

**DOCTOR NEWSLETTER NO. 9: "ODDS & ENDS"**

**SOME LAWS OF INTEREST - NEW & OLD**

Effective July 1, 2005, if weather conditions require you to continuously use your windshield wipers, you must also turn on your headlights (Assembly Bill 1854 for more details).....Vehicle Code 27360 requires that babies and small children must ride in a safety seat or "booster," properly used, until they are at least six years old (there are a few exceptions, but the above applies in most cases). Note: Insurers are required to replace safety seats that have been involved in a crash.....All insurance companies are now required to electronically report proof of insurance to DMV (Senate Bill 1500), and police can access to this increased DMV database in routine traffic stops (Assembly Bill 2709). These steps are aimed to tighten up on uninsured motorists.

For more specific information about this or other legal questions, please feel free to contact Neal H. Sobol, Esq., at 818-547-6650.

**LEGAL QUESTION & ANSWER**

Question: Let's assume that one of your patients was hit by an uninsured driver while crossing a street in a marked crosswalk. In her view, the City was to blame due to the fact that no traffic lights had been placed at the crosswalk - an area where traffic had greatly increased and many distractions existed for drivers. In short, she claims that the City created a "dangerous condition" that lead to the accident. Is she likely to succeed in a personal injury case against the City on those grounds?

Of course you are not going to give legal advice to her, or practice law, but, as general information only, we would mention here that a recent (2003) case was taken to appeal on this very point. It concluded that the lady could not proceed with such a case because neither the increase in traffic nor the presence of distractions in the area was sufficient to make the intersection dangerous in the absence of facts showing that a motorist operating in a reasonable manner would not be able to avoid striking a pedestrian. The Appeals Court held that a City cannot be found at fault for failing to install traffic lights, and that the absence of traffic lights is not enough to make the intersection dangerous.

For more specific information about this or other legal questions as to what might constitute a good personal injury claim, please feel free to contact Neal H. Sobol, Esq., at 818-547-6650.