

Chapter One: Bicycle Accidents

Being struck by a car while on a bicycle, unfortunately, is a common occurrence given the number of cars and bikes that are on the road. Bicyclists have the right of way and cars, trucks, SUVs, and motorcycles should heed and yield to them, but this is not always the case.

Bicycle Laws

Bicyclists have the same rights and responsibilities as others on the road, such as people who drive cars and SUV's. However, due to their direct exposure to other, more protected motorists, bicyclists are at a high risk for injury in accidents. Many accidents involving bicyclists are due to negligent or reckless driving by people in cars.

If you believe the accident was not your fault, chances are you have a strong case. There are many laws protecting bicyclists from other motorists.

For instance:

- Motorists must remain safely to the left of bicyclists at all times.
- Motorists must not turn abruptly immediately after passing cyclists.
- Motorists are required to yield to oncoming bicyclists when turning left.

How The Jackman Law Firm Can Help After a Bicycle Accident

If you've been hurt while riding a bicycle, you may need help handling your claim with the at-fault driver's insurance company. This could include proving the extent of your injuries, working with the Personal Injury Protection (PIP) carrier, and presenting documents to substantiate a wage loss claim and the monetary amount of what you should receive in pain and suffering. Under the law, an injured bicyclist is allowed to recover:

- Payment of reasonable, necessary, and accident-related medical bills.
- Pain and suffering.
- Lost wages.
- If applicable, future lost wages.
- Out of pocket expenses, such as repayment for a cane, brace, or wheelchair, if applicable.

The Jackman Law Firm has had tremendous success negotiating with insurance companies to get you the money you deserve. If negotiations fall apart, then you need an attorney with the experience and know-how and track record to go to court and try the case in front of a jury to ensure you get the verdict you deserve.

Feel free to contact The Jackman Law Firm for a free consultation to discuss your options.

Chapter Two: Common Reasons for Bicycle Accidents

Some of the most common (and serious, if not deadly) accidents occur when a bicyclist is riding on a dense, urban street close to the sides of parked cars, and someone opens their car door very suddenly without looking in their side rearview mirror to make sure no bicyclist is approaching.

Most accidents between cars, trucks, and vans and bicycles are because people in motor vehicles are simply travelling too fast for the conditions, especially in dense urban areas where it is hard to see. It is against the law for a car to be in a bicycle lane except to make a turn, but the driver must yield to the pedestrian or bicyclist. It is also the law that the driver of a car or truck or SUV must travel to the left it wants to pass a bicyclist and must do so safely. Traffic that is going slowly must stay on the right.

Other reasons for bicycle injuries occur because a driver is drowsy, distracted because they are texting, talking on their phone, or watching their phone screen, drunk or high on marijuana, they are in a construction or hazard zone they are unfamiliar, the weather is bad, or because they are simply driving too fast and cannot control their vehicle.

Common Bicycle Injuries

If you are a bicyclist who has been involved in an accident with a car, you may have suffered physical injuries, psychological disturbances, inability to work, loss of wages, and medical expenses. All of these elements of your claim should be properly addressed if you are dealing with the at-fault driver's insurance company.

Common injuries: Commons injuries from people hit on a bicycle include:

- Broken bones
- Fractures
- Traumatic brain injuries
- Spinal cord injuries, including paralysis
- Lacerations
- Fractures
- Death.

Many injuries require surgery to repair. If you have been injured severely in an accident, these injuries likely will not just heal themselves magically. Seeing the right specialist can make a world of difference. The best specialists for a serious injury are doctors, such as osteopaths, physiatrists, orthopedic doctors, but chiropractors and physical therapists can also be very beneficial.

Chapter Three: Who Will Pay My Medical Bills After a Bicycle Accident?

If you are struck by a car while on your bicycle, you are going to have to make a claim with the at-fault driver's insurance company. The insurance company will not likely have your best interests at heart and will not likely make a fair offer to settle your case. If the driver who struck you did not have car insurance, which is the case with almost a quarter of all drivers on the road, then you will have to make a claim with your own insurance company.

