

Faits d'actualité

Des accidents d'automobile et de leurs conséquences matérielles

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Des accidents d'automobile et de leurs conséquences matérielles.

Une enquête intéressante a été faite en 1953 dans la ville de Philadelphie par un groupe de spécialistes, attachés au Temple University Bureau of Economic and Business Research. Le « *Economics and Business Bulletin* » de la Temple University School of Business and Public Administration publie le travail dans son numéro de mars 1955. Voici un résumé des conclusions sous le titre de « *Some General Findings* », où le groupe de spécialistes a réuni les idées générales qui ressortent de son enquête au sujet des accidents d'automobile et des pertes qui en résultent pour le piéton ou le tiers en général. L'enquête est limitée aux accidents corporels:

- « A. Victims of automobile accidents in Philadelphia, as a group, are subject to substantial out-of-pocket expenses, only a portion of which are ever recovered.
- B. The preponderance of all recoveries are in the form of settlements under insured liability. However, a fairly substantial proportion of motor vehicle accidents in Philadelphia (more than 35%) are not insured against third-party negligence. There was direct recovery in only 12.5% of non-insured cases.
- C. There was strong evidence of liability in only a relatively small proportion of the cases, perhaps 22%. In the balance, it is clear that there was some fault on both sides. Nevertheless, insurance companies indicate settlements on from 42 to 83% of all claims, with the median standing at about 65% of claims.

- D. There were wide differences in expenses incurred for very similar injuries. For example, expenses for a fractured leg range from less than \$50 to more than \$2,500, and similar variations can be found for nearly all types of injuries.
- E. There are also wide variations in settlement amounts paid to individuals for similar injuries sustained in approximately the same type of circumstances. The most important reason for the differences is the presence or absence of an attorney.
- F. Settlements made where the claimant is represented by Counsel provide a higher recovery to the claimant than they otherwise would, even after deduction of the counsel's fee.
- G. The precedent of settlements on questionable liability (a reflection of jury verdicts) and the indicated willingness of the companies to settle for larger amounts under pressure have led claimants to maximize their claims.
- H. The practise that two companies follow, of basing their offer for settlement on a brief based on a realistic appraisal of the loss, and not using the offer for bargaining purposes, promises to correct the evil mentioned in the preceding paragraph.
- I. Claimants frequently have to borrow funds or seek assistance during the period of disability. Cash advances to the victim by the insurer in cases where settlement is believed to be due might improve public relations and, possibly, reduce the number of litigated cases. »

L'enquête repose sur les dossiers de seize assureurs, traitant d'assurance automobile à Philadelphie. Elle a été faite avec des fonds fournis par la Farm Bureau Mutual Automobile Insurance Company of Columbus, Ohio, avec la collaboration du personnel de recherche de cette société. Voilà une heureuse initiative que celle d'un assureur qui fournit aux chercheurs les fonds et la collaboration nécessaire. Il faudrait la citer aux assureurs du Canada français pour qu'ils comprennent mieux que les énormes fonds amassés entre leurs mains peuvent servir à la fois la cause des assurés, celle des actionnaires et celle de la recherche et de l'enseignement. Déjà certains ont manifesté des intentions louables dans ce dernier domaine. Mais comme il reste encore à faire !