



From the President

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Are we there yet?

WHY DODD (PROTECTING CALIFORNIA DRIVERS ACT) MATTERS

I vividly recall meeting Roland (not his real name) for the first time. Roland was in his early twenties. He had closely cropped hair and was of average height and strong build. That day, he was wearing jeans and a T-shirt. He looked comfortable and had an easy manner about him. As he sat down, I paid close attention to how carefully he moved. His walk. His gait. I knew he was injured; the facts had been shared with me earlier. I just did not know to what extent.

Once seated, I scanned his head, then torso. Finally, his limbs. I could see the remnants of road rash on one arm from where his body had scraped the pavement – faint lines where scabbing once was. What remained of his other arm was neatly bandaged in white gauze and tape.

Several weeks prior, Roland was riding his motorcycle when he was struck by a car. During the crash, he was ejected from his bike. Roland suffered a multitude of injuries, the worst and most obvious being the loss of his lower arm.

After sharing his account of how the crash occurred and detailing his medical care to date, Roland handed me his insurance paperwork, traffic collision report, medical records, medical bills, and photos of his damaged motorcycle. He waited anxiously while I reviewed the documents, page by page. As I read, Roland explained that he had been told by someone (he couldn't remember whom) there was "full coverage" for the crash. He wanted me to confirm this. After only a few minutes, it was abundantly clear that the insurance coverage was not going to be anything close to what would be needed to make Roland "whole." There was sufficient property damage insurance to cover the total loss of his bike; however, there was only minimal coverage (\$15,000.00) to compensate him for the partial loss of his arm.

I had to tell Roland that the at-fault driver only had the state-required minimum. Therefore, that would be all he would likely recover.

Advocating for better protections

It is illegal to drive in California without auto insurance, which is why most people purchase it. Some go as far as to

purchase "full coverage." Roland, like many Californians, believed "full" coverage meant full protection, meaning there would be enough insurance to pay for any and all expenses stemming from a crash, as well as money to compensate for any harm suffered. He was wrong.

For 55 years, full coverage in California meant minimal coverage, just enough to meet the mandatory coverage amount set by California lawmakers in 1967 – \$15,000 for a single injury or death; \$30,000 for injury to, or death of, more than one person; and \$5,000 for property damage. That is all. Some may believe a required minimum auto limits amount of \$15,000 is low. They are right. Of all the states in the nation, California ranks near the bottom when compared to other states. Forty-seven other states have higher minimums.

There are many stories like Roland's – people who were injured by drivers who purchased the minimum insurance amount because that's what they could afford or believed those amounts would fully cover them or harms caused to others.

The reality is that California's mandatory auto insurance liability minimums have had a significant impact on people seriously injured in crashes, and it disproportionately impacts people who are low-income or live on a fixed income. How? When there is insufficient insurance coverage, people have a choice to either pay out of pocket for necessary medical care or forgo treatment altogether due to the inability to pay.

Achieving stronger protections: SB 1107 (Dodd), the Protect California Drivers Act of 2022

Fifty-seven years ago, the \$15,000/\$30,000 mandatory minimum coverage limit was on par with what people earned, medical and emergency care costs, and vehicle repair costs. Today, however, those numbers are grossly insufficient to cover even the most minor of injuries, let alone catastrophic ones. In many cases, people are left with substantial out-of-pocket expenses, and the financial strain compounds their suffering. An increase to the limits has been long overdue.

In 2022, our state trial lawyers association, the Consumer Attorneys of California (CAOC), under the leadership of Nancy Drabble, pushed for legislative changes to increase the minimum insurance coverage to a level that genuinely protects individuals. With CAOC's sponsorship and the support of other groups such as Mothers Against Drunk Driving (MADD), Black Business Association, California Autobody Association, Mundo Maya Foundation, East Side Riders Bike Club, T.R.U.S.T. South LA, and Latino Heritage Foundation, change was made.

SB 1107 was signed into law on September 28, 2022. The passage of SB 1107 means, effective January 1, 2025, the minimal amount of liability insurance coverage one is required to maintain increases from \$15,000 to \$30,000 for bodily injury or death of one person, from \$30,000 to \$60,000 for bodily injury or death of all persons, and from \$5,000 to \$15,000 for property damage. Even better, on January 1, 2035, these amounts increase to \$50,000, \$100,000, and \$25,000, respectively. Have we reached the threshold necessary to adequately protect people? Some would say we are not quite there yet, but we are making progress.

The importance of representation

As plaintiffs' attorneys, each day we encounter people whose lives have been altered due to the negligent acts of others. Representing people injured in auto, bike, and motorcycle accidents, as well as pedestrians struck by vehicles, has revealed the profound impact of these incidents on victims and their families. The stories of my clients – and those of many other CAALA members – drive home the importance of the work we do and the pressing need for us as lawyers to continue to push for stronger protective measures for everyday people – the so-called consumers. The enactment of laws that protect people, especially those most disenfranchised, is not just a legal issue; it is a matter of social justice. Roland, like many others, may not have benefited from the new protections afforded under SB 1107, but others will. ☑