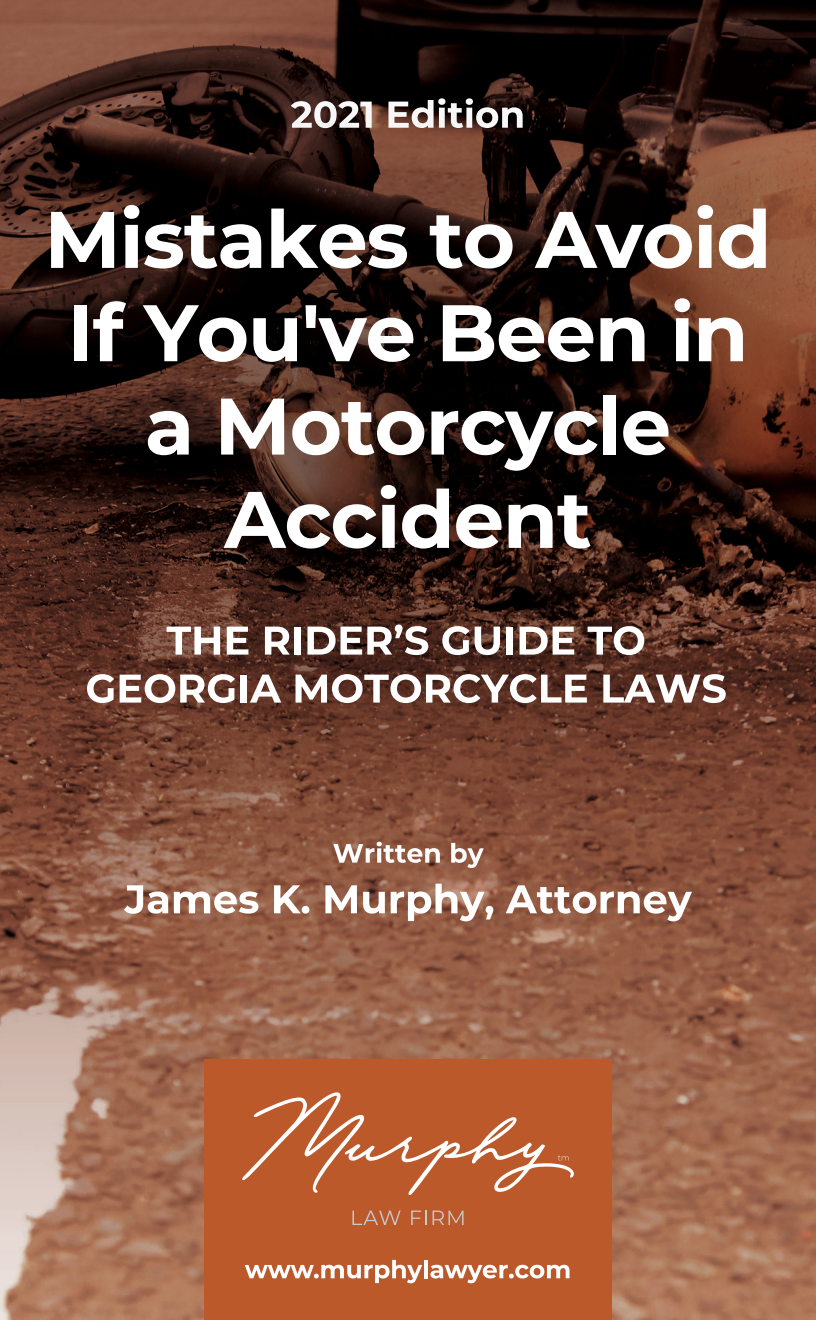

2021 Edition

Mistakes to Avoid If You've Been in a Motorcycle Accident

THE RIDER'S GUIDE TO GEORGIA MOTORCYCLE LAWS

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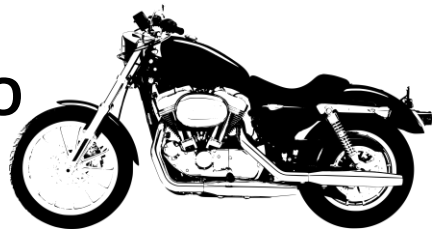
MISTAKES TO AVOID IF YOU'VE BEEN IN A MOTORCYCLE ACCIDENT



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Injury cases are handled on a contingency fee calculated before expenses from total recovery. While you are not responsible for an attorney fee if there is no recovery, costs are paid by the client regardless of outcome.

