

NEW YORK MOTORCYCLE ACCIDENT GUIDE

*Navigating the Open Road of
a Personal Injury Claim*

ROBERT MARANTO



ANDREWS, BERNSTEIN
& MARANTO PLLC
EXPERIENCED PERSONAL INJURY ATTORNEYS



MOTORCYCLE ACCIDENT INJURY GUIDE

The aftermath of a motorcycle accident can be devastating, life-ruining, and even fatal. If you are involved in a motorcycle accident, the injuries you sustain can truly turn your life upside-down. This is a frightening reality if you are unable to carry on with your daily life for any time.

In this motorcycle accident guide, you will learn the dos and don'ts of motorcycle accident cases as well as gain a comprehensive understanding of the legal side of motorcycle accidents. The law office of Andrews, Bernstein & Maranto provide detailed explanations to some of the most frequently asked questions about motorcycle accidents. Most of the motorcycle accidents that we have seen in the Western New York area have occurred because of negligence. Many car drivers fail to notice motorcycles because of these vehicles' smaller size, and drivers can easily turn at the wrong time, cutting off and colliding with adjacent motorcycles. Common motorcycle-related accidents happen when a driver runs a red light or stop sign, does not yield right-of-way to the motorcycle during lane changes, or forgets to check blind spots for motorcyclists before changing lanes.

Injured victims of motorcycle accidents can seek compensation from the at-fault parties for damages such as medical expenses, lost wages, costs of hospitalization, rehabilitation, pain and suffering, permanent injuries, and emotional distress. When an individual is killed in a motorcycle accident, their family members can file a wrongful death claim, seeking compensation for damages as well.

ABOUT MOTORCYCLE ACCIDENTS:

In New York, motorcycle accidents become most common in late spring and early summer, and these accidents frequently receive news coverage because the extent of the injuries are far more serious than that of those sustained in car accidents. Victims of motorcycle accidents are the most susceptible of all drivers to sustaining grave injuries; motorcycles lack the protective shell, seatbelts, airbags, and size of passenger vehicles, which makes it easier for other drivers to strike them by accident. An often-used defense that we hear in motorcycle accident-related cases is that the driver of the passenger vehicle simply did not see the motorcyclist. The damage to motorcycles are also worse than that to cars and trucks, as motorcycles are usually totaled in these accidents, leaving their riders with long uphill battles to recovery.

Because of the high risk of injury, New York State's no-fault benefits are not offered to motorcyclists. What this means is that injured riders' options for treatment are much more limited. Motorcyclists should be enrolled in a good medical insurance program, as they would otherwise face difficulty finding doctors to treat the substantial injuries that resulted from the accident. The drivers of the other cars may carry insurance that encompasses medical payment provisions (an attorney can help injured motorcyclists get reimbursement for medical expenses added to their claims), but possessing medical insurance is the only sure way to receive necessary, lower-cost medical treatment following an accident.



Without the protection of a car surrounding the driver, a motorcycle rider is exposed and at an increased risk of injury compared to drivers of passenger vehicles. Motorcycle accidents can cause catastrophic injuries and deaths to motorcyclists. It is extremely important to preserve all evidence and uncover all sources of legal and financial responsibility.

These accidents can include:

- » Running a red light or stop sign without seeing the approaching motorcycle
- » Failing to yield right-of-way to the motorcycle, particularly during lane changes
- » Failing to check blind spots for motorcyclists before changing lanes



FIRST STEPS FOLLOWING A MOTORCYCLE ACCIDENT:

If you have been injured in a motorcycle accident in or near Buffalo, make sure that you remain at the crash site. If you are too injured to move, stay where you are and wait for emergency personnel. If you can move without causing additional harm to yourself, you should collect evidence from the crash site. Take photos of the vehicles involved in the crash and of the surrounding area. Take pictures that show the entire crash site as well as damaged vehicles and injuries. Make sure to collect the contact information for all parties involved in the accident as well as for witnesses. Get a copy of the police report and make sure that you receive proper medical attention and treatment.

