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INTRODUCTION & STATISTICS

Michigan is a motorcycling paradise. From the shores of the Great Lakes to the Northwoods, Michigan has thousands of miles of scenic roadways, and there is no better way to see them than on the back of a motorcycle.

As experienced riders know, the freedom of the open road is not without risks. Lacking the steel protected compartment of automobiles, motorcycles are, by design, more dangerous than cars and trucks. In fact, sources state that motorcyclists are 26 times more likely to die in crashes than are passenger car occupants. While most motorcyclists respect the dangers of riding, other motorists don't always respect that motorcyclists have a right to share the road.

Even the most conscientious riders are vulnerable to serious crashes that can leave them with life-altering injuries. Injured motorcyclists and their passengers often have difficulty collecting compensation from insurers in Michigan. For riders, it is critically important to work with an experienced Michigan motorcycle accident attorney who understands the state's unique motorcycle laws and has ample amounts of experience dealing with insurance companies.



Detroit's Trusted Law Firm ACKER P.C.



Goodman Acker P.C. is Michigan's most trusted personal injury law firm. We have compiled this E-Book to educate Michigan's many motorcyclists about how to ride safely and how to get help when riding safely is not enough to protect them.

MICHIGAN MOTORCYCLE CRASHES: BY THE NUMBERS

The most recent annual data on Michigan motorcycle accidents provided by the Office of Highway Safety Planning-shows the following:



259,325

Registered Motorcycles



Mileage Logged by Motorocyclists



Motorcycles in Crashes



Motorcyclist Deaths



2.309

Motorcyclists Injured



4 13%



13 75[%] 100_{MIL} Registered Motorcycles

Death Rate

MORE BIG BIKES ON THE ROADS

I FADS TO MORE BIKER INJURIES & FATALITIES

Over the past decade, motorcycles have become increasingly popular in the United States. Nearly 8.5 million motorcycles are registered in the U.S.-up from 5.7 million in 2004. Corresponding with this uptick in motorcycle registration is an increase in motorcyclist injuries and fatalities. During the same 10-year span, the numbers of killed and injured motorcyclists have both increased substantially.

Michigan ranks in the top 10 states for U.S. motorcycle registration by state, with approximately 267,000 registered motorcycles. Each year, Michigan loses an average of 121 riders to fatal accidents. Although the number of motorcyclists killed is far smaller than the number of drivers who are killed in passenger car accidents, the odds of suffering fatal injuries in a motorcycle crash are much greater than in a car crash.

For example, of the roughly 500,000 annual motor vehicle crashes in Michigan



1/400 is fatal



1/26 is fatal

Indeed, it is relatively rare for a motorcyclist to walk away from a crash unscathed. In the recent year, Michigan had nearly 3,000 motorcycle accidents. Fewer than 750 of those accidents resulted in no injury. In 75% of the accidents, the rider was either injured or killed.



WHEN & WHERE MOTORCYCLE ACCIDENTS

MOST FREQUENTLY OCCUR

According to national data, a fatal motorcycle crash is most likely to occur on weekends between noon and 9 p.m. They occur more often on major, non-interstate roads in rural areas and during the warmer riding months from June through September.

Riders take advantage of good weather to enjoy joyrides and cut down on gasoline expenses by driving fuel-efficient bikes during warmer months.



SOURCES:

NHTSA: MOTORCYCLES (2013 DATA)

INSURANCE INSTITUTE FOR HIGHWAY SAFETY: MOTORCYCLES AND ATVS (2013)

III: MOTORCYCLE CRASHES

BRIDGE MI: HIGHER DEATH RATES, MEDICAL BILLS FOR MICHIGAN MOTORCYCLISTS WITHOUT HELMETS

MICHIGAN OFFICE OF HIGHWAY SAFETY PLANNING: MICHIGAN TRAFFIC CRASH FACTS



HOW MOTORCYCLE ACCIDENTS HAPPEN

Most motorcycle riders are safety conscious and obey traffic safety laws. They do not take unnecessary risks on the road because they understand the consequences of an accident. In our experience handling motorcycle accident cases, we have observed that the drivers of cars and trucks are, for the most part, responsible for collisions involving motorcycles and passenger vehicles.