[FROM THE AUTHOR]

There are just far too many of our Georgia neighbors, friends, and family members getting injured due to motorcycle accidents. What follows the crash? Emotional and physical pain, medical bills, endless insurance phone calls, financial stress, confusion, and frustration.

After realizing that most victims of motorcycle accidents had the same questions, I went ahead and made this book to provide the public with the answers they need, along with information that will be beneficial as a rider. You deserve to know why the insurance company treats your family like a number, what protection your family may have in the event of a motorcycle accident, and what laws may protect you.

- ***James Murphy, Esq.***

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Georgia Motorcycle Riders Face Risks

People who ride motorcycles understand that the benefit of riding in the open air does have some risk, but they love the way of travel so much that they are willing to take their chances. The risks are serious when you are a motorcyclist. In effect, you are your own bumper, and the risk of serious, or even deadly, injury always seems to be looming in the background. Even riders that are completely compliant with traffic laws and take all the appropriate safety measures can still fall victim to a horrible accident. Usually, the fault lies with other drivers on the road because motorcycles are smaller and more difficult to keep in the line of vision of larger vehicles.

The very design of a motorcycle is what puts the rider at greater risk.

For people who have chosen to ride motorcycles, there are actions that can be taken to make the experience safer. Simple measures, like always wearing a helmet and other protective body armor, attending accredited driver training courses, and being responsible on the road (no aggressive driving, speeding, or other dangerous behaviors), can all contribute to being safe on a motorcycle.

A great majority of motorcyclists do tend to be very cautious on the road because they understand the risks.

Still, even if you are a very responsible rider, you should understand the legal implications and consequences that an accident can have before it occurs. This way, should you ever become seriously injured due to your own negligence, or that of another driver's, you will be prepared. This practical guide will help you understand your responsibilities and options.

Motorcyclist Fatalities in Georgia

2012	2013	2014	2015	2016
134	116	137	152	172

Common Injuries in Motorcycle Accidents

Traffic accident statistics show that approximately 4 out of every 10 motorcycle crashes involving serious or fatal injuries occur on **city streets.** Accidents involving serious and fatal injury occur more often between **4 p.m. and 8 p.m.**, and they occur more often on **Saturday** than any other day of the week. Motorcyclists are commonly thrown from their bike in an accident, often causing them to hit other objects, and then the ground.

The most common types of motorcycle injuries, according to the Centers for Disease Control and Prevention (CDC) are:

Leg and foot injuries, including fractures and traumatic amputations	**30%**
Head and neck injuries, including TBIs, facial fractures and spinal cord injuries.	**22%**
Upper trunk (chest) injuries, such as broken ribs and/or sternum, and spinal cord injuries	**20%**
Arm and hand injuries, including fractures, amputations and nerve damage	**18%**
Lower trunk (abdominal) injuries, including internal organ damage and pelvic fractures.	**8%**
Other/unknown injuries	**8%**

*The total exceeds 100% because motorcycle accident victims **often have multiple injuries.***

Many states require all motorcycle riders to wear DOT-approved helmets. Georgia requires all persons operating or riding a motorcycle to wear a helmet. Helmets, obviously, protect motorcyclists from traumatic brain injury (TBI), and depending on the type of helmet, other

head injuries, such as facial fractures, and dental and ear injuries. The NHTSA says helmets are estimated to be 37% effective in preventing fatal injuries to motorcycle riders and 41% for motorcycle passengers.

Assuming the Risk, Avoiding the Injury

Georgia has more than 200,000 registered motorcycles. That number continues to rise every year. Motorcycle accidents have increased in recent years, even as other types of accidents have declined.

