

醫、法、牧養



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教友車載與法律承擔的問題：當教友給其他教友方便提供車載，會承擔風險嗎？

一位駕駛人士，如果因為疏忽而令任何人受傷（例如超速而出意外），包括車內的乘客，都有法律上的責任。因此，駕車接送其他教友理論上是有一定風險。不過，接送其他人，包括朋友坐車，或親戚朋友的小孩上學，也有同樣的風險。意外的發生是在所難免，也未能預料。

法律規定車輛必須有保險，遇上車禍或交通意外，無論是因為司機疏忽，或其他車輛引致，車上的任何乘客都受保險保障（如果是其他車輛的司機疏忽，那車輛需要有保險，或者駕送的車主有購買附加保險 -- Uninsured/underinsured motorist）。

有時，受傷的乘客要依法向駕駛人士的保險公司索償，才能支付龐大的醫療費用、受傷的痛苦艱難、和不能工作的種種損失。如果在合法合理情況下，保險公司卻拒絕支付，乘客就需要以「訴訟」方式，按法律程序，控告駕駛者和車主，以迫使保險公司支付應有費用。

這和華人理解「那麼好的朋友也要告我？」的想法有一點出入。正如在美國要以信用咭借貸才提高信用評分 (Credit History) 跟一些華人文化講「好人不借錢」的想法迥異。在美國生活，前者是「請你告我！」後者是「請你借錢！」

其實，法律上對車保這情況的指引很清楚。因此，引起的問題是：「我們是否不應提供車載給其他人？」

生命中或生活中，每樣事物都存在風險。如果我們擔心法律風險承擔的問題，我們應該不車載任何人，不邀請任何朋友上門（因為朋友在家中跌倒，也可能需要控告屋主才可以索取保險賠償），不將任何用過的物件送給他人（因為如果用了送來的舊物件而受傷，亦是可訴訟的事件）...但這樣我們就需要承擔另一風險－孤單和沮喪感－因為不願見到風險而失去很多朋友。

每位駕車者要關心和注意的，是小心駕駛，留意按時購買保險，並留意所買的車保能否提供適當的保障。

(以上的文章，由黃國棟醫生(PhD, MD, JD) 提供，黃國棟醫生也具有加洲法律執照。中文由劉少銘牧師翻譯和整理)

Q: Will I be at risk for lawsuit if I drive people to church activities?

A driver is legally liable to anyone, including passengers in his vehicle, if the driver's negligence causes injury (e.g. if the driver speeds and causes an accident). This covers all circumstances of the transportation, including driving people to church activities. But so does driving a friend to dinner, and driving children of friends and relatives to school.

Legally all vehicles must carry insurance. When involved in an accident, whether due to negligence of the driver, or caused by another vehicle, all passengers are covered by the insurance policy. (If it is the other party's fault, then that vehicle has to be insured, or owner of the passenger's vehicle has purchased an uninsured motorist/underinsured motorist rider)

Sometimes, the injured passenger must file a claim against the driver's insurance in order to recover for expensive medical expenses; pain and suffering; and loss wage. If the insurance company refuses to pay a valid claim, the passenger legally must file a lawsuit against the driver to force the insurance to pay.

This is in direct conflict with the Chinese culture of focusing on harmony. How can you sue a friend when he was providing you a service? This is similar to the cultural difference that in the U.S. one must carry a balance on his credit card to build a good credit score, vs. the Chinese culture of emphasizing being debt free. In the U.S., the norm is "please sue me"; "please borrow money"

The law is clear on this issue. The question becomes then: should we not give rides to anyone at all?

In life, everything carries certain risk. If one is so concerned about risk minimization, then yes, that person should not offer ride to anyone. He should not invite anyone to visit his house, because he can be sued if someone falls in his house. He should not give any used item to a friend because if the friend is injured, he can be sued... But then he probably would be exposed to other risks – loneliness and depression – because he would have no friend at all.

What each driver should do is to drive carefully, purchase and renew insurance on time, and ensure that there is adequate coverage for liability.