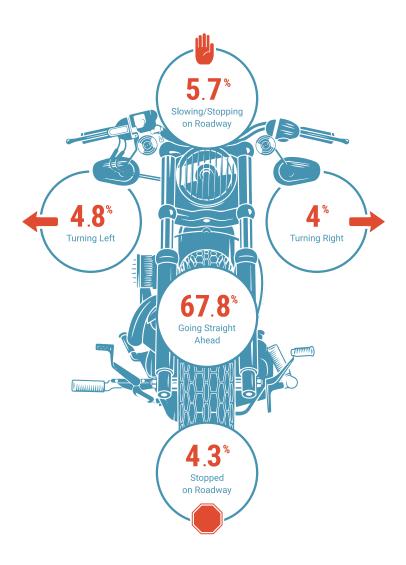
Motorcycle riders often have their right of ways violated by inattentive or distracted drivers. Automobile drivers who are not on the lookout for motorcycles may overlook them and pull out in front of an oncoming motorcycle. Nevertheless, insurance companies draw on negative portrayals of motorcyclists in an attempt to blame them for crashes.

A closer look at motorcycle accident statistics reveals how, where, and why accidents happen.



ANATOMY OF A MOTORCYCLE ACCIDENT

The Michigan Office of Highway Safety Planning (OHSP) retains detailed statistics of motorcyclists' actions immediately prior to a crash. The statistics show these to be the leading pre-crash actions of motorcyclists:



Such circumstances represent nearly 87% of all Michigan motorcycle accidents. They are associated with around 93% of all motorcyclist fatalities and more than 88% of all motorcyclist injuries.

The statistics from the Office of Highway Safety Planning align with those from the Hurt Report—the most thorough motorcycle accident causation study completed in the United States. According to that report:



The cause of most motorcycle accidents is the failure of motorists to detect motorcycles on the roadway.



The single, most frequent cause of motorcycle/passenger vehicle accidents is due to automobiles turning left in front motorcycles driving straight.



Intersections are the most common locations for motorcycle accidents. Most often, this occurs when vehicles violate motorcyclists' right-of-way.



driving 80-90 mph.





DANGEROUS DRIVING HABITS

Many drivers claim that they simply did not see the motorcyclists before collisions occurred. Automobile drivers often engage in behaviors that decrease their focus on the road, such as talking on the phone or eating while driving.

Unsafe driver conditions are major causes of motorcycle accidents and all type of vehicle accidents. But due to the inherently less-safe design of motorcycles, motorcycle operators and their passengers are at much greater risk of being severely injured or killed by dangerous drivers than are the occupants of cars and trucks. A simple fender-bender between two cars caused by a distracted driver could very likely cause more serious injuries if that same distracted driver collides with a motorcycle.

According to Michigan OHSP statistics, the following unsafe driver conditions are the leading causes of fatal and injury crashes statewide:

- · Alcohol use
- Distraction
- · Asleep at the wheel
- Fatigue

- · Illegal drug use
- · Prescription medication use
- · Cell phone use



SINGLE-VEHICLE MOTORCYCLE ACCIDENTS

Just as unsafe drivers pose an outsized risk to motorcyclists, so do unsafe road conditions and road hazards.

Around 40% of all fatal motorcycle crashes are single-vehicle crashes. A crash may involve a motorcyclist striking an object or going off the road, with no other vehicle involved. While this would seem to cast blame squarely on the motorcyclist, it ignores circumstances beyond the biker's control.

For example, in Michigan, there were more than 45,000 vehicle-deer crashes in 2014. Those collisions killed 6 people, all of whom were motorcyclists.

Other roadway hazards that can severely injure or kill motorcyclists include:

- Potholes, ruts, and other uneven road surface conditions needing repair
- Objects or substances on the road such as construction debris, oil, or pooled water due to poor drainage
- · Confusing signs or lack of signage
- Unsafe work zones
- Shoulder drop-off





Accidents involving unsafe road conditions can make it difficult for motorcyclists to receive compensation. However, an experienced attorney can help a motorcyclist identify the party or parties responsible for the unsafe conditions and hold them accountable for the motorcyclist's injuries.

SOURCES:

MICHIGAN OFFICE OF HIGHWAY SAFETY PLANNING: MICHIGAN TRAFFIC CRASH FACTS
IIHS: MOTORCYCLES AND ATVS (2013)

U.S. DEPARTMENT OF TRANSPORTATION: MOTORCYCLE ACCIDENT CAUSE FACTORS AND IDENTIFICATION OF COUNTERMEASURES



COMMON MOTORCYCLE ACCIDENT INJURIES

There is no question that riding a motorcycle provides a greater sense of freedom and a more intimate connection between a rider, the vehicle, and the road than riding in an automobile. However, motorcycles provide no protection to bikers during a collision.



Oftentimes, motorcycle crashes are violent events, and motorcyclists usually take the brunt of the injuries in crashes caused by other motorists.

It is unusual for bikers to walk away unharmed from motorcycle crashes, particularly those involving other vehicles. In Michigan, out of approximately 3,000 annual motorcycle crashes, nearly 75% result in injury, while fewer than 25% result in property damage only. While damage to a bike may be repairable, injuries to a body may result in a lifetime of complications.