Those who choose to ride can make motorcycling safer for themselves and others by always wearing helmets and other protective gear, completing approved rider training classes, and avoiding bad habits like speeding and other reckless or aggressive riding.

Understanding and appreciating the risks of riding reduces the possibility of injury from an accident. If you, or a loved one are hurt on a bike, this book will guide you through the legal problems you may experience.

Your Legal Rights on a Motorcycle

Motorcycle riders have the same rights to the roads of Georgia as those who drive cars, trucks, and other vehicles.

In Case of a Motorcycle Accident in Georgia

If you should have an accident that is not your fault, keep in mind that it is your right to refuse to make a statement or speak with the other driver's insurance company adjuster. You do not have to say anything about the circumstances of the accident, your physical condition or any injuries you have sustained, or your medical care and treatment.

You can simply refuse politely and firmly. *Any statements about the accident or your condition can work against you* for any future legal procedures or insurance cases.

You can also refuse to sign any documents that the insurance adjuster of the at-fault driver presents to you. When you sign a medical authorization form, you are giving permission to the insurance company to review your medical history, which gives them more opportunity to deny your claim.

You can, and should, exercise your right to be educated about your options and to consult with a lawyer. In fact,

meeting with an attorney should be very high on your list of priorities. Most lawyers will review all the details of your case, without cost, and will advise you of your legal options when it comes to getting compensated for your injuries. Your lawyer can also take care of all interaction between you and the at-fault driver's insurance company; this is particularly important if you have been seriously injured and are unavailable to handle all the bureaucratic and complicated issues on your own.

Your attorney will advise you about how you can obtain compensation for your medical bills, property damage to your motorcycle, and any other losses that you incurred as a result of an accident where you were not at fault. It is your right to be compensated to the fullest extent when you are the victim of an accident. If your accident was fatal, your family has the right to sue the offending parties for damages. **REMEMBER THIS IMPORTANT POINT**: In Georgia, any lawsuit must be filed within two years of the accident and the injury. To have a successful verdict, your lawyer must clearly demonstrate that you were not at fault in any way, and that all injuries sustained were due to the at-fault driver's negligence.

You are also entitled to be covered for accidents that were caused by drivers and vehicles that are uninsured or underinsured. Make sure that you have purchased this type of supplemental insurance coverage to protect you in that situation. We will speak more about this later.

If you have sustained injuries due to the fault of another driver, hire a competent lawyer who is familiar with vehicular accidents. He or she will review all the circumstances of your specific case and inform you of your legal options.

Licensed to Ride in Georgia

Georgia requires riders to have a Class M license. To obtain the Class M License, you must attain a certain level of knowledge and skill as a motorcycle operator. You must pass vision, written, and driving tests at a driver's license office and present documents to show that you have completed a Motorcycle Safety course.

These are taught at community colleges and Harley Davidson Dealerships.

In addition to a proper motorcycle license endorsement, motorcycle owners must obtain liability insurance coverage for their bikes to be legal on the road.

At a minimum, this coverage must consist of:

- $25,000 for injury or death of one person
- $50,000 for injury or death of two or more persons
- $25,000 for property damage.

You also have a right to have insurance coverage for accidents caused by uninsured motorists. If you ride a motorcycle, it is important to have this supplemental coverage.

If you have been seriously injured through the carelessness or fault of another driver, it's a good idea to have a knowledgeable motorcycle accident attorney review your case and explain all your legal remedies. From there, you can make a fully informed decision about your future.

Sources

- *DMV.org*
- *Georgia Department of Public*
- *Safety motorcycle Safety Foundation: Motorcycle Operator Manual*

Make Yourself Standout on Your Bike

The open road is full of cars, SUVs, huge tractor trailers and other vehicles that are driving at high rates of speed. It's easy for a relatively small motorcycle to go unnoticed because they are narrow and short compared to other moving vehicles. There are several simple safety measures that you can take that can make a big difference:

Safety in Numbers

Whenever possible, try to ride with other motorcyclists in a staggered group formation. Here is an example: The lead driver positions himself in the left third of the lane. After him comes the next rider at least one second behind in the right third of the lane. The rest of the group should follow the same left-right pattern. The maximum size of the group should be between five and seven riders.

