

# HANDLING UNINSURED & UNDERINSURED MOTORIST CLAIMS

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## RECENT DEVELOPMENTS

Item 1

### ***“WHILE OCCUPYING” –***

*Is a motorcyclist who was ejected, then run over and killed “occupying” the vehicle?*

Item 2

### ***“BODILY INJURY” –***

*Are Wrongful Death Claims a “Bodily Injury”?*

Item 3

### ***THE FAMILY MEMBER EXCLUSION –***

*Claims of Unadopted Step-Children*

Item 4

### ***WHILE OCCUPYING –***

*A Passenger’s “Occupying” a Stolen Vehicle is a “Use” of the vehicle*



## RECENT DEVELOPMENTS

Item 5

***NAMED DRIVER POLICIES –  
Waiver Does Not Create Coverage***

Item 6

***GOVERNMENT OWNED VEHICLES –  
Governmental Immunity Bars the UM Claim.  
The Excess UM policy “Follows Form.”***

Item 7

***THE “OTHER INSURANCE” CLAUSE –  
The Other Insurance Clause is not void to the extent  
it prohibits a double recovery.***

Item 8

***BAD FAITH WHAT IS IT?  
Menchaca’s 5 Rules of Bad Faith***



## RECENT DEVELOPMENTS

Item 9

***BAD FAITH. WHAT IS IT?  
Bad Faith on PIP Claims.***

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***ATTORNEY’S FEES –  
Excessive Demands***

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***THE EXHAUSTION DOCTRINE***

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***SEVERANCE AND ABATEMENT –  
Federal Court Cases & The Menchaca Effect***



## RECENT DEVELOPMENTS

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### ***PAID OR INCURRED -***

*Applying Paid/Incurred Statute to PIP Claims*

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### ***SCOPE OF DISCOVERY –***

*The Expedited Case Process*

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### ***DISCOVERY OF CLAIMS FILES***

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### ***DEPOSING THE ADJUSTER AND THE CORPORATE REPRESENTATIVE***



## WHILE OCCUPYING

VEHICLES OWNED BY THE INSURED  
WHICH ARE NOT COVERED UNDER THE POLICY

“USE” OF THE VEHICLE WITHOUT THE  
PERMISSION FROM THE OWNER

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## Title search: Handling Uninsured and Underinsured Motorist Claims

Also available as part of the eCourse  
[2018 The Car Crash eConference](#)

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2018 The Car Crash Seminar session  
"Uninsured and Under-Insured Motorist"