STATISTICS ON MOTORCYCLE INJURIES

The Centers for Disease Control and Prevention (CDC) conducted a study of more than 1.2 million motorcyclists treated in emergency departments for non-fatal crash injuries over a seven-year period. The research revealed the following most common injuries:



22%



20%



Arm & Hand

18%

Chest, Shoulder & Back



8



30%

Hips & Pelvis

Leg & Foot Area

Another study conducted by the National Highway Traffic Safety Administration (NHTSA) offered some context for motorcyclists' injuries.

The NHTSA data focused primarily on lower-extremity injuries, the most common type of motorcyclist injury. According to their findings, the most-common lower-extremity injury sites are:

18 [%] Pelvis			
11 % Thigh —			
6 % Knee ———			
27 % Leg ——			
10% Ankle. For	ot —		

Specific common injuries recorded by NHTSA include fractures, dislocations, sprains, severe crushing injuries requiring amputation, artery/vein injuries, tendon and ligament damage, and lacerations. Roughly 23% of these lower extremity injuries were severe enough to warrant rehabilitation while 10% resulted in home health care.

AGE AND INJURY

Motorcycle registration has drastically increased during the last couple of decades. Older riders represent an increasing proportion of all licensed bikers. From 1990 to 2003, the number of motorcyclists older than 50 rose from 10% to 25%. As a greater number of older motorcyclists continue to ride, more of them are injured, and when they crash, their injuries tend to be more severe than injuries suffered by younger riders.

A study published by researchers at Brown University looked at trends in injury frequency, type, and severity for riders aged 20-39 (younger riders), 40-59 (middle-aged riders), and 60+ (older riders). The study found that:

Compared with younger riders, older riders involved in crashes had a threefold increased rate of hospitalization. Middle-aged riders had a twofold increased rate of hospitalization.





Compared with younger riders, both older and middle-aged riders had significantly higher odds of sustaining a severe injury.

Researchers found that older and middle-aged riders were more likely to suffer fractures and dislocations as well as internal organ injuries than younger riders. This includes traumatic brain injuries.

Data obtained from Maryland motorcycle accident statistics draw into sharper contrast the different injuries suffered by younger riders and older riders. The researchers found that:

Younger riders were more likely to suffer injuries to the spine, abdomen, upper extremities, and lower extremities than older riders.

Riders older than 40 were more likely to suffer injuries to the head, face/neck, and thorax, particularly if they are thrown from the motorcycle, which is common in collisions. Ejection is a common way riders sustain head injuries and traumatic brain injuries.



THE IMPORTANCE OF HEI METS

Study after study shows that helmeted riders tend to suffer fewer fatal head injuries than unhelmeted riders.

Since Michigan repealed its helmet law in 2012, the state has seen an increase in the overall motorcyclist fatality rate. A University of Michigan study on crashes before and after the repeal of the helmet law estimates that a helmet mandate could have saved the lives of 26 motorcyclists who died in crashes in the recent year.

Michigan data shows that the lack of helmet use significantly raises the costs of treating motorcycle accident injuries. Helmetless riders average \$32,700 in medical bills compared to \$21,300 for helmeted riders.

SOURCES:

MICHIGAN OFFICE OF HIGHWAY SAFETY PLANNING: MICHIGAN TRAFFIC CRASH FACTS ASSOCIATION FOR THE ADVANCEMENT OF AUTOMOTIVE MEDICINE

INJURY PATTERNS AND SEVERITY AMONG HOSPITALIZED MOTORCYCLISTS: A COMPARISON OF YOUNGER AND OLDER RIDERS

NHTSA: LOWER-EXTREMITY INJURIES IN MOTORCYCLE CRASHES

BRIDGE: HIGHER DEATH RATES, MEDICAL BILLS FOR MICHIGAN MOTORCYCLISTS WITHOUT HELMETS

INJURY PREVENTION: INJURY PATTERNS AND SEVERITY AMONG MOTORCYCLISTS TREATED IN US

EMERGENCY DEPARTMENTS, 2001-2008; A COMPARISON OF YOUNGER AND OLDER RIDERS





TIPS TO AVOID MOTORCYCLE ACCIDENTS

Michigan averages 3,500 motorcycle crashes per year.



More than 2,000 of these crashes cause injury whiles around 120 of them cause fatal injuries to riders. Michigan motorcycle crashes account for less than 1% of crashes statewide but represent around 16% of all vehicle fatalities, underscoring the risk of motorcycle riding.

