1 tablespoon extra-virgin olive oil  
1 tablespoon apple cider vinegar  
1 to 2 tablespoons chopped fresh cilantro

**DIRECTIONS:** Peel and dice 2-1/2 sweet potatoes. Melt 2 tablespoons butter in a large pot over medium heat. Add the onion and garlic and cook until soft, about 5 minutes. Stir in the ginger, nutmeg, 1-1/4 teaspoons curry powder, and salt and pepper to taste and cook until toasted, 1 more minute. Add the diced sweet potatoes, chicken broth and 2 cups water to the pot, cover and bring to a boil over medium-high heat. Reduce the heat to medium-low and stir in the applesauce. Simmer, covered, until the sweet potatoes are soft, about 20 minutes. Puree the soup with a blender until smooth. Season with salt and pepper; keep warm. Meanwhile, preheat oven to 425 F. Peel and thinly slice the remaining 1/2 sweet potato and toss with the olive oil, and salt and pepper to taste. Spread in a single layer on a baking sheet and bake until crisp, 7 to 10 minutes. Heat the remaining 1 tablespoon butter in a skillet over medium heat. Add the remaining 1/4 teaspoon curry powder and cook, stirring, until browned; remove from the heat and add the vinegar. Top with the curry butter, cilantro and sweet-potato chips.



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liability. Once the driver has accepted a trip/ride, Uber/Lyft provides liability coverage in the amount of \$1 million.

Note: It's rare, but when an Uber/Lyft driver has his or her own commercial liability insurance, or if their personal car insurance policy specifically covers ridesharing, Uber's/Lyft's coverage will probably only act to supplement that coverage. Specifically, the driver's personal insurance will likely pay your third-party claim first, up to the driver's policy limits, and Uber/Lyft's coverage will pay any amount left over between the value of your claim and the driver's personal policy limits.

**What to Do After an Uber/Lyft Accident**

The first thing you should do after the accident is get the names, contact information and insurance details of everyone involved, and ask any witnesses for their contact information, too. Next,

take as many pictures of the accident scene, the vehicles, and anything else relevant to the accident – from as many



angles as you can – before you leave the scene.

You should also call the police from the accident scene. Many states have a law requiring that law enforcement be alerted to any car accident that causes bodily injury or more than minor property damage, but in any accident involving an Uber/Lyft driver, you will generally want the accident officially investigated as soon as possible so that a police report is generated.

Uber and Lyft – and the rideshare-by-app marketplace – are well-established, but legal issues related to these services are still being worked out in the courts. If you are injured in an accident involving an Uber or Lyft driver, especially if your losses are significant, please give the Jan Dils, Attorneys at Law, team a call at 1.877.526.3457. We will be your No. 1 advocate.