

# No-fault plan aids drivers

AUSTIN (AP) — Two cars approached an unmarked intersection in a light rainstorm.

For reason never quite clear, they collided, injuring both drivers.

Each driver exhausted his hospital insurance benefits and the medical payments provided in his own auto policy. But hospital and doctor bills continued to pile up and wages were lost.

Neither would admit blame for the accident, and there was not enough evidence to pinpoint who was at fault.

Both would have sued, but neither could get a lawyer to touch the case.

"You can't win an open intersection case," says Jack Eisenberg of Austin, president of the Texas Trial Lawyers Association.

So both drivers and their families were burdened with heavy expenses and had no foreseeable way to pay them.

This is a fictional case, but it illustrates why a growing but still small group of Texans advocate some form of no-fault car insurance.

No-fault coverage would pay accident victims their out-of-pocket expenses for medical care and lost wages, regardless of whether they caused a traffic mishap.

Under the present liability system, the insurance company of the driver who was at fault pays the "innocent" victim. In most cases the victim accepts a cash settlement, but sometimes it takes a jury trial to determine blame and damages. And you must be 100 per cent innocent to collect.

In today's high speed, congested traffic, and with the fallibility of human senses, it often is difficult to reconstruct an accident, no-fault advocates point out.

Therefore, they conclude, it is only fair to provide a way for all injured victims to recover their expenses. Uncompensated traffic victims, they add, are a major social problem.

Two former Texas residents — Harvard law Prof. Robert Keeton and former state Asst. Atty. Gen. T. Lawrence Jones, president of the American Insurance Association — are leading advocates of the no-fault approach.

Both the Houston Chronicle and the Texas AFL-CIO have urged a no-fault insurance law for Texas.

Opposing no-fault insurance are the Texas Trial Lawyers Association, all three members of the State Insurance Board and various statewide organizations.

Eisenberg defends the 30-40 per cent "contingent fee" that victorious plaintiffs' attorneys collect in auto accident cases. He says the fee "makes it possible" for the poor to hire lawyers.

Massachusetts passed the first no-fault law this year, and Insurance Board member Charles Matthews says it has reduced the availability of car insurance.

"If you have no-fault insurance, that means people lose all incentive to be careful drivers. They say, 'What the hell, I'm insured, the company pays off,'" Matthews claims.

Eisenberg said the public wants a system that forces a person who wrongfully injures another to pay. Or, more precisely in most auto cases, his insurance company pays.

Keeton, brother of University of Texas law Dean Page Keeton, told a gubernatorial committee on car insurance last year that a no-fault plan which he co-authored would reduce car insurance rates 25 to 30 per cent.

This would come about, he explained, by eliminating medical payments and uninsured motorists coverage from car insurance policies, reducing liability needs, curtailing court expenses, eliminating awards for pain and suffering and deducting payments from medical insurance and sick leave plans.

Texas Insurance Commissioner Clay Cotten said no study has been made of the effect of no-fault on Texas rates, which probably will be increased again before Jan. 1.

Various rate studies have been made elsewhere, but each side disputes the other's statistics and conclusions in the debate over no-fault.

"Nobody knows what the cost will be until we get some kind of statistics out of Massachusetts," Eisenberg said.

The new Massachusetts law allows an accident victim to collect up to \$2,000 from his own insurance company for medical expenses and lost wages, regardless of fault. One could not be reimbursed, however, if he became involved in an accident while drunk, drugged, evading officers or committing a felony.

In one of the most controversial parts of the law, Massachusetts legislators ordered an across the board 15 per cent reduction in rates for all kinds of car insurance in 1971.

Massachusetts residents retain the right to sue for damages over \$2,000.

Jones, president of the American Insurance Association, told a U. S. Senate subcommittee the present liability system is a failure.

He said too few recover their actual expenses; those with minor hurts are overpaid; victims with major injuries are under-

paid; and there are no objective standards for out-of-court settlements.

Eisenberg defends the fault system but says it needs fixing.

One needed reform, he said, would abandon the rule that a victim cannot collect a cent if a jury finds he contributed in the slightest to an accident. He advocates "comparative negligence," which would allow the least guilty to collect at least a percentage of his expenses.

"You can argue that any system at some point breaks down, but a jury is the only mechanism we have through which we can arbitrate our disputes," he said.

Roy Evans, secretary-treasurer of the Texas AFL-CIO, says no legislator has agreed yet to sponsor a Texas no-fault bill, and he harbors no illusion that such a measure can or will be passed next year.

"We don't expect it to be passed in 1971, but discussion of it would be healthy," he said.

## Man's

(Continued from page 1)

—and is a discriminatory law against the poor, Guttmacher said.

"This restrictive law uses the psychiatrist as a middle man to proclaim the mother possibly suicidal to obtain an abortion," he said. "This discriminates against the poorer mothers."

"My position is that abortion should be a medical decision between doctor and patient," Guttmacher said.

However, responsibility and maturity with both premarital and postmarital sex is a necessity, he added.

Promiscuity either before or after marriage will cheapen any relationship, Guttmacher said, adding the pill or any other contraceptive device should not be used as an excuse to jump in bed.

The new sexual mores of today's youth has created problems in the rising number of unwanted children, estimated conservatively at 20 per cent of all births, Guttmacher said.

Now there are no laws constraining contraception and there are adolescent clinics which supply birth control information to colleges and high schools, he said.

"We are going to have to ask ourselves—is being pregnant pragmatic?"