Stay Back

Always take precautions to keep yourself a safe distance from vehicles and trucks so they can see you. Try to avoid getting into other vehicle's blind spots. Don't tailgate and avoid tailgaters. It's always a wiser decision to let an automobile pass you, rather than have him get too close to you. A lot of avoidable rear-end collisions occur because drivers aren't aware of how quickly a motorcycle can stop.

Always Keep Your Headlights On

Always keep your headlight on, even during the day. Since 1978, all new motorcycles sold in the USA must have a headlight that stays on while the engine is running. For good reason; when a headlight is on, the motorcycle is twice as likely to be noticed by other drivers. Make sure your motorcycle is equipped with a headlight modulator, which will let the headlight go from low to high brightness levels, depending on the time of day. This makes your bike even more visible to other drivers. Whenever you make a turn or plan to switch lanes, use your turn signals. If you are being tailgated, pump your brake lights in advance of coming to a complete stop. Signal lights and brake lights are a key factor in keeping you and your motorcycle noticeable to other motorists.

Dress Brightly

Black motorcycle garb may be trendy and cool, but it won't keep you safe. Instead, go for brightly colored helmets and upper-body clothing. Colors like orange, yellow, red, bright green, or reflective vests are ideal options. Also, dress up your motorcycle with lots of reflective tape and decals, so it is more noticeable to other vehicles and pedestrians in the evening hours.

Talk to the Hand

It is recommended to always use your hand signals in addition to using your turn signals and brake lights. When you extend your arm to make a signal, you are in effect creating a larger figure of you and your motorcycle, making you easier to see. In fact, even the movement of your arm will catch the eyes of surrounding motorists. Be sure to use your hand signals ahead of time; the average motorist is not aware that motorcycles can stop a lot faster and, in less distance, than a four-wheeled vehicle.

You Will Be Missed

Car accidents involving cars and other moving vehicles occur most often in intersections. This is particularly true when a vehicle is turning left at an intersection and crashes into a motorcycle that is driving straight through the intersection. You should always try to position yourself where you have the best view of oncoming traffic. Focus ahead each time you enter an intersection and assume that other drivers will not see you. As you enter, slow down and choose a position that will make you more noticeable to other motorists who are about to cross your path. Continue going slowly because other motorists may misjudge your speed. Keep checking your rearview mirrors and physically turn your head to keep an eye on everything happening in the back of you and alongside you. Remember: If drivers can't see you, you must be watching them!

14 Facts About Motorcycle Accidents

1. More people are riding motorcycles today in Georgia and across the United States, making accidents more common.

2. In Georgia, there were over 199,000 registered motorcycles in 2014. Motorcyclists accounted for 14 % of all traffic fatalities.

3. Among Georgia motorcycle operators involved in fatal or serious injury crashes in 2003:

AGE	Number of Georgia Riders Involved in a Fatal Crash
6 TO 25	**15%**
26 TO 35	**27%**
36 TO 45	**25%**
46 TO 55	**20%**
56 TO 65	**7%**
66 OR OLDER	**4%**
YOUNGER THAN 16	**2%**

4. Motorcycle riders aged below 40 are 36 times more likely to be killed than other drivers of the same age. Across the U.S., there were 2,317 fatal crashes involving a motorcycle and another vehicle in a recent year.

5. In 41% of these two-vehicle crashes, the other vehicle

was turning left while the motorcyclist was going straight, passing, or overtaking other vehicles.

6. Per vehicle mile traveled in 2012, motorcyclists were 26 times more likely than passenger car occupants to die in motor vehicle traffic crashes, and five times more likely to be injured.

7. Motorcyclist deaths in accidents accounted for 14% of all motor vehicle crash deaths in 2012 and were more than double the number of motorcyclist deaths in 1997.

