

The Wright & Kimbrough Report



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ROAD SAFETY

New Law Takes Aim at Smartphones while Driving

AS YOU KNOW, California has for some time had laws against using a phone while driving without a hands-free device or texting while driving.

But because it basically was written before the proliferation of smartphones, the state law does not cover the many new uses for phones, like live chat, posting on social media or using a myriad of apps that require user interaction.

Starting Jan. 1, a new law dictates where you can put your phone and how you can use it while driving.

Specifically, the new law prohibits a motorist from driving “while holding and operating” a handheld wireless telephone or a wireless electronic communication device, as defined by the code.

Under the law, drivers can use their smartphones if they are mounted on a vehicle’s windshield like a GPS or on

the dashboard or center console “in a manner that does not hinder the driver’s view of the road.”

Also, the driver must be able to activate or deactivate a feature or function “with the motion of a single swipe or tap of the finger.”

In other words, you will not be allowed to hold the phone in your hand while driving...period.

If you are caught using your phone while driving, you could face a \$20 fine and \$50 for each subsequent offense.

You will be allowed to make a single tap or swipe on your phone as long as the phone is mounted or fixed to the vehicle.

So, if you are one of the many who use their phone’s GPS navigational system, music features or Bluetooth function, you will need to place your device in a mount. ❖

CURRENT LAWS

California has other laws that address the use of phones while driving.

- **Ban on handheld phones** – This law bans drivers from using handheld phones. Hands-free use is legal.

Drivers under 18 are barred from using even the hands-free function.

The fine for a first offense, including penalty assessments, is \$76. A second offense costs \$190.

- **Ban on texting while driving** – Under this law, you may not write, send or read text messages, instant messages and e-mail while driving.

The base fine for violating this law is \$20 for the first offense and \$50 for each subsequent offense.

However, additional penalty assessments can make the fine more than double the base amount.

You can only use your smartphone if it’s mounted on the windshield or dashboard.



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Five Tips for a Safer 2017 for Your Family

AS WE RING in the New Year, one of your resolutions for 2017 should be to improve safety for you and your family. There are many things we can all do better in terms of ensuring that we are safe and that our home and valuables are protected.

This year we offer up these five actions you can take to reduce the chances of one of your family members or a house guest getting hurt, and to see your possessions are well protected. Remember too that after the New Year, robbers are on the prowl, looking for opportunities to make off with the new stuff you got for Christmas.

1. Childproof your home, even for older kids

You can change the way you protect your kids in the home as they age.

Babies and toddlers – Install cabinet locks to prevent babies from getting into places with household chemicals and cleaners, or your liquor.

Install cordless blinds or curtains throughout your home to prevent choking.

Young children – With young children, make sure you have non-slip rugs in the bathroom.

Also, one common injury for the little ones is burns and scalds. Keep a close eye on your children whenever they are near things that can burn them like ovens and stoves, heaters, the fireplace and other appliances and products that may get hot, such as curling irons or hair straighteners.

Pre-teens – As the kids get older, subtler and unseen dangers await them, especially as most of them are using computers, smartphones or tablets to play games, socialize and surf the Internet.

You may want to install parental controls on the computer and have a talk with your kids about sharing personal information – and also about talking to strangers online.

2. Keep your valuables safe

Home burglaries increase after the holidays so if you have some expensive jewelry, cash, or other valuables you don't want to go missing, you should store them in a fire-proof safe.

Other items you should consider storing in the safe include the deed to your home, wills, birth certificates, passports and any other important documents you don't want to lose.

The fireproof part is important since fires, floods and other disasters can damage or destroy those documents.

3. Close the garage door

Drive down most any neighborhood during the day and you are likely to see at least one house with the garage door open and nobody in sight.

By leaving your garage doors open unattended you might as well hang a sign that says "Free stuff. Come and get it."

Also, if you are going to be away for any extended period of time, you should consider disabling your garage door.

4. Start a neighborhood watch

You may have nosy neighbors who annoy you, but they could suddenly become your best friend if they catch a stranger snooping around the outside of your house.

If you are concerned about the potential for break-ins, you can start by getting acquainted with your neighbors and encourage them to check in on each other and promise not to ignore alarms that go off, watch for strangers wandering and loitering in the neighborhood and notify one another of suspicious activity.

You can even make it formal by proposing a neighborhood watch program.

5. Keep emergency numbers by all phones

If your older kids are home alone, you should make it easy for them to react if there is an emergency. Make sure your child has easy access to this information:

- 911 for emergencies.
- 1-800-222-1222 for the Poison Control Center.
- The numbers for a pediatrician, police, fire department, emergency medical services and a neighbor.
- Your home address, so that caregivers and children can easily tell emergency personnel how to locate the home.❖

WRIGHT & KIMBROUGH

*Wishes You a
Happy New Year!*





Are You Covered for Invasion of Privacy by Drone?



