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# Texas Law Alert

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## Collisions with Big-Rig Trucks

We all know the feeling: that uncomfortable tightening of the chest we get when we look into our rearview mirror and see an 80,000 pound 18-wheeler truck barreling down on our back bumper. According to federal statistics, commercial trucks are involved in thousands of collisions each year. Some of the reasons are obvious:

killed over 3,964 people in 2013 and injured over 125,000 more, many of them seriously.

### Reasons for Crashes

As with other kinds of automobile collisions, there are various causes of big-rig accidents. Many of these collisions are the result of the same things that

cause run-of-the-mill car accidents: poorly maintained trucks, speeding, overly aggressive driving, failing to yield the right of way, or bad driving conditions caused by rain or snow. However, some of the collisions are related to other factors unique to commercial trucks.

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*A collision between a big rig and a car is likely to come out badly for the car.*

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- Trucks are bigger, heavier, and longer than cars;
- Trucks need more room to maneuver;
- Trucks take a lot more road to come to a stop.

Given their size and weight, common sense tells you that a collision between a big rig and a car, or even an SUV, is likely to come out badly for the car. In fact, commercial truck crashes

### If You're in a Truck Wreck, Here's What Our Firm Can Do for You

- Evaluate any bodily injury claim to determine the amount of money to which you are entitled.
- Help you with the property damage portion of your claim.
- Resolve complex issues and negotiate an overall settlement.
- Deal with your doctors, obtain your medical records, reports, and billing statements, and notify medical care providers as to whom to bill.
- Have an investigator interview witnesses, take statements, and photograph the accident scene and your vehicle.
- File a lawsuit, if necessary.

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# Insurance Rates and Your Credit Score

Although insurance companies (along with everyone else) are prohibited from discriminating against their customers because of the color of their skin, their religion, and the like, many insurers are making decisions about how much to charge for insurance that result in minorities' paying more for the same level of coverage.

result in one insured paying up to 400% more for the same coverage as another insured, just because of a low credit score.

Opponents of credit scoring also note that the practice costs minorities more to get insurance, because many minorities tend to have lower credit scores. A study of 2 million auto insurance

policies in Texas showed that 90% of the drivers who had high credit scores were white, even though only 51 % of the policies were issued to white drivers. Conversely, African-American drivers made up 33% of the group with the lowest credit scores, even though they represented only 7% of the drivers

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*Basing premiums on credit scores can result in a person who has never made any claims paying high insurance rates just because he has bad credit.*

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In Texas and many other states, an insurer looks at an insured's credit score to determine the amount it will charge for insurance. This practice (called "credit scoring") is defended by the insurance industry, which claims that there is a relationship between whether or not a person has good credit and whether or not that person will make claims on his insurance. In a nutshell, the insurance companies argue that low credit = higher costs.

However, opponents of credit scoring note that, unlike most of the other factors that insurance companies consider in setting rates, such as an insured's driving record or the number of claims made in the past, basing premiums on credit scores can result in a person who has never made any claims paying high insurance rates just because he has bad credit. The differences are not trivial: Credit scoring can

## Home Improvement Scams

Now that Texas permits home equity loans, the number of people offering such loans to make improvements on your home is skyrocketing. Unfortunately, for every honest contractor there is also a crook, and many home improvement contracts give the contractor a lien on your house that allows the contractor to foreclose if he is not paid. Before signing on the dotted line, remember the following:

- Be wary of a salesman who comes to your home uninvited, especially if he claims he was doing some work for your neighbor or was just "in the neighborhood."
- Ask for references, with names and telephone numbers-nothing drives away a swindler quicker than a request for references.
- Beware the low-ball bids or offers that seem too good to be true, because they usually are.
- Beware of people who ask for a large "deposit" or ask to be paid in full before the work is done.
- Read everything carefully before you sign it, and make sure you understand all of the terms.
- Do not sign a contract with blanks in it.
- Beware of a salesman who claims that his offer is for a "limited time" or is "today only," especially where he is pressuring you to sign before you have read the contract.

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# Good Samaritans

Texas has a law, called the Good Samaritan Law, that protects people from liability if they accidentally hurt someone else while trying to render aid during an emergency. The purpose of the law is to encourage people to try to help however they can when someone has been hurt, such as performing CPR on a person having a heart attack or by giving mouth-to-mouth resuscitation to a drowning victim, by protecting them against a lawsuit if they are ultimately unable to save the victim.