8. Motorcyclist deaths began to increase in 1998 and continued to increase through to 2008.

9. Motorcyclist deaths decreased by 16% in 2009 compared with 2008, then increased slightly in 2010, 2011, and 2012.

10. In 2013 in Georgia 34 % of motorcycle operators involved in fatal and serious injury crashes were speeding.

11. Of 116 Georgia motorcycle operators and passengers killed in crashes in 2013, 5 were not wearing a helmet.

12. Helmets are about 37% effective in preventing motorcycle deaths and about 67% effective in preventing brain injuries. Yet 19 states and the district of Columbia requires riders to wear helmets, and Georgia is one of those states. Georgia requires motorcycle riders who are

younger than 21-years-old to wear a helmet.

13. In 2012, 27% of motorcycle operators in the U.S. who were involved in fatal crashes had a blood-alcohol content of .08% or higher. This was more than California (24%), New York (22%), and Utah (11%).

Sources: *NHTSA: Traffic Safety Facts - Motorcycles Insurance Institute for Highway Safety: Motorcycles GHSA.org*

Common Types of Injuries

When you ride a motorcycle, you are not protected by the hard metal of an enclosed car; you are acting as your own bumper. That makes you particularly vulnerable to serious injury, even if you are traveling at low speeds. All kinds of bodily injuries can occur, and many of them can require medical assistance, hospitalization, surgeries, and lengthy physical therapy. In the worst accidents, fatalities can occur.

Here is a list of the most common types of serious injuries that can occur in motorcycle accidents:

Lower-Extremity Injuries
According to studies, injuries to the leg, foot, ankle, knee, thigh, hip, and pelvis are the most common occurrences in motorcycle accidents. The most common types of lower extremity injury that occur are fractures of the tibia, fibula,

femur, and hip dislocation.

Internal bleeding
If an accident victim suffers any internal organ damage, it could cause a loss of blood so severe that it becomes life-threatening.

Amputations
In very critical accidents a motorcyclist may incur such serious bone and soft-tissue injury that it becomes necessary to amputate a body part that cannot be salvaged.

Head/Traumatic Brain Injury (TBI)
One of the most dangerous injuries that can occur in a motorcycle accident is a head trauma that can cause a concussion or even worse a serious traumatic brain injury. By always wearing a Department of Transportation (DOT) certified helmet, you can decrease the chances of this occurring. The helmet can also protect you from other injuries like broken teeth, eye trauma, a broken jaw, and other facial fractures and disfigurements.

Fractures
Being hit by another vehicle, falling off a bike, or sustaining the impact of the road can cause broken bones. As a rider, you will have the automatic reflex to try to catch yourself, and that can cause fractures in the arms and hands, even in relatively small collisions. Many of these injuries require surgery.

Chest Injuries

A hit to the chest can cause, your bones and ribs to be severely fractured. These bones are crucial because they protect the heart, the lungs, and other major internal organs.

Spinal Cord injuries

If your neck or back is fractured, dislocated, compressed, or crushed, it can lead to a serious traumatic spinal cord injury, paralysis, and even death.

Abdominal injuries

Injury sustained in a motorcycle accident can cause injuries to the spleen, liver, bowels, stomach, kidneys, etc. including nerve and muscle damage. These types of internal injuries can quickly turn fatal if not diagnosed and treated rapidly.

When a motorcyclist has suffered injuries in a collision, it will often be necessary to undergo a program of physical therapy and rehabilitation as part of the healing process. Victims will also be unable to go to work for days, weeks, or months at a time. Very serious injuries can lead to permanent disability and some require extended medical care. When this occurs, the patient will have life altering issues to deal with in addition to the impact of the injury itself. Higher and frequent medical bills, loss of income and earning potential, and the quality of life for the rider and his family are just some of the things that will need to be confronted. The costs involved in these types of circumstances can run into the hundreds of thousands (even millions) of dollars. That is why it is so important that a

motorcyclist who is injured at the hands of another motorist seek the advice of a competent attorney to understand their options when seeking monetary compensation for injuries sustained.

