



# LAW OFFICE OF WILLIAM J. LUSE

AFFORDABLE AND AGGRESSIVE REPRESENTATION

AUTO ACCIDENTS • EMPLOYMENT LAW • CRIMINAL DEFENSE

## The Road to Justice Starts Here

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## Car Repairs and Consumer Rights/ Responsibilities

Most mechanics and repair shops aren't looking to rip people off, but there are a few bad apples out there. Laws are in place, however, to help consumers out.

Several states require auto repair shops to furnish their customers with written cost estimates before beginning any repair work. The final price cannot exceed the estimate by more than a certain percentage.

Repair shops may also charge a fee for estimates, since some customers might shop around and end up not bringing their cars to their facility. Customers must be told up front about such fees.

If you decide you're not going to pay for work performed, the repair shop may be legally entitled to keep your car. The owner can acquire a mechanic's lien, provided he/she is in compliance with all laws pertaining to estimates. Ultimately, the shop can sell your car—a rare occurrence, but possible.

All states have laws that address consumer protection against unfair and deceptive acts and practices (UDAP), though they vary from state to state. Repair shops are commonly required to disclose specific information to customers, such as details of the pre-work estimate and whether rebuilt parts are going to be used. UDAP laws may require same-day repairs where reasonable, free repairs on work that was botched by the shop originally, and price lists that are clear to customers.

Unauthorized repair work is sometimes a bone of contention. If a mechanic sees something of note unrelated to the original repair, a call to the customer is in order. If the shop makes an unauthorized repair and demands payment, it might be time to contact an auto mechanic liability attorney. •

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# Bicycle Accidents and Soaring Medical Costs

According to a recent study conducted by UC San Francisco spanning the years 1997–2013, bicycling fatalities in the United States increased by an average of 19 each year (totaling over 9,800 during the study period); there were roughly 6,500 more adult bicycling injuries annually in 2013 than in 1997; and medical costs for nonfatal bike crashes ballooned 137 percent. It's also interesting to note that in 2013, men age 45 and older accounted for 54 percent of the costs of bicycle accidents, compared to 26 percent in 1997.



Although it is inevitable that the figures for bicycle crashes, injuries, fatalities, and costs would rise with an increase in bicyclists, researchers say other factors are at work as well. In the years prior to the study, many bicycle accidents stemmed from non-street incidents. However, more bicyclists are now part of the “regular” roadways. When bicyclists are involved in crashes with motor vehicles, the increased velocity and crash impact result in more severe injuries.

In more heavily populated areas of the United States, the surge in bicycling popularity has far outpaced preparedness. Many municipalities don't have the infrastructure in place for safe bicycling. In contrast, European cities have more riders but fewer accidents per rider. They invest heavily in bicycle infrastructure—bicycle lanes are just a small part of it—and have been doing it for a long time. Bicycling is ingrained in their culture.

Even with the uptick in negative statistics, bicycling benefits still far outweigh the risks. In the event you are involved in a bicycling accident, contact a bicycle accident attorney to protect your rights. •



## Getting a Natural Tan, Minus the Ultraviolet Light

The sun is a wonderful source of vitamin D, it's great to bask in, and without it there'd be no life on planet Earth—three fairly big pluses. On the down side, too much exposure to ultraviolet (UV) light can lead to premature aging and skin cancer.

Human skin's defense mechanism against too much sun is to darken light, vulnerable skin to form a barrier against UV light—though still not enough to ward off all potential damage. Over 10 years ago, scientists identified the gene largely responsible for tanning. Not surprisingly, that gene is missing in people with red hair and extremely fair skin.

Recently, researchers found a way to control the tanning process linked to the now-identified tanning gene. They developed and introduced a skin-darkening agent to mice and then tested samples of human skin in a lab. The human skin cells tanned just as they would have in the sun, but without harmful UV light exposure.

Sunscreens are invaluable in the fight against skin cancer, but they impede the body from raising its natural tanning defense. This makes someone more vulnerable to damage when sunscreen isn't applied properly, or part of the body is inadvertently missed. Combining a darkening agent with a UV-blocking agent would raise the standard of skin protection and hopefully significantly lower the risk of skin cancer for those most susceptible to it.

The step of testing a darkening agent on skin cells in a lab to testing it on human beings is a big one. More work needs to be done before a product hits the market. •

# Rideshare Companies... Consider All the Angles



Rideshare companies like Uber and Lyft offer more convenience and frequently less expense than taxicabs and limousines, but there are drawbacks, too.

Insurance-wise, taxi and limousine service passengers are covered in the event of a crash, with passengers able to pursue compensation from the taxi or limousine's insurance company. In addition, taxi and limousine drivers must undergo thorough background checks and are randomly screened for drug and alcohol use.

When you choose to utilize a ridesharing company, you're subject to more risk/uncertainty concerning liability. Rideshare drivers are considered independent contractors, not actual employees of the ridesharing company. Ridesharing companies state that they only connect drivers with those who need rides, attempting to insulate themselves from legal responsibility for crashes and the actions of its drivers. The burden of responsibility may fall on rideshare drivers.

Rideshare companies typically provide liability insurance for passengers when the driver's app is on, from the time they enter the vehicle until they exit. If the driver's app is off, a passenger's situation may be murkier. If your driver was impaired or distracted and caused an accident, you may have to rely on the driver's personal auto insurance for compensation, which might not cover commercial activity or the full scope of your damages.

Bottom line, ridesharing companies are not currently subject to the same level of regulation and scrutiny as taxi and limousine companies, although it's an evolving process. Background checks are generally not as thorough, and there are no policies in place for random drug and alcohol checks.

Liability issues involving ridesharing vehicles can be tricky. Contact an auto accident attorney to protect your rights. •

August 2017 Important Dates

**August 4**  
International Beer Day

**August 13**  
International Left-Handers Day

**August 26**  
Women's Equality Day

## Did You Know?

According to the National Highway Traffic Safety Administration (NHTSA), students are about 70 times more likely to get to school safely when taking a bus instead of traveling by car. That's because school buses are the most regulated vehicles on the road and are designed to be safer than passenger vehicles in preventing crashes and injuries. Plus, in every state, stop-arm laws protect children from other motorists.

With school starting, please be extra careful and vigilant; help keep our children safe. •



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## Autos Have Black Boxes, Too

When there's a plane crash, chances are you'll hear about the black box—the flight-event recorder that documents key information, enabling crash investigators to piece together what happened.

Most cars on the roadways have the same thing—minus the video and audio—which are known as event data recorders (EDR). In 2014, Congress mandated that all new vehicles have them, although most manufacturers had already been installing them prior to that.

EDRs were first utilized in the 1990s to monitor the actions of airbags during accidents. They have grown in functionality since then, and now record over 30 different types of data, such as seatbelt usage, speed, changes in velocity, brake status, seat position, and roll angles, among others. Some EDRs even have sensors under the seats to gauge the weight of the occupants, which may come in handy when there's a dispute over who was driving the vehicle.



There are two types of data recordings: deployment events and nondeployment events. If the airbags deploy, data is permanently saved just prior to, during, and following the accident (about 20 seconds' worth). If the airbags do not deploy, the information is stored for only a limited amount of time before being "overwritten."

EDRs have become invaluable in reconstructing accidents. Crash investigators no longer need to work around the hazy recollections of a driver or passengers, and black-box information can serve as powerful evidence in refuting or substantiating expert witnesses' re-creation of a collision.

If you've been involved in an auto accident, contact an auto accident attorney to help you obtain and preserve black-box evidence, to prove liability, and to protect your rights. •