Bikers injured in crashes are often the victims of other motorists' unsafe driving. Traffic accident data shows that bikers are commonly harmed when another vehicle turns in front of a motorcycle that has the right-of-way, when a car or truck changes lanes and collides with a motorcycle, or when a motorist rear-ends a motorcycle.

Motorists typically claim that they did not see the motorcycle before the crash. As a result, motorcyclists need to keep in mind that many drivers are in the habit of looking for cars and other larger vehicles on the road and are not on the lookout for motorcycles. Because motorcycles are much smaller vehicles than larger, 4-wheeled vehicles, a motorcycle can more easily disappear in a vehicle's blind spot.

Motorcyclists can help overcome motorists' visual bias and lapses in attention by recognizing common motorcycle accident situations and practicing defensive riding in the following situations to prevent accidents.

A CAR TURNING LEFT IN FRONT OF A MOTORCYCLE

Be on the lookout for vehicles making left turns. Assume that the driver does not see you coming, will have difficulty judging your speed, or is not paying attention. Reduce speed so that if the car pulls out in front of you, your reaction time is increased. Watch the car's wheels to gauge whether it is starting to pull forward. Try to make eye contact with the driver, which can confirm that the driver sees you. Be aware of your immediate surroundings because if you do need to take evasive action, you don't want to run into or be hit by another nearby vehicle or object.



A CAR CHANGES LANES INTO A MOTORCYCLE

There are occasions when drivers simply don't see motor-cycles in their blind spots. Bikers should be conscious of this fact and spend as little time as possible in blind spots. A simple rule of thumb regarding blind spots is that if you can see the driver's eyes in the side view mirror, the driver can see you. Bikers should also be on alert for lane changes in congested traffic or in situations where traffic slows to one lane and drivers are trying to get over to another lane. Be aware of turn signals and more subtle signs that can signal that a driver wants to change lanes, such as head movement.

A CAR REAR ENDS A MOTORCYCLE

Rear-end collisions may amount to a simple fender bender when two cars are involved. However, a rear-end collision can cause serious injuries when a motorcyclist is struck from behind. To avoid being rear-ended, try to maintain at least one vehicle-length between you and traffic approaching from the rear. Pulling in front of a stopped vehicle should not cause a problem if you make your intentions clear. If this is not feasible, try to move to the side of a lane (rather than in the dead center of the lane), and keep an eye out for what is approaching from behind you. Keep your hand on the throttle, and be prepared to move out of harm's way if a motorist appears to be on a collision course.



RIDE SAFE TO RIDE AGAIN

The actions of other motorists play a prominent role in many motorcycle crashes. Motorcyclists can improve their ability to foresee dangerous situations and avoid them by obtaining proper safety training and attending driver education courses to improve their skills as riders.

According to data provided by the Insurance Institute for Highway Safety (IIHS), around 25% of fatal motorcycle accidents involve riders who do not possess a valid license. In Michigan and many other states, a motorcycle training course is required to legally ride on public streets and highways. Passing a Michigan Motorcycle Rider Safety Training Program ensures that riders have the knowledge and skills needed to ride safely and share the road responsibly.

SOURCES:

MICHIGAN OFFICE OF HIGHWAY SAFETY PLANNING: MICHIGAN TRAFFIC CRASH FACTS IIHS: MOTORCYCLES AND ATVS (2013) RIDEAPART.COM: 10 COMMON MOTORCYCLE ACCIDENTS AND HOW TO AVOID THEM STATE OF MICHIGAN, SECRETARY OF STATE: MICHIGAN MOTORCYCLE SAFETY TRAINING PROGRAM





MOTORCYCLE VISIBILITY TIPS

MOTORCYCLISTS SHOULD BE AS VISIBLE AS POSSIBLE ON THE ROAD TO HELP PREVENT ACCIDENTS

About half of all motorcycle accidents involve a motorcyclist and another vehicle. In most cases, the driver of the other vehicle failed to see the motorcycle until it was too late to avoid a collision.

Many automobile drivers scan intersections for oncoming cars and trucks, but overlook motorcycles because they have more narrow profiles, and drivers are not expecting to see them. In addition, some drivers also have more difficulty accurately judging the speed and closing distance of smaller vehicles.

Motorcyclists cannot be faulted for the inattentiveness of other motorists. However, to protect themselves, riders can take steps to make themselves more visible on the road. Studies have suggested that riders who increase their visibility decrease their risk of crash-related injuries. There are a number of measures that bikers can take to make sure that they are more visible, including avoiding riding in the blind spots of other motorists, using their headlights at all times, and wearing brightly colored clothing.