Sources

- *Insurance Institute for Highway Safety - Motorcycles: Q&As*
- *National Highway Traffic Safety Administration - Traffics Safety Facts: Motorcycles*
- *NHTSA - Lower-Extremity Injuries in Motorcycle Crashes*
- *Department of Surgery, Benue State University- Lower limb injuries arising from motorcycle crashes* Monash Injury Research Institute, Monash University - Case-control study of motorcycle crashes

Top Five Mistakes to Avoid If You are in a Motorcycle Accident

Here are what I consider to be the worst mistakes that can ruin your motorcycle accident case:

#1 Not Taking Good Photographs

Perhaps the biggest mistake you can make after an auto accident is not taking good enough photographs of the damage to your motorcycle, or visible signs of your injuries.

- **Property Damage Photos**: Property damage estimates are good to know, but there is no substitution for good pictures of the damage to the vehicles involved in a wreck. Our experience with juries tells us that the jury will want to see if you have actual damage to your vehicle before they believe you are really hurt. Please take good pictures, and lots of them!

- **Physical Injury Photos**: Let's face it, injuries heal over time. Your injuries are most serious shortly after an accident. The best way to preserve the seriousness of your injuries is by taking good photographs.

#2 Hiding Past Accidents from Your Attorney

When you make an injury claim, the defendant's insurance company will be interested in knowing how many past accidents you have been in. The reality is that they probably already know the answer. All insurance companies subscribe to insurance databases, and often they only ask you this question is to test your credibility. If you have been in other accidents, tell your attorney. He or she can decide as to whether this is a valid problem in your case. If you do not tell your lawyer, however, and you misrepresent your accident history, then it almost guarantees that you will lose your case.

#3 Hiding Other Injuries

It goes without saying that you should be upfront and honest with your attorney about any injuries that occurred before or after this accident. Again, if you saw a doctor or other healthcare provider, then there is a record in existence that the insurance company will find. Your lawyer can deal with this if he or she knows about it. However, if you lie about it, and the insurance company finds out, then your case is over. Remember, there is no privacy in America today. When you make an insurance claim, your life becomes an open book.

#4 Not Having Accurate Tax Returns

In almost every case, a claimant will have lost income because of an accident. You will only be able to claim that lost income if your past tax returns are in order. You don't want to risk going to jail by claiming a loss of income, only to have your past tax returns not back up your claim. Again, being honest with your attorney is crucial, because he or she can deal with a problem only if they know about it. Be aware that you will most certainly be required to produce your tax returns if you file a lawsuit and claim lost income, or wages.

#5 Misrepresenting Your Physical Limitations

Be careful - insurance companies often hire investigators to do videotape surveillance. If you say that you cannot run, climb, or stoop, and you get caught on videotape doing these things, your case is ruined. There is nothing you can say to dispute the eye of the camera. Recently, one of our former clients was videotaped running around the bases of a ball field with his kids. He claimed that his back pain from his car wreck was so bad he could barely walk. This little surveillance video cost him several thousands of dollars.

SPECIAL NOTE: Beware of Social Media

Insurance adjusters also closely watch the online social profiles of those claiming they have an injury. Be cautious so that nothing you say, or portray in a video or photo, could harm your case. Talk to your attorney about what may be acceptable content for social media sites.

#6 Speaking to the Other Driver's Insurance Company

If you have been in a motorcycle accident and it is not your fault, the insurance company of the at-fault driver will likely contact you. It can be a big mistake to talk to the adjuster of the at-fault's insurer because the adjuster could get you to say things on a recorded statement that could later come back to hurt your personal injury claim.

How to Get Compensated from Uninsured At-Fault Parties

If you have purchased coverage to insure you if you get involved in a motorcycle accident with an uninsured motorist, you will be able to file for the benefits that are provided as per your policy. Contact your insurance company to find out how to process your claims. It is important to see a medical professional and to have them document your injuries. Here too, make sure that you are keeping track of any and all evidence that is available to you regarding your injuries and your medical expenses.

Theoretically, you would submit your claim with whatever information your insurer requests and eventually you would be reimbursed based on the amount specified in the policy you purchased. In real life, however, processing claims isn't always so easy. Remember, the insurance business is just that: a business. They are a profit driven business, so it is very possible that the representative that is working on your case will try to identify ways to turn your claim down in its

entirety, or at least minimize the amount that is to be paid out.

