



Chris Griswold, P.C.

News From the Firm

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Message From Chris....

Scooter/Sidewalk Liability: So what happens if you injure a pedestrian? Who's liable if you take a fall? What's the real risk to your wallet? See below (and don't forget to click on my Facebook or YouTube links below to also see my short video on this material).

Scooter Stuff

Riding up Main Street on a Lime or Bird Scooter, and all of a sudden you wreck and hurt yourself and another guy and his small son (on their way to drop his son off at school). What now? Not much law or precedent out there, but the thought process follows....

Question #1: If it happened after you were still drunk from the night before (i.e., out late; going to bars and various parties), what then?

Answer: There's a possibility you might be found more than ordinarily negligent (perhaps, criminally negligent, since the wreck becomes more than reasonably foreseeable). Accordingly, your homeowner's or renter's personal liability coverage might not cover the accident (although they most likely would, without argument, if you hadn't been out late the night before). However, they might still cover you, then go subrogate your rights (whatever they are) against Bird or Lime.

Question #2: Same facts above, except you went to bed early the night before, and hadn't had any drinks, yet the wreck still happened. What then?

Answer: Well, under these facts, your homeowners or renter's personal liability coverage would probably pay (unless you have no such coverage), however, the facts would then turn towards an investigation of the scooter. Was it well maintained, built to certain, public, commercially viable standards or defective somehow (or damaged after Bird or Lime dropped them off the back of a delivery truck way too hard, in the middle of the night)? If any of the foregoing are a "yes," then, the injured Dad (and his son) wouldn't just sue you personally, but now very likely Lime or Bird too....

Question #3: Same facts as #1 or #2 above, who does the Dad sue under each fact pattern (respectively)?

Answers:

Under Question #1: The most apparently culpable person is you (i.e., the "drunk scooter rider"). So, you'd definitely be sued personally (and you homeowner's or renter's insurer would respond on your behalf – unless they think that your getting drunk was, somehow, an "intervening wrongful or criminal act," in which case, they wouldn't cover). However, even

under Question #1, the reality is that the Dad would sue the “deep pockets” of Lime or Bird too, just to ensure a decent monetary recovery for his son.

Under Question #2: The Dad would have much less reason/basis to sue you personally, instead, he’d very likely pursue just the “deep pockets” of Lime or Bird.

Question #4: Same facts as above, but, hey, you’re injured too! Who do you go after?

Answer: You go after Bird or Lime under #2 for sure, since you apparently did nothing wrong (unless you were driving wreckless - while sober?). However, under #1, Lime or Bird would seemingly have a defense against your negligence of getting drunk and operating a scooter – while in reality, your health insurance company might pay all of your claims/medical bills, then go subrogate any of your rights of recovery against Lime or Bird later on (after you’re already made whole by your health insurance carrier).

Question #5: What’s the real risk to your wallet here folks? What do you need to do when renting/using a scooter on a regular basis (like living/working downtown full-time)?

Answer: You need to ride a scooter with the same degree of etiquette/safety/reasonableness with which you drive a car (eventhough you can’t yet add scooter use to your auto liability policy). If you do unreasonable/wreckless stuff, you’ll wind up under fact pattern #1 above - going through this analysis.

What My Clients Are Saying

“I have been extremely pleased with the legal services provided by Chris. He is an expert on real estate issues; devotes immediate attention to our needs and follows through with all required action. I look forward to a continuing relationship with Chris.”

Harrison Levy / President / Grubb & Ellis I Levy Beffort / Oklahoma City, Oklahoma

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