IF YOU HAVE a new drone and are excited about flying it, one issue that you need to be aware of is invading another person's privacy, particularly if you are flying it around your neighborhood and capture images of your neighbors and their backyards.

Because many drones are also equipped with cameras, and with the continuing proliferation of social media, chances are high that someone will be posting images or video captured in their neighborhood by a drone they are flying.

In other words, drones present a new form of privacy invasion that can land you in hot water and make you the target of a lawsuit.

So, if you as a homeowner are sued, will your homeowner's policy cover the costs and any potential damages that a third party is seeking for invasion of privacy?

Some homeowner's policies may provide coverage for invasion of privacy claims resulting from the use of a drone, but it will depend on the circumstances. For there to be a chance of coverage, your policy must include coverage for personal injury, which are claims for libel and slander, assault and battery, false arrest, and invasion of privacy.

There are two forms of invasion of privacy under most state laws:

Intrusion upon seclusion

"Intrusion upon seclusion" essentially means spying on someone in a private space. You cannot have intrusion upon seclusion in a public place, but if someone is in their backyard and expects privacy, this invasion of privacy can take place.

Intrusion upon seclusion is when someone "intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or

his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person."

Invasion of privacy must be intentional, and not simply a matter of negligence.

So, flying your drone over someone's backyard and spying on them could subject the drone operator to liability.

Publication of private facts

This takes the intrusion a step further and requires the publication of private information that has been collected.

So, if you gather video or photos of someone in their backyard and posts it online or sends it out to others, this would be considered a publication of private facts and a further invasion of privacy. ❖

Your insurance

A typical homeowner's policy provides personal liability coverage, but it may not cover an invasion of privacy by drone because:

- Such a claim may not be covered if it was intentional. (There cannot be a negligent intrusion upon seclusion.)
- An intentional or expected injury exclusion may apply.
- The policy may include an aircraft exclusion, depending upon how the policy defines "aircraft."



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HOMEOWNER'S ENDORSEMENTS

Five Coverages You May Not Know You Need

WHEN YOU own a home, you may have extenuating circumstances and/or own property that your insurance may not cover.

There are a number of extra coverage options you can add on to your policy, which are known as endorsements.

They are essentially riders that you purchase separately but tack on to your homeowner's coverage as a policy extension.

In fact, there may be risks in your home that you never thought of and that won't be covered by your homeowner's policy.

Here are five that you should be aware of, as recommended by the insurance trade publication *National Underwriter*.

'Additional Insured Residence Premises'

This endorsement is specifically for people who have an ownership interest in a property but don't live there.

This could come in handy for you if you are helping your adult children out when buying a home and you want to protect your part of the investment should the house be damaged or destroyed in a calamity.

'Other Members of Your Household'

This coverage is becoming more and more important as more people cohabitate.

While you may own a house and live with a boyfriend or girlfriend (not a spouse) and consider them a member of the household, the insurance company would not consider them insured.

An additional insured cannot be a guest, household employee, tenant or boarder. Whomever you intend to cover must be identified by name on the endorsement.

'Other Structures Increased Limits'

Maybe you've built a new man cave – a small cottage in the backyard outfitted with a giant plasma TV, nice sound system and bar.

However, since it's a detached structure, your homeowner's policy will not likely cover the entirety of the loss, should it burn down or suffer some other damage or theft.

Besides sheds and your man cave, "other structures" can also include gazebos, patios, barbeque pits, swing sets and other items in your backyard.

Under the typical homeowner's policy, other structures are covered at 10% of the policy limits. So if your home is insured for \$200,000, your other structures would be insured for 10% of that – \$20,000.

If you've got pricey stuff in your backyard, you may want extra coverage.

'Mechanical Breakdown'

This endorsement was only issued for the first time in 2014 and it covers the mechanical failure of household appliances like: central air conditioning, central vacuums, chairlifts and elevators, electric vehicle charging stations, heating systems, including water heaters, home automation and security systems, saunas, hot tubs, therapeutic baths, swimming pool pumps and filtration systems, stoves, wall ovens, refrigerators, well-water pumps, and sump pumps.

The basic limit is \$5,000, but you can buy higher limits.

'Water Back-up, Sump Discharge/Overflow'

While your policy will cover damage from a sump pump back-up or overflow, it won't cover the cost of a sump pump that breaks down. This endorsement will cover that. ❖

If you have decked out your backyard, your policy may fall short if you file a claim.

CALL US: **800.822.3694**