RESEARCH ON MOTORCYCL IST VISIBILITY

Motorcycle safety studies from the U.S. and abroad show that visibility matters, and that some types of clothing and gear can increase visibility and reduce a rider's risk of being involved in a collision.

- · According to a major NHTSA motorcycle accident case study in Texas, lack of biker visibility was a major factor in car-motorcycle crashes involving cars turning left at intersections and violating bikers' right-of-way. The study found that brightly colored clothing and riding with lights on reduced crash risks.
- · Another NHTSA study found that amber rear-turn signals significantly reduce the risk of a motorcyclists being rear-ended by other vehicles.
- · An Australian motorcycle accident study found that a motorcyclist's lack of visibility is a factor in nearly 65% of accidents and the sole factor in more than 1 out of 5 crashes.

- · A New Zealand study based on motorcycle accidents in the urban area of Auckland found that riders reduced their risks of a traffic collisions by 37% when they wore reflective or fluorescent clothing and reduced their risks of a collisions by 24% when they wore a white rather than a black helmet.
- · Studies conducted in the U.S., Europe, and Asia suggest that daytime running lights can reduce the number of multivehicle motorcycle crashes during daylight hours and lights that are larger and brighter are more effective in reducing crashes..



ADVICE FROM THE MICHIGAN MOTORCYCLE OPERATOR MANUAL

The Michigan Motorcycle Operator Manual offers recommendations to motorcyclists to make it easier for others to see them.

- Wear brightly colored clothing: This includes bright orange, red, yellow, or green jackets/vests as well as a similar-colored helmet. Vests and jackets should have reflective material. A brightly colored motorcycle can help, too.
- Always keep lights on: Newer bikes come equipped with daylight running lights, but older bikes have manual lights. For added visibility, consider using high beams during the day. Low beams should be used at night and in fog. HID and LED lights, as well as a pulsing headlight modulator, can also improve visibility.
- Use turn signals: Use signals even if you don't see other drivers nearby.
 Be sure that turn signals are turned off when turns are completed to avoid confusing drivers.
- Use brake lights effectively: Motorcycle brake lights are relatively difficult
 to see. Flash or tap your lights to draw extra attention to your bike, especially if slowing quickly or unexpectedly or if you are being followed closely.
- Horn use: Use your horn to get others' attention when passing, or if you think they do not see you and may move into your lane. Since motorcycle horns tend to be weak, consider an upgrade that makes your horn louder.
- Avoid driver blind spots: Motorcycles are easily hidden in other vehicles' blind spots. A rule of thumb for avoiding blind spots is that if you can see the driver's eyes in their side view mirror, they can see you. Another way to avoid blind spots is to pass quickly and not linger next to a vehicle.

SOURCES:

MICHIGAN SECRETARY OF STATE: MOTORCYCLE OPERATOR MANUAL

CYCLE WORLD: THE ART OF BEING SEEN ON YOUR MOTORCYCLE

RIDEAPART: WAYS TO MAKE YOUR MOTORCYCLE MORE VISIBLE

IOWA STATE UNIVERSITY, CENTER FOR TRANSPORTATION: ENHANCING MOTORCYCLE CONSPICUITY AWARENESS IN IOWA



MOTORCYCLE HAND SIGNALS

Motorcycle hand signals are a useful way to communicate with other members of a riding group. They should be used in addition to your electric turn signals and can increase your visibility to motorists.



Left Turn

Extend your left arm straight out with the palm flat and facing down.



Right Turn

Raise your left arm to your side with elbow bent 90 degrees, vertically, and closed- fist closed pointed up.



Slowing Down

Extend your left arm straight out with the palm flat, facing down, and swing the arm down towards your side.



Extend your left arm straight out with the palm flat and facing down.



Speed Up

Extend arm downward at a 45 degree angle to your body and then swing upward with the palm facing up.



You Lead / Come

Extend your left arm at a downward 45 degree angle with index finger pointing; swing the arm in arc from back to front.



Follow Me

Extend your arm straight up with the palm facing forward.



Hazard (Left)

Extend your left arm straight out with the palm flat and facing down.



Pulling Off-Road

Extend your left arm at an upward 45 degree angle, index finger pointed, and swing forearm toward shoulder.



Hazard (Right)

Extend your left arm straight out with the palm flat and facing down.



Turn On Signal

Extend arm at downward 45° angle with fingers and thumb extended and open and close hand



Single File

Extend your arm straight up with index finger pointing skyward.



Double File

Extend your arm straight up with index and middle fingers pointing skyward.



High Beams On

Pat the top of your helmet with open palm.



Need Fuel

Point to fuel tank with finger extended.



Refreshment Stop

Close your fist and extend thumb, then bring thumb towards the mouth.