An alternative to just simply accepting what the insurance company is offering you regarding compensation would be to hire a personal injury attorney who has experience negotiating UM claims. In addition to fighting on your behalf, your lawyer may also be familiar with other means of receiving compensation that you might not be aware of.

An experienced motorcycle accident lawyer is knowledgeable about insurance laws and understands the types of strategies that insurance companies implement to avoid paying rightful financial compensation. Your lawyer will also investigate your accident to make a thorough investigation and assessment of your medical fees to negotiate a settlement or bring the case to court if need be.

Understanding Car Insurance

For the most part insurance companies do a terrible job of explaining what type of automobile insurance coverage you should have. There are two major parts to your car insurance policy that you must understand:

Liability Insurance

Liability insurance protects you if you cause a car wreck and someone else is hurt. The liability coverage you have will protect you financially from the person you injured. The insurance company will defend you and hire an attorney for you, (if you are sued) and pay the injured person up to the

limits of the liability coverage you purchased.

Uninsured Motorist Insurance (UM)

If you buy uninsured motorist insurance and the driver who injures you has no insurance, or not enough insurance, then your insurance company will pay you up to the limits of your uninsured motorist coverage. Since the other driver is underinsured or uninsured your company pays you.

UM Coverage is also important if you are hit by a hit and run driver and the other driver is never apprehended. In that event, your uninsured motorist coverage will protect you as well.

Finally, your uninsured motorist coverage will also protect you if the other party has less insurance then you. For instance, if you get hit by someone who purchased a relatively low amount of liability insurance (for instance $25,000.00), your own policy will protect you up to the amount that you purchased for yourself. So for instance, if you were in a serious automobile accident as the husband that I described earlier and the other driver only had $25,000.00 in liability coverage, but the husband had $1,000,000.00 (1 million) in damages from the accident, the other driver's insurance would pay the first $25,000.00 with the husband's UM coverage covering him for up to $1,000,000.00 for his losses.

Coverage Limits

It is also important to understand what the coverage limits

mean in the event of an accident. What does it mean when your insurance policy says that you have $25,000.00 / $50,000.00 liability coverage or $50,000.00 / $100,000.00? Basically, what the policy is telling you is that the first number indicates what coverage is available per person in the event of an accident and the second number is the total coverage available for one accident. So, for instance, if there is $50,000.00 / $100,000.00 in coverage each injured person would be covered up to $50,000.00, but the total coverage available for the accident is only $100,000.00. If five people were hurt in the accident the most any one person could be paid is $50,000.00, but all five people together could not recover more than $100,000.00. In this situation, any one person's damages could not exceed $50,000.00 or the entire claim of all people in the accident could not exceed a $100,000.00. You would be personally responsible for any amount above the policy limit if you caused the accident.

Just How Much Uninsured Motorist Coverage Should You Buy?

To protect yourself in the event of a catastrophic accident as the one previously described, you should buy as much UM coverage as you possible can.

But How Expensive Is It?

Your insurance company must offer UM coverage to you. However, they may not explain how important it is or the costs involved. There are some additional costs for UM coverage, but as we have previously explained it is very important to have this type of automobile insurance

coverage. It's also not as expensive as you might think.

When I increased my was coverage two years ago from $50,000.00 to $1,000,000.00, the additional coverage was only $300.00 per year - Is a few hundred dollars per year worth the peace of mind to know that if you or a family member is seriously injured in a wreck you are covered for up to a million dollars?

Why Don't the Insurance Companies Encourage You to Have Lots of Uninsured Motorist Protection?

The reason insurance companies fail to advise you about UM coverage is because it is a good deal for you and a terrible deal for them. As you can see from paying a nominal amount for an additional UM coverage you get a lot more protection.

