



The Purpose of the Uninsured/Underinsured Motorist Law was to allow Responsible Drivers to Protect Themselves---To Some Extent. It is now up to Responsible Drivers to Adequately Protect Themselves with Sufficient Coverage.

Los Angeles Uninsured Motorist Attorney, Barry P. Goldberg, argues that we are in almost the financial equivalent of 1959 California which led to the enactment of the Uninsured Motorist Statute in the first place. There are currently millions of uninsured motorists on the road and the state mandated minimums are too low to protect most California Drivers.

The genesis of California's automobile insurance structure really took flight back in 1959 with the enactment of *Insurance Code* § 11580.2. In a historical context, it is not a stretch to envision the rapidly expanding freeway system and Southern California suburb explosion unfolding at the very same time. With a little help from General Motors, the aerospace industry and the ranch-style houses, Californians abandoned public transportation in record numbers in favor of the personal automobile and a phenomenon known as "commuting."

The Uninsured Motorist Statute was really required by the voters due to the high incidences of uninsured drivers who caused severe accidents and injuries. Without insurance and without sufficient personal assets, victims were left without adequate recourse. Moreover, otherwise upstanding citizens faced lawsuits, financial ruin and bankruptcy for damages which were all too easily caused on crowded freeways and roadways. Before 1959, California motorists were free to choose to carry liability insurance ---or not. Motorists were free to accept the risk of financial ruin arising from the use of their automobiles.



The Uninsured Motorist Statute sought to offer protection for the benefit of those responsible citizens who properly insured themselves and their vehicles, by offering them similar protection against bad and uninsured drivers to the same extent as these responsible motorists purchased protection from the claims of others against their own liability. Much of the confusion and inequity of the uninsured and underinsured motorist laws stems from the fact that the law was not designed to “make the injured victim whole,” but rather to afford at least some measure of protection equal to that which the victim could have recovered from the tortfeasor, had the latter had insurance. (See, *Interinsurance Exch. Automobile Club of So. Calif. vs. Alcivar* (1979) 95 Cal App 3rd 252.)

Against this statutory backdrop, automobile liability insurance was still not a requirement in California. As the suburbs continued with explosive growth and as the freeways expanded, shaping the California most of us now know and recognize, uninsured drivers continued to wreck havoc on the roadways often causing uninsured losses in the millions. Finally, in 1974, the legislature passed the California Financial Responsibility Law (*Vehicle Code* § 16000, et seq.) making automobile insurance mandatory in California for the first time.

As discussed in other related articles and blogs by attorney Barry P. Goldberg, the Financial Responsibility Law is flawed, is counter-intuitive and now hopelessly outdated. The current mandatory “minimum” limits were based on 1974 numbers and have not been modified since. In 1974, \$15/\$30,000 liability and \$5,000 property damage seemed gigantic and excessive---of course the average cost of a new car was around \$3,500 in 1974!

The only significant change to the Financial Responsibility Law came from the voters in the form of Proposition 213 (codified as *Civil Code* § 3333.4, and which established that, with few exceptions, a driver who did not meet the financial responsibility requirements, (usually by either having at least minimal coverage, or being adequately self-insured) would be ineligible to recover general damages from a third party tortfeasor.



Los Angeles Uninsured Motorist Attorney, Barry P. Goldberg, argues that we are in almost the financial equivalent of 1959 California which led to the enactment of the Uninsured Motorist Statute in the first place. There are currently millions of uninsured motorists on the road and the state mandated minimums are too low to protect most California Drivers. Studies have shown that about 1 in 5 accidents involve an uninsured motorist, that as high as 1 in 2 accidents are “underinsured,” and that uninsured drivers are 3 times more likely to cause serious injuries and fatalities.

For more information about blog author and attorney Barry P. Goldberg's uninsured and underinsured motorist expertise, please visit his web page, [Los Angeles Uninsured Motorist Attorney, *www.barrypgoldberg.com/Practice-Areas/Los-Angeles-Uninsured-Motorist-Attorney.aspx*](http://www.barrypgoldberg.com/Practice-Areas/Los-Angeles-Uninsured-Motorist-Attorney.aspx), or call him right now for a free consultation on your case (818) 222-6994.#

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