Comfort Stop

Extend arm at slight downward angle with fist closed and make short up-and-down motion.

SOURCES:

WWW.LIFEHACK.ORG/ARTICLES/LIFESTYLE/12-MOTORCYCLE-HAND-SIGNALS-YOU-SHOULD-KNOW.HTML

WWW.RIDEMYOWN.COM/ARTICLES/SAFETY/HANDSIGNALS.SHTML

WWW.CYCLEWORLD.COM/2014/05/30/LEARN-COMMON-RIDER-HAND-SIGNALS/





WHAT YOU NEED TO KNOW IF YOU ARE IN AN ACCIDENT

Motorcycles make up only about 3 percent of all registered vehicles and account for less than 1 percent of all vehicle miles traveled, yet motorcyclists represent 15 percent of all vehicle-related fatalities and 4 percent of all people injured in traffic crashes

Motorcyclists take to the road with the knowledge that they are vulnerable in a crash. For responsible riders, this knowledge can actually help them to ride more safely. However, as a biker, you should understand what to do if you are involved in a motorcycle crash involving another motorist. Knowing your rights as a motorcyclist can help protect your interests after the accident when sorting out liability, dealing with insurance companies, and seeking compensation for accident-related losses.

YOU HAVE THE RIGHT TO NOT RESPOND TO ANOTHER DRIVER'S INSURANCE COMPANY.

When the police read somebody their Miranda Rights, they are required to state that, "Anything you say can and will be used against you in a court of law." Keep in mind that anything said to an insurance adjuster may similarly be used against you at a later time-only an adjuster won't offer the same disclosure that the police do.

If you're involved in an accident caused by another driver, the at-fault driver's insurance company may try to contact you and gain information about the accident and the extent of your injuries. While these questions may be presented as simple concerns about how you are doing after the accident, they are likely an attempt to get you to minimize your injuries or admit responsibility for the accident.

Remember: You do not have to say anything or sign any documents presented by an insurance company that represents another driver. Failure to exercise this right could come back to haunt you in the insurance settlement.

You Have the Right to Seek Compensation for Losses Caused by an Accident with Another Vehicle Even if the Accident Was Your Fault

Personal injury laws allow those who have been injured in an accident to be compensated for things like medical bills, lost wages, and property damage.



Michigan insurance laws are different than those of most other states, and this affects how motorcycle accidents are handled.

As a motorcyclist, you do have the right to have no-fault insurance on your bike which can cover your economic benefits should you be involved in an accident. However, if you are in an accident with a car or a truck and your motorcycle is not covered by no-fault insurance, that driver's no-fault insurance covers your economic losses—regardless of who is at fault for the crash. This doesn't mean that a car or a truck actually has to hit you, or vice versa. It could mean something like the car veered into your lane and caused you to lose control and crash. It could even mean that you crashed into a car or truck.

Again, with Michigan's no-fault insurance, it doesn't matter who is to blame for the crash. You could be 100% to blame for an accident and still may be compensated for medical bills, lost wages, and other losses.

However, if a motorcyclist is injured in an accident that does not involve a car or truck, the situation is different and you will not be entitled to benefits. This is because under Michigan law, motorcycles are not considered a "motor vehicle." Motorcyclists in Michigan are required to carry liability insurance to pay for property damage or injuries to others in the event they should cause an accident. Motorcyclists have the option of buying medical insurance coverage to pay for

their own injuries in an accident. Medical insurance coverage may be purchased in increments of \$5,000 to pay for injuries in motorcycle accidents.

If you are in a solo accident, your own insurance pays for your injuries to the limits of the medical benefits coverage that you purchased. If you are in a solo accident and do not have medical benefits coverage, you won't be able to file a claim with your insurer.

Since Michigan motorcycle insurance laws are complex, it is in your best interest to speak with an attorney if you are injured in a crash.



MICHIGAN MOTORCYCLE LAWS

Michigan motorcycle laws are designed to protect riders. Failure to comply with traffic safety laws and remain alert for motorcyclists on the road increases the likelihood of crash-related injuries and deaths.

LICENSING LAWS

Responsible riding begins with licensing, which ensures that motorcyclists understand how to operate their vehicles safety and effectively.

National statistics show that around 25% of fatal motor-cycle accidents involve a rider without a valid license—a rate much higher than the roughly 15% unlicensed rate for passenger vehicle deaths. Also alarming is that the rate of unlicensed fatally injured motorcycle riders has increased in recent years.

Federal laws and Michigan laws require that drivers, who wish to obtain an endorsement on their operator's license to drive a motorcycle on public streets and highways, must undergo driver testing.