## Bulletin Board

**TONIGHT**  
Civil Air Patrol will meet at 7:30 p.m. in the conference room of the Teague Building to hold an instrument ground school. Nonmembers may attend, but are requested to pay a \$15 fee.  
Entomology Wives Club will

meet at 8 p.m. at the home of Mrs. Carol Everett, 2501 Roundtree Dr. in Bryan.

**THURSDAY**  
Irving Hometown Club will meet at 8 p.m. in the Birch Room of the MSC to plan for the New Year's party.  
San Angelo-West Texas Hometown Club will meet at 7:30 p.m. in the MSC.  
Texas A&M Motorcycle Club will meet at 7:30 p.m. in the Social Room of the MSC.  
Pecan Valley Hometown Club will meet at 8 p.m. in room 2A of the MSC.  
San Antonio Hometown Club will meet at 7:30 p.m. in room 145 of the Physics Building to discuss plans for the Christmas party.  
Dallas Hometown Club will meet at 8 p.m. in rooms 2A-B of the MSC to discuss the New Year's party.  
Sociology Club will meet at 7:30 p.m. in room 104 of the Agriculture Building to see a slide show by Dr. Nelson on the Middle East.

**MONDAY**  
Industrial Education Wives Club will meet at 8 p.m. at the home of Dr. and Mrs. Donald Clark, 3801 Stillmeadow Dr. in Bryan to elect officers for the spring semester and hold a "Holiday Tasting Bee."

### tonight on the tube

2:30	3 (5) Edge of Night	6:00	3 (5) Evening News
	15 (12) Sesame Street (PBS)	6:30	3 (5) Courtship of Eddie's Father
3:00	3 (5) Gomer Pyle	15 (12) Campus and Community Today	
3:30	3 (5) Town Talk	7:00	3 (5) National Geographic Special
	15 (12) University Instructional	15 (12) NET Playhouse	
4:00	3 (5) Dark Shadows	8:00	3 (5) Johnny Cash
	15 (12) What's New (NET)	8:30	15 (12) Homewood (PBS)
5:00	3 (5) General Hospital	9:00	3 (5) Hawaii Five-O
	15 (12) Misterogers' Neighborhood (NET)	15 (12) Flick Out (PBS)	
5:30	3 (5) CBS News	10:00	3 (5) Final News
	15 (12) Sesame Street (PBS)	10:30	3 (5) Dan August
		11:30	3 (5) Richard Diamond

If you're on Midwest Video's cable you are going to see more. (adv)

# The Battalion

Opinions expressed in *The Battalion* are those of the student writers only. *The Battalion* is a non-tax-supported, non-profit, self-supporting educational enterprise edited and operated by students at a university and community newspaper.

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Letters to the editor must be typed, double-spaced, and no more than 300 words in length. They must be signed, although the writer's name will be withheld by arrangement with the editor. Address correspondence to Listen Up, *The Battalion*, Room 217, Services Building, College Station, Texas 77843.

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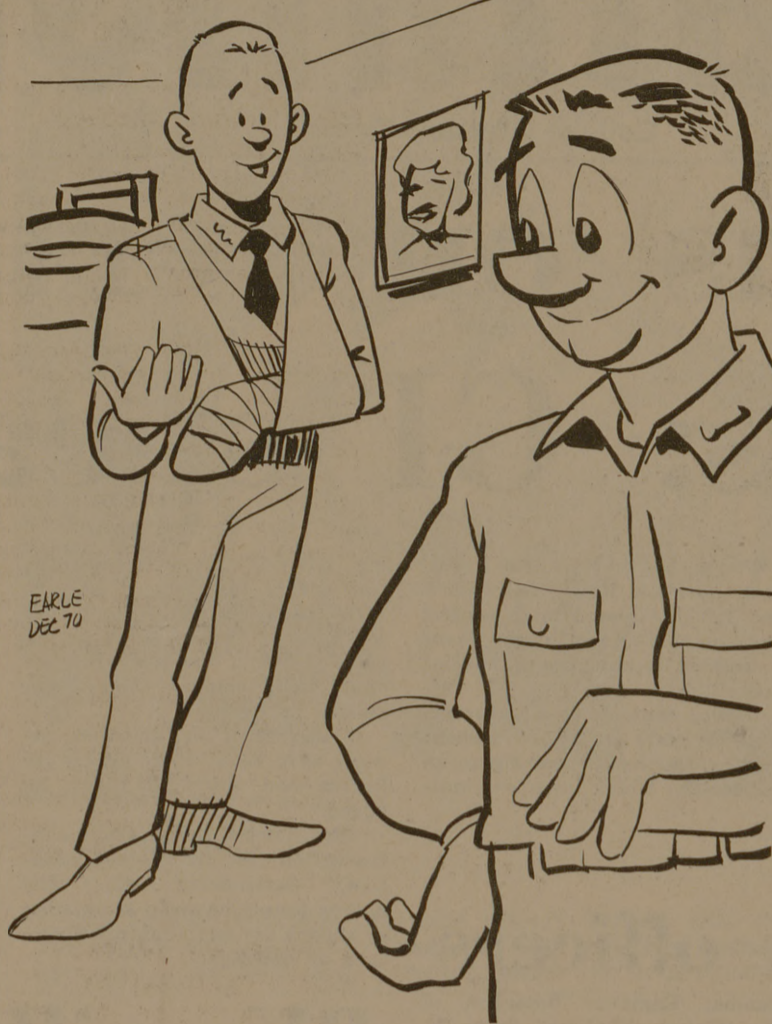
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