

**MURRAY  
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*Helping Clients in their time of need.*

# Handling Dangerous 18-Wheeler, Semi-Truck & Large Commercial Truck Cases

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Hablamos Español

1525 N. Flagler Drive, Suite 100 | West Palm Beach, FL 33401

Auto Accidents | Premises Liability | Product Liability | Personal Injury & Wrongful Death

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# Large Truck Accident Dangers

## Truck Drivers Asleep At The Wheel, Untrained, Unskilled...

Did you know that a fully-loaded, large commercial truck can weigh 80,000 pounds or even more; while an average passenger automobile weighs around 3,000 pounds? Obviously, if you are in an accident with a commercial truck, such as a semi, an eighteen-wheeler or other large freight carrier, the results can be catastrophic and often fatal. In 2009, 296,000 large trucks were involved in traffic crashes, accounting for 74,000 injuries and 3,380 deaths. Some of the common causes of truck accidents include:

### Truckers Asleep at the Wheel

The National Highway Transportation Safety Administration (NHTSA) reports that driver fatigue is responsible for 30% to 40% of all large truck crashes and is the probable cause in over 30% of crashes that resulted in the truck driver's death. In a recent survey, almost 20% of truckers admitted to falling asleep at the wheel at least



once in the previous three month period. In 2003, the Federal Motor Carrier Safety Administration (FMCSA) limited truck drivers' on-duty hours, and enhanced vehicle safety rules.

### Licensing Fraud

The U.S. Department of Transportation (DOT) has uncovered commercial truck licensing fraud in 24 states, and there are 21 on-going investigations in 13 states. They say thousands of unskilled, untrained drivers may be on the nation's highways. Many of these individuals could end up hauling deadly chemicals or other hazardous materials, posing a risk to themselves and other people on the road. Trained Commercial Driving Licensing (CDL) programs require drivers to have hours

of classroom work, hands-on training and pass an exam in order to drive on our roadways.

### Cell Phone Use & Texting While Driving

A 2010 Virginia Tech Transportation Institute study found that the truckers who were texting were 23 times more likely to get in a wreck if they were texting while driving. The Federal Motor Carrier Safety Administration (FMCSA) reports that commercial drivers reaching for an object, such as a cell phone, are three times more likely to be involved in a crash or other safety-critical event. Dialing a hand-held cell phone makes it six times more likely that commercial drivers will be involved in a crash or other safety-critical event. As a result, in 2011, the U.S. Department of Transportation announced a final rule specifically prohibiting interstate truck and bus drivers from using hand-held cell phones while operating their vehicles.

### Underride & Degree of Observability

Up to half of all truck vs. car accidents involve underride, according to the Insurance Institute for Highway Safety. An underride is when a car goes partially or wholly beneath a truck or trailer in an accident, increasing the

### Beyond Blind Spots and No Zones

chance of death or severe injury. A 2003 European study revealed that 11% of the fatalities and 30% of serious injuries could be avoided if trucks were equipped with energy absorbing front underrun protection systems, and 57% of the fatalities and 67% of the serious injured could be prevented with improved rear underrun protection systems.

Observability refers to how well something can or can't be seen under existing conditions (trucks and trailers use reflective paint, tape, etc. to make them more visible).

Other causes of accidents include driving while intoxicated (DWI), prescription and over-the-counter drug use, mechanical failures, improper truck maintenance, reckless driving, unsecured loads and trucks that exceed allowable weight and size limits. More often than not, large trucking accidents result in devastating personal injury and/or extensive property damage. ■

# Auto Accident Case - Resolved!

## Firm Secures All BI & UM/UIM Limits in Auto Case – Palm Beach County

Our client was driving near the intersection of Olive Avenue and Southern Boulevard in West Palm Beach. She stopped first in line for a red light. The light turned green and she proceeded to go through the intersection, when a SUV, driven by a **15-year-old**, hit her on the passenger's side with such great force that there were a total of three heavy impacts with the SUV.

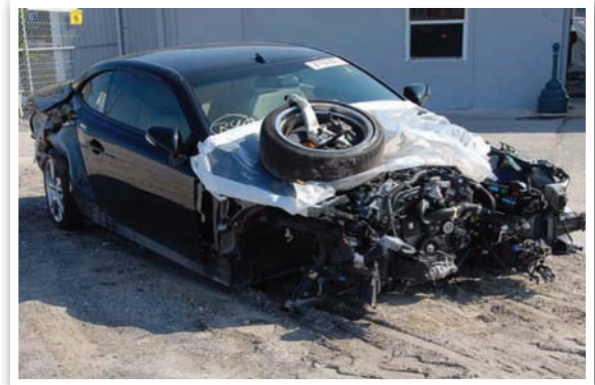
The **negligent teenager** exceeded the posted speed limit and also violated Florida Statute 316.075 (traffic control signal devices), by **running a red light**. The impact was so severe that the crash caused our client's Lexus' airbags to deploy.