In terms of who will pay your medical bills, that depends, like a lot of things in law, on the situation of your case. Most of the time the driver who hit you will have PIP, which stands for Personal Injury Protection. This is a form of health insurance purchased through your car insurance. Policies usually range from \$10,000 to \$30,000. If the driver who hit you had this policy, then that will pay the bills. If the driver did not have this policy, then your health insurance, through work or through the state, will pay these bills.

If, however, the driver did have a \$10,000 PIP policy, but your bills exceed this amount, then PIP will pay the first \$10,000 and your health insurance will pick up the remainder. If there is no insurance available at all, then unfortunately your only hope is to ask for the insurance company to hold the bills pending the outcome of your case and hope that the driver who hit you had some kind of liability insurance, even if it is only the minimum of \$25,000.

One thing to be aware of is something called subrogation. This means that if the at-fault driver's PIP paid \$10,000 of your medical bills, at the time you reach a settlement for your bodily injury claim, they are allowed to have what they paid in PIP be offset for your damages. So if it is determined your case is worth, in total, \$20,000, and PIP paid \$10,000, then they get a \$6,700 credit. This is because that the insurance company has to take a 33% reduction, which is called a Mahler fee reduction.

A free consultation with The Jackman Law Firm can help you understand your rights if you have questions.

Chapter Four: Bicycle Intersection Accidents

There are many bicycle paths and trails across the states. These paths and trails are the safest places for someone on a bicycle because they are dedicated lanes and usually free of cars, though there are some trails where cars skirt the side lanes. It is best to be very careful when riding on a bicycle in these very densely populated areas of town because accidents with cars and SUVs and trucks do happen from time to time. Probably the most common reason for the accidents that do occur is because of intersection accidents.

Common Reasons for Bicycle Intersection Accidents

Among the most common reasons for bicycle accidents, intersections are among the leading reasons for them. Two way stop signs and four way stop signs can be very deadly to bicyclists. Among the most common reasons for accidents at intersections are:

- Distracted driving
- Texting and talking on a cellphone
- Illegal U-turns in the middle of an intersection
- U-turns where the driver is coming from a stopped position on the side of the road entering into traffic
- Running red lights
- Running stop signs
- Confusion at uncontrolled intersections
- Poor weather
- Poor lighting

Any and all of these reasons can be significant reasons for bicycle intersection accidents, the overwhelming majority of accidents that take place are the results of drivers who are simply distracted or driving too fast for conditions. Drivers simply must be on the lookout for bicyclists on the road.

Bicycle Dooring Accidents

One of the more common ways people are hurt on bicycles is through what is called a “dooring injury.” A dooring injury occurs when a driver of a car, truck, SUV, or station wagon opens their door without carefully checking to make sure no one is coming on a bicycle, or even on foot, and the bicyclist collides with the open door. If the bicyclist is traveling at a high rate of speed, the effects of this can be catastrophic in terms of the level of injuries to the bicyclist.

Common Dooring Accident Injuries

Dooring injuries from a bicycle accident can be very dangerous for one's health and lead to serious injuries, if not death in some cases. A lot of one's injuries depend on the speed at which the bicyclist was traveling at the time of impact. The faster one was traveling, the more serious the injuries tend to be. The most common injuries from these kinds of accidents are:

- Broken bones
- Fractures
- Traumatic brain injuries
- Whiplash
- Neck strains
- Back injuries
- Shoulder injuries
- Broken ribs

These injuries are normally so significant that they do not just heal on their own. Rather, they take professional medical teams to help you. Among the most common practitioners our clients see are osteopaths, physiatrists, chiropractors, physical therapists, and orthopedic specialists. Sometimes your injuries will be so serious that you will need to get surgery.

