

# CRASH



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## PERSONAL WATERCRAFT EXPLOSIONS

### WHO IS NEGLIGENT AND WHAT ARE THE DANGERS?

There are over 1.2 million personal watercraft (PWC) in this country. It has been reported that over 280,000 have been recalled due to product/design problems that have the potential to create fire or explosions. That amounts to about one fifth of all built. Safety reports revealed that in about two thirds of the fire/explosion accidents there was some form of equipment failure or ignition of some leaked fuel that caused the fire. Let's examine specific causes and try to determine who is truly responsible.

In order for a fire to exist there has to be three main elements: heat, fuel and oxygen. By removing any one of the three, you eliminate a fire. The PWC has an enclosed engine area along with the fuel tank. This enclosed area generates heat and fuel in the form of gas and oil in the air. There is no internal air blower system. While the PWC is in motion, air is circulated through the enclosed engine compartment thus venting fumes. If the PWC has been filled with fuel or recently started and stopped, volatile fumes will most likely be present. The only way to safely eliminate the danger is to remove the seat and allow sufficient time for the fuel to dissipate. In all but the rarest of cases, danger is relatively minimal

provided there has not been a failed mechanical part, neglected owner maintenance or watercraft modifications.



Used PWCs, which have recently been purchased are what seems to be most prevalent in this investigator's experience in explosions. New owners almost never check to see if there is a product recall and rarely ever have the PWC checked for worn hoses, clamps or unsafe performance enhancing additions. It is this investigator's opinion that when the owner fails to properly inspect and correct potentially dangerous problems or perform normal maintenance requirements as stated in the owner's manual, and that results in property damage, it is a maintenance issue and the direct responsibility of the owner. One leading manufacturer writes in the warranty section under "CUSTOMER'S RESPONSIBILITY. Under the terms of this warrantee, the customer will be responsible for ensuring that the watercraft is properly operated, maintained, and stored...etc" and further writes under "GENERAL EXCLUSIONS FROM

WARRANTEE. Lack of proper maintenance and off-season storage... etc". The manufacturer continues by stating "The customer's responsibility includes all cost of normal maintenance service...etc". The manufacturer does not pay for failed maintenance so why should an insurance company?

It is reasonable to conclude that a certain responsibility rests with an owner in maintaining a PWC, and if the owner fails to do so, the consequences associated with that decision should not be passed on to the insurance company. The question really is "where do you draw the line and at what point should an insured be responsible for their own actions"?

So how can an insurance company prevent a claim from what is really a maintenance issue? It is really quite simple. Require a pre-empt inspection of the PWC before the watercraft is covered and have an understanding with the insured that a loss that results from failure to properly provide maintenance will not be covered. Be exact with the insured as to what he or she is paying for. That is...impact related damage not lack of routine maintenance related damage.

by Thomas G. Bailey

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