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Road racing toll extends to finances

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Allison Hickey is lucky to be alive, engaged and amply insured. The man who disabled her so severely on a rainy night last June died in his Porsche 911, possibly without insurance.

Like other drivers accused recently of killing and maiming, he is alleged to have been racing. If this can be proven, then he and his estate will be stripped of coverage.

Insurers in Ontario have what's called absolute liability to pay up to only \$200,000 to each victim if a driver who causes damage while involved in a race or test of speed. Then they can sue the driver to recover what they have paid.

This is something would-be racers, their parents and the rest of us should keep in mind, so long as idiots hepped up on testosterone are cruising our streets.

Racing can have serious financial consequences for the racers, their families, their victims and families and possibly others, if there are severe injuries or deaths.

Hickey's father John says the former marathon runner may never stand in front of a classroom to teach again. At 33, she is recovering slowly from a stroke brought on by the collision. She was deprived of her speech and mobility in her right leg and arm.

Sick leave, long-term disability and ultimately a pension will replace much of her income. Her injuries met the definition of being catastrophic, so she automatically qualified for the maximum no-fault benefits – up to \$1 million of medical rehabilitation care, \$6,000 a month or up to \$1 million for attendant care and assorted other benefits from her auto insurer.

But she and her fiancé, who just recently returned to work, may have greater financial needs after they marry in a couple of weeks, says lawyer David MacDonald of Thomson Rogers in Toronto.

If the other driver's insurance will indeed pay only \$200,000, then she can only turn to her own insurer if she has a family protection endorsement on her auto policy, and only up to the limit of her liability coverage. Her father thinks that was \$1 million.

MacDonald said that may still not be enough. So he is claiming \$8 million from the estate of the dead driver, from his cousin accused of being in the race, a family company that leased their high-powered, luxury vehicles and two leasing companies.

If the dead driver had been younger, living at home and driving his parents' car, then MacDonald could have sued them, too. In any such case, though, the outcome is not assured and could take

years.

So MacDonald urges drivers to protect themselves from racers, other drivers and their own errors by ensuring they have substantial liability coverage, and the family protection endorsement. (Most do have that it, but all may not.)

"There are huge holes in the amount of coverage available to help overcome losses if you do not suffer a catastrophic injury but cannot return to work or care for family members," he points out.

The other driver may only have \$200,000 of liability coverage. The no-fault accident benefits would be limited to \$100,000 for rehabilitation care and \$72,000 for attendant care. You may need more than the basic weekly income replacement benefit if you have no disability income from a private or group workplace policy. In Ontario, you may not be able to sue if your injuries are not serious and permanent.

Tell your children what trouble comes with racing or driving your car while impaired – no insurance to repair damage to your car, no income replacement if they cannot work due to injuries and potential bankruptcy if you and they are sued.

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