In Michigan, this means:

- Possessing a valid state driver's license
- Successfully passing a knowledge test
- Completing a motorcycle safety class or passing a rider skills test

The Michigan Department of State administers the written portion of the test, while driving skills tests are administered through a third-party testing system using authorized public and private organizations. The skills test consists of:

- A 5-minute, unscored vehicle inspection.
- A 10-minute scored basic control test. The test evaluates basic motorcycle handling skills related to starting, accelerating, turning, and braking. Specific drills include a cone weave, making a U-turn, a quick stop, and an obstacle swerve.

Teens ages 16 and 17 are required to complete a motorcycle rider safety training course, as is anyone older than 18 who has failed the rider skills test twice. Michigan encourages even experienced riders to complete a course to keep motorcycling skills sharp.



REGISTRATION LAWS

A motorcycle that is not registered with the state of Michigan cannot be legally operated on state roadways. Registrations are valid for 1 year. To obtain registration, riders must submit the following paperwork:

- Proof of insurance with state-mandated minimums of \$20,000/\$40,000 public liability and \$10,000 property damage coverage. Medical coverage is optional.
- Motorcycle title (for a new registration) or prior registration or renewal notice (for a renewal registration).

REQUIRED EQUIPMENT

Motorcycles registered in Michigan are required by law to have the following equipment, in good condition:

- Front and rear wheel brakes
- Headlight, taillight, and stoplight
- Muffler



- Horn
- Rearview mirror
- Permanently attached seat

HELMET LAW

Prior to 2012, Michigan had a mandatory motorcycle helmet law. That law was repealed in favor of a so-called "adult choice" helmet law. Under this law. riders are not required to wear a helmet if they:

- Are 21 years or older
- Carry \$20,000 of medical benefits on a motorcycle insurance policy
- Have at least two years of riding experience or have completed a rider safety course

Proponents of the new helmet law argue that motorcycle helmet use is an individual choice and that it will attract more motorcyclists to the state and increase tourism revenue.

Studies conducted after the law passed show that fewer riders wearing helmets has costs.



A Michigan Transportation Research Institute study found that reduced helmet use accounts for 24 additional motorcyclist deaths and 71 additional serious motorcyclist injuries per year in Michigan. The study found that for non-helmeted riders, the fatality risk is 2.8 times higher and the serious injury risk is 1.4 times higher compared to helmeted riders.

A study by Spectrum Health Butterworth Hospital in Grand Rapids concluded that non-helmeted riders died more frequently on the scene, spent more time in the ICU, needed ventilator support for longer, and had higher medical costs. The study also found that medical expenses for injured non-helmeted riders were more than 65% higher.

Helmets do help prevent brain injuries, which are among the priciest of all injuries. According to NHTSA, helmets are estimated to be 67% effective at preventing brain injuries and 29% effective at preventing fatal injuries.

SOURCES:

MICHIGAN SECRETARY OF STATE: MICHIGAN MOTORCYCLE OPERATOR MANUAL; LAWS AND MANUALS;
MICHIGAN MOTORCYCLE RIDER SAFETY TRAINING PROGRAM
BRIDGEMI.COM: HIGHER DEATH RATES, MEDICAL BILLS FOR MICHIGAN MOTORCYCLISTS WITHOUT HELMETS
INSURANCE JOURNAL: MICHIGAN GOVERNOR SIGNS BILL MAKING MOTORCYCLE HELMETS OPTIONAL
NHTSA: MOTORCYCLE SAFETY PROGRAM





MICHIGAN NO-FAULT LAW **AND MOTORCYCLES**

Michigan insurance laws have a major impact on how motorcycle accidents are handled. As a motorcyclist, you should understand the laws and how they will affect you if you are involved in a crash while riding a motorcycle.

WHAT IS MICHIGAN NO-FAULT INSURANCE?

Michigan has a no-fault insurance system. No-fault insurance, also known as "first party" insurance, requires each automobile and truck owner to have an insurance policy that pays when he or she is involved in a crash, regardless of fault. A Michigan no-fault policy provides unlimited medical benefits and reimbursement for lost wages for up to three years. In exchange for these insurance benefits, Michigan motorists are restricted to bringing personal injury lawsuits only in cases of very serious or fatal injury.



REQUIRED INSURANCE FOR MOTORCYCLE OWNERS

While Michigan riders aren't required to carry medical benefits coverage, they are required to carry liability coverage (which pays for injuries and property damage suffered by another person stemming from the rider's use of their motorcycle) in the following amounts:



\$10K

BODILY INJURY

PROPERTY DAMAGE

Note: Failure to purchase state-mandated minimum liability coverage makes a motorcyclist ineligible to recover no-fault benefits in a crash with a motor vehicle.