SEEKING FULL COMPENSATION AND RECOVERY

Injured victims of motorcycle accidents can seek compensation from the at-fault parties for damages such as medical expenses, lost wages, cost

of hospitalization, rehabilitation, pain and suffering, permanent injury, and emotional distress. Unfortunately, when an individual is killed in a motorcycle accident, their family members can file a wrongful death claim seeking compensation for damages as well.

WHAT YOU SHOULD KNOW ABOUT MOTORCYCLE ACCIDENT CASES:

Motorcycle Accident Case Mistakes

The most common mistakes with motorcycle accidents is the failure to ascertain witness information and to take photos of the placement of the motorcycle in relation to the car after they come to rest. Most often these accidents are the fault of the driver of the car and the motorcyclist is severely injured because they lack that protection. It's often helpful if a loved one comes on the scene, to take photos before anything is removed or to ask those people who are standing around if they saw the accident occur.

People often don't want to get involved. But, by way of the court's subpoena power, they must get involved. If they saw an incident, they have an obligation to testify honestly about what they witnessed. If you cannot get information at the scene from them voluntarily, take down plate numbers and a description of what they look like, and that will help your attorney track down a witness.

Is there any Compensation for Motorcycle Accident Victims?

Because you are not protected by the New York State No Fault insurance or the No Fault statute, medical bills become the responsibility of the person who is injured. Your attorney will look to the other car for any medical payments provisions but can also add unreimbursed medical expenses caused by your crash as a component to your claim.

What Symptoms Should I Look for After a Motorcycle Accident?

When you're an accident victim and it's not your fault, whether you're riding a motorcycle or you're a passenger, you instantly qualify to receive compensation for your injuries. The only difference is what are those level of injuries that you're able to be compensated for.



What are the Differences Between a Motorcycle Accident and a Car Accident?

Motorcycle accident victims are the most susceptible because they don't have the protective shell of a vehicle, there are no seatbelts, there are no airbags, and other drivers do not see them coming. It's the most common defense that we hear, they just didn't see you. Those accidents are much more serious typically as far as the injuries go compared to auto accidents. The damages to the vehicle that the motorcyclist is driving are typically much worse. The bikes are often demolished and totaled, and the person themselves are typically facing a long recovery.

Because of the high risk of injury in an accident, New York State no-fault benefits are not offered to motorcyclists. This means your options for treatment are much more limited. You should hope that you have good medical insurance on your own and if you don't, you're going to have an even harder time finding doctors to treat the injuries that you're dealing with.

Who is Responsible for a Motorcycle Injury or Death?

In New York State, the person who was driving or operating the other vehicle is responsible, as well as the owners who are vicariously liable. This means

they are responsible for whatever accidents occur when they allow another person to drive their car. If the driver happens to be during their employment on duty working for their company, the employer may also be held responsible for the actions of that employee while they are working.

What Should I Do if I Was Involved in a Motorcycle Accident Without a Helmet?

Although in New York State it's against the law to ride without a helmet and it's obvious to any police officer that you might pass. If you're ever involved in an accident like that, you do have a right to compensation if it's somebody else's fault for causing the accident. The difference is going to involve the extent of the damages you're entitled to, especially if wearing the helmet would have prevented those injuries.

For example, if you broke your leg, then you are entitled to full compensation because wearing a helmet didn't come into play at all regarding that injury. However, claiming head trauma or a traumatic brain injury will be much more challenging because the defense will be able to argue that your defenses would have been less or not occurred if you had worn your helmet.

Schedule Your Free Consultation Today!

At Andrews, Bernstein & Maranto, PLLC, we diligently investigate the responsibility of dog owners and their landlords. Information regarding these dogs is critical to reaching successful verdicts in dog bite cases.

If you or a loved one is attacked by a dog, contact one of our experienced dog bite attorneys for advice and strong representation immediately.

We are available 24 hours a day, 7 days a week.

Never settle for less, find out what your case is worth!

Buffalo Office:

420 Franklin Street

Buffalo, NY 14202

(716) 803-8352