As a result of this crash, our client sustained multiples injuries to her left hand, left arm and to her

right shoulder, which required surgery and ongoing physical and occupational hand therapy. Unfortunately now, she is also no longer able to volunteer at her local hospital as she has done in the past.

Fortunately, our client carried the appropriate type of insurance coverage. We settled her case for the Bodily Injury (BI) coverage limits (from the person who cause the crash) and all available Under Insured Motorist (UM/UIM) coverage limits (from our client's policy).

This case highlights the importance of having the appropriate **UM/UIM**



***Having the Right Type of Auto Insurance Coverage Makes a Difference.***

***Get Uninsured Motorist Coverage (UM/UIM)!***

coverage. This insurance paid our client's tremendous outstanding medical bills and fairly compensated her for her pain and suffering. ■

## Get Uninsured Motorists Coverage

As consumers, auto insurance companies constantly advertise that they can save you money.

The truth is that **having automobile insurance is really about protecting you and your families' financial well-being.**

Florida No Fault law **ONLY** requires drivers to carry PIP (Personal Injury Protection) – that's for 80% of Medical Expenses and 60% of Lost Wages up to \$10,000 and for Property Damage - caused to another's vehicle.

Surprisingly, **Florida Law does not require drivers to carry BI - Bodily Injury** - Liability Insurance for injuries they cause to others.

About one out of every four drivers does not carry enough insurance to cover Bodily Injuries to Florida consumers.

That's why it is important, now more than ever, to **make sure you have sufficient Uninsured Motorist (UM) Auto Insurance Coverage** on your auto policy.

When you are in an auto accident, money damages consist of medical bills, past lost wages, future medical expenses, loss of the ability to earn money in the future and the intangible, human damages of pain and suffering, mental anguish, inconvenience, and the loss of the ability to enjoy life.

UM covers you for these money damages. **Your insurance company "stands in the shoes" of the uninsured motorist.**

Some insurance agents discourage their customers from buying UM/UIM insurance by saying, "If you have health insurance, then you don't need UM insurance." That is **NOT TRUE** and **BAD ADVICE**.

**We urge you to look at your automobile insurance policy and MAKE SURE YOU HAVE UM/UIM INSURANCE!!!**

If you need more information on UM, call us at 561-366-9099 or email us at [info@murrayguari.com](mailto:info@murrayguari.com) ■

# Car Emergency Kits – What You Need

## Be Prepared For A Roadside Emergency

A roadside emergency kit is the one item that every vehicle should have; yet most of us never carry any of the basic items that we need to get back on the road quickly and safely.

Kits are necessary even if you have On-Star, AAA or another roadside-assistance coverage because a roadside emergency can happen at any time.

These kits are intended to aid you in getting help, signaling your car’s presence to other motorists, and tackling simple challenges.

Some of the basic items should include:



<b>Cell Phone</b>	<b>First Aid Kit</b>	<b>Road Flares</b>
<b>Jumper Cables</b>	<b>Tire Gauge</b>	<b>Tire Inflator/Sealant</b>
<b>Flashlight</b>	<b>Window Glass Breaker</b>	<b>Seatbelt Cutter</b>
<b>Screwdriver/Wrench</b>	<b>Fire Extinguisher</b>	<b>Disposable Camera</b>

Many retail establishments sell a variety of roadside safety kits. Before you use your kit in an emergency situation, you should take some time to familiarize yourself with the items you’ve collected and how to use them properly. It’s also important to make periodic checks on the equipment to ensure it’s in working order. ■

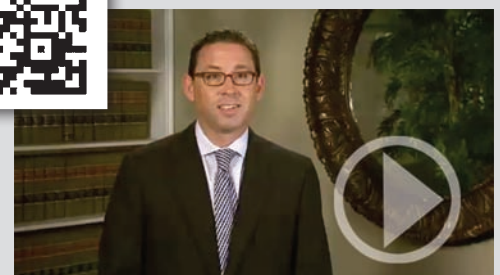
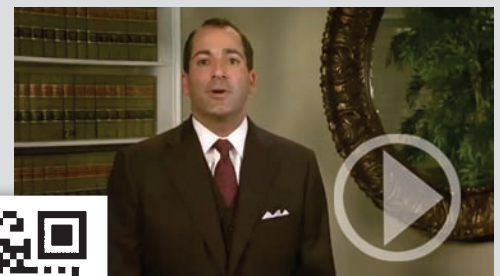
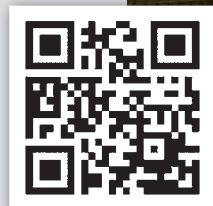
# Safety Through Knowledge

