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### **Motorcycle Accident FAQ**

**Q: I was in a traffic accident when a car turned left in front of me while I was riding my motorcycle. Who is at fault?**

**A:** A car making a left turn is almost always liable for a collision with a vehicle coming straight in the other direction. Exceptions to this near-automatic rule can apply if the vehicle going straight was going well over the speed limit, or ran a red light.

**Q: What does "comparative negligence" mean when determining who is liable for a traffic accident?**

**A:** Comparative negligence apportions fault among the drivers involved in an accident based on their degree of carelessness that contributed to the accident. Where a motorcycle is concerned, a common example of comparative negligence might be where the motorcycle's headlamp, brake light, or tail light is out, especially if the accident happened at night.

**Q: Will my health insurance coverage or paid sick leave from work limit my recovery for my motorcycle accident?**

**A:** If you were injured in a motorcycle accident, whether you paid for medical care out of your own pocket or your health insurance covered it is not relevant; neither is whether your lost time at work was covered by sick leave or vacation pay. Keep in mind, however, that your own health insurance carrier may require that you reimburse it, out of your settlement or award, for some or all of the amounts it has paid to treat your injuries.

**Q: What should I do if I am involved in an accident on my motorcycle?**

**A:** If you are unable to immediately meet with an attorney, it is important that you do not admit any fault or sign anything (i.e. any forms from an insurer) in order to preserve your rights. If possible, you should take photos of any injuries or damage to your motorcycle. Keep copies of any medical records or bills, and make records of any related expenses.

**Q: I ride a motorcycle recreationally, usually only on weekends. Do I have to wear a helmet?**

**A:** Depending on where you live, you may be required by law to wear a helmet when riding a motorcycle, regardless of how often you ride. Many states have enacted mandatory helmet-use laws for motorcycle riders and their passengers. Call your local Department of Motor Vehicles to find out whether your state has such a helmet law.

**Q: I was injured in a motorcycle accident, but I wasn't wearing a helmet. Can I still recover damages from the other driver?**

**A:** Even if your state has a mandatory helmet law, your failure to comply with that law will probably not prevent you from recovering for your injuries if someone else caused the accident. Depending on where you live, the issue may be relevant to the amount of damages you will recover, if it is shown that your failure to wear a helmet contributed to your injuries.

**Q: How do I know if a motorcycle helmet is acceptable under my state's helmet law?**

**A:** When shopping for a helmet, or if you have one already, look for a Department of Transportation label on the helmet (it will read "DOT"), which is the manufacturer's certification that the helmet conforms to federal safety standards.

**Q: I ride a motorcycle and I don't understand how the state can legally tell me I have to wear a helmet. Is that really something they can do?**

**A:** Helmet laws have been deemed valid in many courts as a reasonable exercise of state power, justified by the state's interest in protecting the safety of motorcycle riders and other motorists, and in keeping insurance and health care costs low.

**Q: Must I tell the police if I am involved in a traffic accident?**

**A:** Generally, if a traffic accident involves a death, personal injury, or property damage above a specific amount, you must notify the police, who will usually make a written report of the incident.

**Q: If I get into an accident on my motorcycle, should I get a lawyer to help me?**

**A:** You should definitely enlist an experienced lawyer's help to determine whether you have a legal claim for damages. Issues in your potential case, including compliance with traffic laws, motor vehicle regulations, medical treatment issues, and liability, all require analysis by an attorney who is experienced in the area of motorcycle and motor vehicle accident.

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