I strongly recommend that you review your automobile insurance policy limits. If you have anything less than $1,000,000.00 in UM coverage I would strongly advise you to contact your insurance agent to find out what the costs would be to cover you for $1,000,000.00 in UM coverage. I don't think that I have to explain the danger out there on the Georgia roadways. You hear about terrible accidents every day. With the increasing costs of medical expenses, hospital and doctor bills, doesn't it make sense to have as much coverage as you possible can?

Shared Negligence in a Motorcycle Accident

Generally, a motorcycle accident victim who files a personal injury claim must show that:

- The defendant owed a duty of safety to the injured party;
- That duty was breached by the defendant's negligence;
- The at fault driver's action was directly connected to the plaintiff's injuries; and
- The plaintiff's injuries are compensable (i.e., can be made better with money).

In a motorcycle accident that involved a collision with another vehicle, the collision would be the proximate cause of the motorcyclist's injuries, as well as the breach of duty the other driver had for the motorcyclist's safety.

In some states, the use of a motorcycle helmet or its absence would not be a contributing factor to a motorcycle accident. But under Georgia law, a jury must consider whether the plaintiff in a personal injury claim contributed to their own losses. If so, the jury can reduce the award the plaintiff might receive accordingly.

If a motorcyclist who was not wearing a helmet suffered a traumatic brain injury (TBI) in an accident and sought compensation for his injuries, opposing lawyers would surely argue that a helmet would have lessened or

prevented the injury.

The NHTSA says helmets are estimated to be:

- 37 % effective in preventing fatal injuries to Motorcycle riders
- 41% effective for motorcycle passengers.

In other words, for every 100 motorcycle riders killed in crashes while not wearing helmets, 37 of them could have been saved had all 100 worn helmets.

If a jury were presented with these and similar statistics from expert witnesses and decided the motorcyclist without a helmet was 30 percent responsible for his TBI, for example, the final compensation awarded would only be 70 percent of what might have been.

For example, if a jury awarded $100,000 to a motorcyclist for injuries in an accident but found that the rider was 30 percent at fault for their injuries, the final award would be reduced to $70,000.

Helmets Have No Effect on Right to Compensation

Wearing a helmet is optional for adults in the state of Georgia. Even so, the decision to not use one should not be taken lightly, and motorcyclists should make an informed decision and be sure to understand the risks. Most safety

and medical professionals strongly believe that using a helmet can help protect a rider against a serious TBI or even a fatality. Nevertheless, if a motorcyclist was not using a helmet at the time of an accident caused by another motorist, he will still have the legal right to seek financial compensation for medical expenses and other financial losses.

Keep Your Motorcycle Skills Sharp

Like most everything in life, the more practice you have doing something, the better your skills will be. This has been proven to be true when it comes to driving a motorcycle. Drivers who have many years of experience on the road will be more apt to avoid serious injuries and accidents and will also better know how to stay out of harm's way when facing dangerous traffic conditions. You might be surprised to learn that **more than half of all motorcycle accidents occur with drivers that have less than five months of experience on the road,** *(according to the Motorcycle Safety Foundation.)* Be sure to ride regularly and participate in ongoing rider's training courses to keep your driving skills up-to-date.

In Georgia, Falcons Fury Harley Davidson, Georgia Motorcycle Riders - Kennesaw, and other schools offer many driver refresher courses. These courses focus on identifying the common mistakes that other riders have made, and what choices can be made to avoid them. There are even advanced training courses that are specially designed to reinforce specific skills such as turning corners, braking,

swerving, counter steering and riding in groups. The advantage of taking such courses is that the class takes place in a controlled environment, and you will receive invaluable feedback from your course instructors about the skills that you need to work on. And don't think that these types of training courses are just for “newbies." No matter how long you have been driving, periodically brushing up on your skills will be a great confidence booster and make you be a safer motorcyclist.

If you have any questions, please feel free to call us at (770) 577-3020. If you found out about us through this book, we will be glad to consult with you concerning your automobile insurance coverage through a free consultation.

Safe riding!

DISCLAIMER: This book is a summary of mistakes to avoid if you are in a motorcycle accident, but it is not legal advice. Legal advice can only be given when an attorney knows the unique facts about your case.