Unlike the laws of some other states, Texas does not require that the person giving the care be a licensed medical professional in order to be protected, but the

scope of the Good Samaritan Law is limited in other ways. For example, it does not apply to a medical professional who is providing care for pay, such as an ER doctor or an ambulance attendant. It also does not apply if the person rendering the aid was the same person who caused the injury. Finally, it does not protect an aid provider if his acts were "willfully or wantonly negligent," which means that the person was so careless that we can assume he acted with conscious indifference.

Although emergency medical treatment can sometimes hurt a victim rather than help him, Texas has decided that it will encourage people to give what help they can.

## We Appreciate You!

*Thank you for choosing our legal firm for your legal needs. We hope that you will continue to count on us when you need legal help. We are just a phone call away.*

*We also appreciate the trust that you have placed in us by referring your friends, family, and associates to us for legal services. Thanks!*

## Clothes Dryers Can Cause Fires

It may surprise you to learn that one of the most dangerous home appliances you own may be your clothes dryer. It is estimated that dryers are responsible for over 15,000 fires every year - fires that cause millions of dollars in property damage and over 300 injuries and 10 deaths each year!

### What Makes Dryers So Dangerous?

The primary cause of dryer fires is the failure to clean the lint trap regularly. In order to work, dryers use a tremendous amount of heat, and a build-up of lint provides perfect tinder for a potential fire. People sometimes allow dryer vents to become blocked, which permits excessive heat to build up inside the dryer. Also, people dry items (such as plastic shoes or rugs with foam backing) made of materials that can melt or catch fire if heated in a dryer.

In order to operate your dryer safely, be sure to clean the lint filter after each load. Periodically check the vent to make sure it is clear, and do not dry either flammable materials or any clothes that have been soaked in flammable substances such as alcohol, gasoline, and spot removers. Follow the instructions that come with the dryer and, if you suspect your dryer has an electrical problem, have it repaired before use. These simple steps will not only make your dryer last longer, but will ensure that you are not the victim of a dryer fire.

## Insurance Rates

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in the study. Opponents of credit scoring also express concern that even as incomes rise, the credit scores of minorities tend to remain lower than the credit scores of equivalent white households.

Some states have moved toward banning the practice of credit scoring, most often because it is felt that insurance companies should not be allowed to do indirectly what they are forbidden to do directly, while other states have resisted such a ban. Although a fairly new issue, the question of whether insurers should be allowed to set their rates by credit scoring is not one that is likely to go away any time soon.

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## Big-Rig Collisions

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For example, some collisions occur because a truck is overloaded and therefore cannot stop in time. Other collisions are caused by the driver's inexperience in operating a particular kind or size of truck. Still other collisions are the result of tired truckers who have been on the road for too long and who are fatigued. Tired truck drivers are now more likely to be on the road, with the deregulation of the trucking industry, changes in the way goods are shipped to a "just-in-time" delivery system, and recent changes in the rules governing how long a trucker may drive before he is required to stop for a rest.

People injured by the negligence of commercial truck drivers are entitled to compensation for their injuries. But, be aware that suits involving truckers are often

more difficult than other kinds of collision suits, for several reasons. First, it may be difficult to find the trucker after the collision. The nature of a trucker's job means that he might be involved in a collision in a state far from where he lives and to which he will never return.

Trucking companies are also very skilled in defending themselves against negligence claims (which, to them, are just a part of doing business), and they can be very aggressive in denying claims because every dollar they pay out in compensation to accident victims is a dollar that does not go into their pockets.

Further complicating matters is the fact that most commercial big-rig accidents involve far more parties than the typical fender-bender. Parties can include the truck driver, the trucking company,

the shipper(s), the insurance adjuster, and the insurer, and the legal relationships among all of these parties can be difficult to unravel.

Persons who have been involved in a collision with a trucker are entitled to recover compensation for items such as medical bills, time lost from work, pain and suffering, mental anguish, disfigurement, and loss of earning capacity. The complexity of these cases means that you should consult an experienced attorney and should NOT rely on the trucking company's insurance adjuster to look out for your interests.

If you or someone you know has been involved in a big-rig collision, call us. We will be happy to discuss the matter with you and work to get you the compensation that you deserve.

*Actual resolution of legal issues depends upon many factors, including variations of facts and Texas law. This newsletter is not intended to provide legal advice on specific subjects, but rather to provide insight into legal developments and issues. The reader should always consult with legal counsel before taking action on matters covered by this newsletter.*

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