

YOU & the LAW



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Airbags save lives but can also cause injuries

Airbags, which have been mandatory in new vehicles since the late 1990s, have saved thousands of lives. However, airbags can also cause injuries to vehicle occupants as they deploy at speeds of up to 200 mph. The entire process of an airbag deploying and deflating takes less than a second. They deploy in an estimated 6 million crashes in the United States every year.

A federal study released in 2007 found that 284 motorists died as the result of airbag deployments between 1990 and 2007. However, the same study pointed out that airbags saved 24,334 people in that period.

Damage to a person's hearing is among several common injuries from deployed airbags. The sound from a deploying airbag can reach 170 decibels, higher than that of a thunder-clap or some gunshots. Temporary or permanent hearing loss and a ringing in the ear called tinnitus are among a number of hearing-related airbag injuries.

A deploying airbag can cause other, non-hearing-related problems — such as burns, brain and vision damage, facial cuts and bruises, neck and spinal cord injuries and vertigo.

When an airbag deploys, it can propel bits of plastic, chemicals and



other particles into a person's face. A deploying airbag is more likely to hurt children and small women.

Most agree that airbags are effective in direct, high-speed collisions, the type that might otherwise result in death or serious injury. Engineers designed airbags for these types of crashes. However, when airbags deploy in some lower-speed crashes that are not head-on, they can cause injuries more serious to occupants than might have been sustained had they not deployed.

While airbags usually function as intended, they do fail in some cases. Failures can involve an airbag deploying too soon or too late or not deploying at all. An airbag can also cause severe injury if a front-seat

occupant is leaning close to the steering wheel or dashboard at the instant of deployment.

Many newer model cars are equipped with so-called "smart airbags" that are designed to improve their reliability and effectiveness.

Does a person injured by an airbag have solid grounds for a lawsuit? If the airbag that caused the injury was properly designed and, in fact, operated correctly, perhaps not. However, an injured person could prevail

in a lawsuit if a poorly designed or otherwise defective airbag hurt him. An injured victim could also recover if the manufacturer did not provide adequate safety warnings. To prevail, the injured person bears the burden of proving these deficiencies.

In the event of a malfunctioning airbag, it is important for the injured person to preserve evidence, which in this type of case would include the crashed vehicle and all parts of the airbag. It would be difficult to prove that an airbag failed to operate properly without having it examined by experts and presented as evidence.

Persons injured by a defective airbag should contact their attorney or one who is experienced in representing highway crash victims.



Texting while driving is double trouble for teens

Teenagers as a group, especially males, are more likely to engage in risky behavior while driving, have higher crash rates and have limited experience behind the wheel. Add frequent texting while driving to those issues and the result is increased potential danger to everyone on the road.

It's well known that young people are the most prolific users of text messaging among all age groups. This has resulted in what the National Highway Traffic Safety Administration called a nationwide "epidemic" of distracted drivers, especially those under 20 years of age. NHTSA reports that in 2011 more than 3,000 people were killed and



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A study conducted by the Virginia Tech Transportation Institute reported that texting while driving creates a crash risk 23 times greater than driving while not distracted.

387,000 were injured in crashes involving a distracted driver.

Sending or receiving a text message takes a driver's eyes from the road for an average of 4.6 seconds, the equivalent of driving the length of a football field at 55 mph, blind.

The study also found that dialing a cell phone made the risk of a crash or near-crash event 2.8 times higher than non-distracted driving. According to national statistics, 11 percent of all drivers under age 20 involved in fatal crashes were reported as distracted at the time of the crash.

How much will that speeding ticket cost you?



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Getting slapped with a traffic ticket will often cost you more than the fine. Depending on the offense, your auto insurance premium could increase, you might have to retain a lawyer and you could be forced to take off from work for court appearances or even have to post bail for a serious offense.

For an estimate of how much your insurance rates could increase if you get one of a group of common traffic tickets, visit the "Uh-Oh Calculator," a free online service on the www.insurance.com website. The rate increases displayed on the website are actually averages based on

studies of more than 490,000 insurance quotes. Member insurance companies operate the insurance.com website.

