

## Insurers Claim Granny Scooters Must Be Covered—Just Like Cars

By David Armstrong July 23, 2014

Two insurance companies have made an unusual argument in a Michigan case: They're insisting that the drivers of motorized mobility scooters should be required to get the same insurance as car and truck owners.

The case involves the claims of a paralyzed man who was hit by an SUV while crossing the street on his way to a doughnut shop. The insurance companies' position? Because the man didn't have auto insurance on his scooter, they shouldn't have to pay for any damage caused to him by the SUV.

The arguments by lawyers for State Farm Mutual Auto Insurance and Farm Bureau Insurance of Michigan have produced a mix of outrage and snide commentary in Michigan legal circles. Some lawyers warn the case could impact many of the estimated 300,000 elderly and disabled people nationally who depend on motorized scooters and powered wheelchairs to get around.

"If they pull this off in Michigan, you will start to see this all over the country," says Steven Gursten, a lawyer who represents auto accident victims and who has [blogged](#) about the case. "For every person dependent on a motorized scooter or wheelchair for transportation, God help them if they get hit by a car."

A spokeswoman for State Farm declined to comment. Farm Bureau issued a statement describing the accident as "very minor" and saying it had an ethical obligation to provide a "vigorous defense to all claims" using "all legal defenses available."

Accidents involving mobility scooters are not rare. This month, a 48-year-old Idaho woman was killed while riding one and trying to cross a street. In April, a 70-year-old Midland (Tex.) man died when his scooter was hit by a Ford Mustang pulling out of a parking lot. More than 60 mobility scooter deaths and 400 hospitalizations in Australia over a 10-year period—most involving elderly riders—prompted a government review (PDF) seeking safety improvements.

Lawyers in Michigan, one of a dozen states with no-fault auto insurance, say they are unaware of a similar defense ever being employed in a case involving a mobility scooter. They also say

the argument employs a perverse logic, since it appears insurers in that state, and others, do not offer auto insurance-like coverage for scooters.

“It might be a way for insurance companies to find a way to create new premiums on the one hand and deny lawsuits on the other,” says Harold Perakis, the attorney for the scooter victim, 63-year-old George Veness. “I am really astounded. My client really needs help.”

Veness was paralyzed in a 2004 work accident. In 2012 he was on his way to a Dunkin’ Donuts near his home in Center Line, Mich., when he was hit by the driver of a Jeep Cherokee while crossing the street. He is seeking payments for medical procedures for injuries he says were caused by the accident and money for pain and suffering, according to Perakis.

In April, State Farm argued that Veness’s complaint should be dismissed because his scooter should be considered “a sophisticated motor vehicle” that is operated by power other than muscle power and has more than two wheels—and therefore should have been insured like a car. Because it wasn’t insured, he is not entitled to make a claim, the insurer said.

Perakis says he was recently informed by State Farm’s lawyer that it was withdrawing that dismissal motion. However, the insurer is still refusing to pay the claim and could make the same argument as the case heads to trial, Perakis says.

A lawyer for the other insurer in the case, Farm Bureau, made a similar argument in a motion for dismissal the same month, adding that an additional factor requiring insurance is the fact Veness was attempting to cross a public road in his scooter. That motion is pending.