Chapter Five: Bicycle Rear-End Accidents

Perhaps the most common reason for a rear-end bicycle injury stems from the fact that many bicyclists ride on the road or street that are primarily intended for cars. Because of this, the driver either does not see the bicyclists or the driver is too distracted to notice the driver until it is too late. Either way, riding on a street with other cars is a likely reason for a rear-end bicycle accident. Other reasons include:

- Distracted drivers
- Left-hand turns
- Drivers who are either speeding or just driving too fast for conditions

These reasons are not meant to be complete as there could be many other reasons as well, but those are the most common.

Steps to Take After a Rear-End Bicycle Accident

After being in a serious rear-end bicycle accident, life might seem simply too overwhelming too face given your pain and the sheer number of medical appointments you have to attend just to get you back to baseline.

However, there are some affirmative steps you can take to help your case. Among them are: making sure you photograph your injuries and your bicycle showing the damage to it. Making sure you get the at-fault driver's name, phone number, address, insurance information, including his insurance company, policy number, and when the policy went into effect and when it expires.

It is also important to make sure there is nothing of a damaging nature on your social media pages. If you did not call the police immediately after the accident, it is a good idea to call them as soon as possible and report the accident. You should notify the insurance company for the driver who hit you, your car insurance company, and your health insurance company that you were involved in a serious accident if it appears you are going to be incurring medical bills.

Finally, it is also a good idea to make a record of your injuries in a journal or diary and record how you're feeling and how the accident has impacted your life.

Bicycle Stoplight Accidents

Any number of bad things can happen to lead to people being injured while on their bicycle when they are stopped at a stoplight or a stop sign. One of the main reasons for injuries is that the bicyclist is in the same lane of travel as other cars who are on the road with the bicycle and the size discrepancy between the two can lead to serious injuries. These are the most common accidents that take place at stoplights:

- Left hand turns
- Drunk drivers
- Driving too fast for conditions
- Speeding

- Illegal U-turns

Often times, however, the most common reason is that a driver simply does not pay attention to the road ahead of them and crashes into a bicyclist who is waiting patiently for the light to turn green or for the traffic to clear so the bicyclists can proceed through the intersection.

Common Bicycle Accident Stoplight Injuries

- Broken bones
- Concussions
- Fractures
- Hip injuries
- Back injuries
- Neck injuries
- Shoulder injuries
- Traumatic brain injuries (TBI)

Chapter Six: Bicycle Left-Turn Accidents

Some of the common reasons for left-hand turn bicycle accidents are cars or trucks that did not see you, the design or layout of the road, distracted drivers who are either texting or under the influence of alcohol, bad lighting and bad weather.

In addition, another common reason for left-turn bicycle accidents are sideswipe accidents where a car, truck, or SUV merges into you and knocks you out. This typically takes place when a car, truck, or SUV does not see you because they have not carefully checked their rearview or side mirror before turning, or they do not properly signal before they make a turn.

Steps to Take After Your Left-Turn Bicycle Accident

After being struck on your bicycle while taking a left-hand turn, you may be in for the fight of your life. Taking the steps recommended here may be very hard, if not impossible for you, depending on the extent of your injuries. If you are physically able, this is what you should do, though if you cannot you should have a relative or friend or spouse try to do this.

First, make sure you get the name, number, address, make, model of car, and all insurance information, especially the name of the company and policy number, for the driver who hit you. Second, you need to photograph your injuries and the damage to your bicycle. Third, you need to notify your car and bicycle insurance company of your injuries so they are aware, along with notifying the insurance company for the driver who hit you. Fourth, you should make sure you are not mentioning or posting your injuries or what happened from your accident on social media.

Fifth, it is a good idea to keep a log of the providers you're seeing and the overall state of your health as you progress over time. Sixth, do not give a recorded statement to the insurance company for the driver who hit you. And seventh, if a witness saw the accident take place, getting his or her name, number, address, and email address is helpful.