## Educational & Safety Video Library

We encourage you to visit our website to find videos on a variety of educational and safety topics including:

- What To Do If You Are In An Auto Accident
- Choosing And Using Child Safety Seats
- What You Should Know About UM Insurance
- Myths About Auto Insurance
- Bicycling And Pedestrian Safety
- And more...

The resource section of our website also provides informative brochures, a comprehensive list of helpful websites and a frequently asked questions section. ■



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# Supporting Our Community



## ◀ Arthur's Jam Rocks A Huge Success

Scott Murray was on the 2011 Planning Committee for the 16th annual **Cystic Fibrosis Foundation** Fundraiser - Arthur's Jam. The event raised more than \$57,000, which well-exceeded past years' events. Money raised will fund research that will one day lead to a cure for CF, and will improve the quality of life for those suffering from this disease.

## Running for A Cause - TNT ▶

Jason Guari took part in the 15th annual Walt Disney World Half Marathon to raise funds for the **Leukemia & Lymphoma Society (LLS)**. This was Jason's first half marathon - that's 13.0 miles in 2:18.

As a LLS Board Member, Jason used the WPB Chapter's "Team in Training" (TNT) to obtain the necessary training and coaching. The WPB chapter helped raise \$100,000 to LLS. ■



## Meet Paralegal Cecilia Del Aguila



Cecilia joined the firm after retiring from Allstate Insurance Company after more than **33 years** as Staff Claim Service Adjuster! She originally worked in various Allstate Claims offices on Long Island, New York, prior to transferring down to South Florida in 1996.


She has extensive experience and knowledge in property (writing estimates on cars and homes) and casualty insurance including the handling of Personal Injury Protection (PIP) claims and evaluating / negotiating and settling Bodily Injury claims and Uninsured Motorists claims. She was also an Evaluation Consultant for a few years, as well as a Litigation Expert. She has attended a multitude of mediations, including Global settlements, having resolved complicated injury claims and handled punitive damages claims. She has also trained new adjusters in medical terminology and in the evaluation of an injury claim from its inception to final settlement. Cecilia's training and experience are instrumental in assisting this firm's lawyers to obtain fair and just settlements for our clients. ■


## Murray & Guari – Hablamos Español.


Nosotros, tanto como usted, llamamos el Sur de Florida nuestro hogar. Practicamos la ley de lesiones personal en todas partes de la Florida y estamos orgullosos de ofrecer nuestros servicios en los condados de Palm Beach, Broward, Martin, y Treasure Coast. Tenemos más de 30 años de experiencia legal combinada. Le ofrecemos a los clientes el mejor servicio de 'una firma grande de abogados' en manos de, 'el studio "boutique" de abogados'. Si usted tiene un caso de lesiones personal, llámenos al (561) 366-9099 o póngase en contacto con nosotros en el Internet en [www.murrayguari.com](http://www.murrayguari.com). Estamos encantados a responder a sus preguntas. ■


## Stay Connected

Our social media accounts allow us to connect with you in real-time and share the latest news and information regarding our practice, important safety information and legal updates. We look forward to being a part of your social network. ■

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 <http://www.linkedin.com/pub/scott-murray/2/759/165>



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# New Trucking Case – Fiery Crash

We handle cases nationwide and throughout the State of Florida involving serious injuries or death resulting from collisions with tractor trailers and large trucks. We are currently representing out-of-state clients involved in a deadly collision involving three tractor trailers and a passenger car.

The driver of a logging truck lost control while traveling on I-95 near Daytona Beach, causing the truck to overturn and spill logs onto the roadway. This caused a chain reaction collision that closed the interstate and resulted in significant injuries to three occupants of a passenger vehicle and killed a truck driver.

Our clients, visiting from New York, came upon the overturned logging truck in the early morning on their way to the airport. Their vehicle first ran over logs strewn on the highway and then struck the overturned logging truck head on. Within seconds, they were then hit from behind by a US Postal Service



tractor trailer, causing their vehicle to overturn. At that point, a double tractor trailer carrying toxic chemicals, burst into flames after plowing into the wreckage. Our clients had to be air lifted from the scene. ■