According to the website, here are some average percentage premium increases for different driving violations:

- ◆ Reckless driving: 22 percent
- ◆ DUI first offense: 19 percent
- ◆ Driving without a license or permit: 18 percent
- ◆ Careless driving: 16 percent
- ◆ Speeding 30 mph over the limit: 15 percent
- ◆ Speeding 15-29 mph over limit: 12 percent
- ◆ Speeding 1-14 mph over limit: 11 percent
- ◆ Failure to stop: 15 percent
- ◆ Improper turn: 14 percent
- ◆ Improper passing: 14 percent
- ◆ Tailgating: 13 percent
- ◆ Failure to yield: 9 percent
- ◆ No car insurance: 6 percent
- ◆ Seat belt violation: 3 percent

Legal rights often limited on ocean cruises

Whether it's a fancy wedding, a special anniversary or a family vacation, having fun aboard cruise ships is a popular way for Americans to celebrate special occasions or just take the opportunity to relax in luxury. Unfortunately, some of those picture-perfect cruises have turned into nightmares for passengers.

Intense media attention allowed the world to watch the 2012 *Costa Concordia* disaster on the Italian coast that claimed more than 30 lives. News outlets have also reported onboard fires, mechanical breakdowns, illnesses that spread among passengers, and even crimes committed aboard cruise ships. Few can forget the Caribbean "cruise from hell" that left passengers stranded for days without air conditioning, working toilets, fresh food and other necessities. These disasters aboard giant ships that hold as many as 4,000 passengers and crew also made some voyagers aware that they gave up some legal rights when they purchased a cruise ticket.

Buying a cruise ticket also usually involves signing a legal form that can be long, technical and difficult for non-lawyers to understand. These forms are designed to give legal protections to the cruise line company, which usually means that passengers relinquish important rights if something goes wrong aboard the ship.

As difficult and boring as it may seem, passengers should read and understand the lengthy contract they are required to sign. While you may accept the waiver of your legal rights in exchange for the fun of a cruise, you should at least be aware of what rights you are giving up. Because most cruise ships are registered in foreign countries and mishaps often take place in international waters or in ports of other nations, legal claims related to cruises are also subject to other complications.



Cruise contracts often address the following issues:

Cancellations and refunds.

Passengers often waive the right to a refund or agree to accept a partial refund if they have to cancel their trip. However, contracts often allow cruise lines to cancel your trip at any time and give you a refund without paying a penalty. Companies may also be able to cancel the remainder of a trip in mid-cruise, drop you off at a foreign port and give you only a partial refund.

Theft and missing baggage.

Cruise lines usually limit their liability for lost luggage or theft from your cabin. Companies might offer passengers insurance policies, at additional cost, that provide higher reimbursements for lost or stolen items.

Where you can file a lawsuit.

Cruise line contracts often designate the state and even county in which you are allowed to file a lawsuit over injuries or other losses sustained while on a cruise ship. The venues are often in Florida because that's where many cruise lines maintain their U.S. offices.

Loss of privacy.

Rights to privacy that Americans take for granted can be compromised while on a cruise. Cruise contracts can let the company search passengers' luggage and cabins at any time without advance notice. Some contracts might state that the company can, without your permission, use photos taken of you while on the cruise. However, you are restricted on how you can use photos you take aboard the ship.

In May 2013, the Cruise Line International Association announced that its member companies voluntarily agreed to comply with the association's "Cruise Passenger Bill of Rights." While some said the Bill of Rights was a step in the right direction, they also pointed out that

in many instances it still favors the cruise companies.

According to the Cruise Lines International Association, some 16 million people take cruises every year. Most cruises do not experience the major mishaps that become big news items.



When do home burglaries occur?

It may surprise you to learn that a burglar is more likely to hit your home during daylight hours. While many homeowners fear that someone will sneak into their homes under the cloak of darkness, many burglars prefer to break in when they think no one will be home — usually when residents are at work or school.

In fact, almost three-fourths of household burglaries occur when no one is home. According to the U.S. Bureau of Justice Statistics, commonly stolen items include cash, purses, wallets, credit cards, electronic devices and weapons. Crashing through a door or removing it are the most common forms of entry into a household.

It's difficult to stop a very determined burglar, but there are steps you can take to help deter him or her.

- ✓ Lock outside doors and windows before you leave or go to sleep.
- ✓ Make the home look occupied; leave on a few lights.

- ✓ Stop daily deliveries of mail, newspapers or flyers while you are away, or arrange for someone to collect them each day.
- ✓ Have someone mow your lawn if you'll be gone for a long time.
- ✓ Push-button door locks are

easy to get through; install deadbolt locks.

- ✓ Install and use a burglar alarm.
- ✓ Lock garden sheds and garages.
- ✓ Don't keep a "hidden" key anywhere near the door.



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