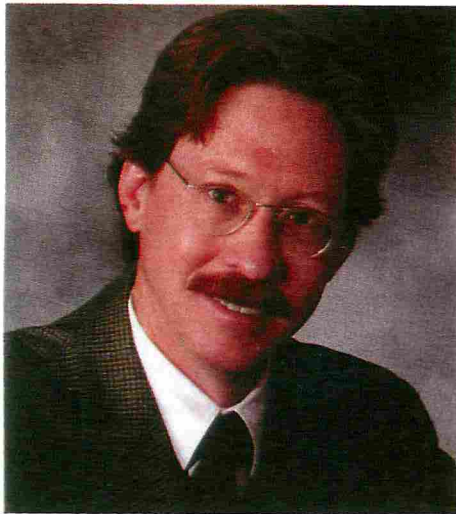


Lawsuits Improve Auto Safety – Part I



by R. Michael Shickich

When a person is hurt in a car accident by some problem or defect in a vehicle, he or she may bring a products liability lawsuit against the manufacturer. If the injured plaintiff can convince the jury that the manufacturer built a car that was unsafe and that a safe design existed, then the plaintiff can recover damages for the injuries he or she has suffered.

But products liability suits do far more than provide compensation for those who have been injured by dangerous or defective

products. In the long run, they also make those products safer.

After having lost a lawsuit over some design defect in a car it has built, the manufacturer has two choices: It can ignore the problem and do nothing, or it can figure out how to solve the problem and make sure that it does not happen again. Enough large damage awards attributable to a problem it could have corrected will usually lead even the most stubborn manufacturer to change its designs for the better.

In addition to providing an incentive to manufacturers whose overriding concern is their bottom line, lawsuits can also goad regulatory authorities into action, leading them to enact new standards that automobile manufacturers must meet with their new cars.

Safer Gas Tanks

Perhaps the most famous example of litigation increasing vehicle safety involved the Ford Pinto. The gas tank on the Pinto was prone to exploding when the Pinto was hit from the rear. Ford knew this and knew how to fix the problem for just a few dollars per car, but it declined to do so because it calculated the cost of the fix would exceed the amount it would have to pay in damages



to those killed and badly burned. This kind of gross calculation with human life and suffering did not sit well with juries, and, as it turned out, Ford guessed wrong.

So did GM, which did not redesign the “side saddle” gas tanks on some of its pickups, which were likely to burst into flames and even explode when hit from the side. Both companies paid many millions in actual and punitive damages. Even though Ford’s design had followed all applicable regulations at the time, the lawsuits led to an industry-wide change in how gas tanks are designed.

Unibody Construction & Seat Belts

In 1974, a police officer lost control of his vehicle and slid into a pole at 25 miles per hour. The noncontinuous frame in his car was insufficient to withstand even this relatively low-speed side impact, the

force of which caused the car to literally wrap itself around the pole, which ripped through the body of the car and crushed the officer, leaving him a quadriplegic. Now cars have strong, unibody construction and continuous frames.

Seat belts have been in cars for years, but lawsuits led to improved seat belts that did not have protruding buttons (which could be accidentally unlatched) and to three-point belts in back seats.

Next month, improvements made in vehicle roof support pillars, airbags, tires and power window switches as a result of lawsuits.

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R. Michael Shickich is the founder of the Injury Law Firm located in Casper. The focus of his practice is personal injury and wrongful death cases.