COVERED MOTORCYCLISTS ARE ENTITLED TO COMPENSATION IN MOTOR VEHICLE CRASHES

Provided that a Michigan motorcyclist collides with a motor vehicle registered in Michigan to a driver with Personal Injury Protection (PIP) benefits, a biker should be able to receive compensation for:

- ✓ Medical expenses, including rehabilitation
- ✓ Lost income for up to 3 years

- Household services and attendant care services (if you're disabled and require help with things like cooking and cleaning and personal needs)
- Funeral and burial expenses (in the case of a fatal accident)
- Vehicle/home modifications (for debilitating injuries)

PIP insurance benefits are capped at \$530,000. However, Michigan has a state organization, the Michigan Catastrophic Claims Association (MCCA), which insurers are required to join. This organization reimburses them for injury claims exceeding this limit.

MOTORCYCLE ACCIDENT LAWSUITS FOR DEBILITATING INJURIES

Michigan's no-fault insurance law prohibits riders and drivers from taking a negligent driver to court for damages unless the crash victim suffers one of the following:

- Serious impairment of bodily function
- Permanent serious disfigurement
- Death



A so-called threshold injury must be based on medical evidence and is subject to the court's interpretation of whether a victim's injuries affect his or her ability to lead a normal life. Anyone suffering catastrophic or debilitating harm in a motorcycle crash should work with an attorney who can help prove that an injury is a threshold injury.

As a Michigan motorcyclist, you should understand the law and consult with a motorcycle accident attorney who can help you seek full compensation in cases of serious accidents.

SOURCES:

MICHIGAN DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES: MOTORCYCLES AND
THE MICHIGAN CATASTROPHIC CLAIMS ASSOCIATION (MCCA)
INSURANCE JOURNAL: MICHIGAN COURT LOWERS THRESHOLD FOR DAMAGE SUITS UNDER NO-FAULT





A CHECKLIST IF YOU'RE IN A MOTORCYCLE ACCIDENT

Being trained to ride a motorcycle safely and being an alert, defensive driver can help riders avoid crashes. Yet, even the safest and most skilled rider can become the victim of circumstances beyond his or her control.

When a motorcycle accident happens, it is important to know what to do and what not to do. It also helps to know your legal rights so that you do not inadvertently say or do anything that undermines your ability to obtain compensation.





Here is a checklist to help you know how to react and what to expect when the unexpected happens.

Make Sure Everybody is OK



The first thing you will do after an accident, naturally, is to assess your own condition. Do you have pain? Are you bleeding? Are you able to walk? Assuming that you are well enough to get up and move around, your next course of action should be to check on your passenger and, if you were in an accident with another vehicle, the occupants of that vehicle.

Report the Accident \checkmark



Call the police to report the crash and summon medical assistance if needed. The benefit of having an officer on the scene is that he or she can file an accident report, which will prove useful when dealing with insurance companies. Insurance companies will rely on the police description of the accident in assigning fault. You should report the accident to your insurance company as soon as possible.



Exchange Information Without Admitting Fault



Obtain the other driver's contact and insurance policy information and provide yours as well. It is important not to discuss the specifics of the accident or say anything that indicates the accident was your fault. Resist the temptation to try to comfort the other driver by minimizing your injuries. Even simply saying, "I'm sorry," could be used as evidence that you caused the crash. Even if the crash might be your fault, don't admit it to the other driver and not to the cops.



Take Pictures



Obtain the other driver's contact and insurance policy information and provide yours as well. It is important not to discuss the specifics of the accident or say anything that indicates the accident was your fault. Resist the temptation to try to comfort the other driver by minimizing your injuries. Even simply saying, "I'm sorry," could be used as evidence that you caused the crash. Even if the crash might be your fault, don't admit it to the other driver and not to the cops.



Clear the Road



If you are feeling well enough, remove your motorcycle and any large debris from the roadway to help free up through traffic and prevent a second accident caused by motorists trying to avoid the crashed vehicles.





Talk to Witnesses



Bystanders who saw the accident can help verify your story if the other driver broke a traffic law or did something else that led to the accident. Move quickly to obtain contact information for witnesses before they leave the scene and it is too late.



Get Checked Out



Adrenaline is flowing after an accident and may prevent you from noticing that you have been injured. It is in your best interest to have a doctor examine you to check for a concussion, neck injuries, and other injuries that aren't always immediately apparent. A doctor's independent assessment of your injuries will also be important evidence if you decide to pursue a motorcycle accident lawsuit.



Keep Records



In addition to medical records, a record of your repairs, health expenses, and other accident-related expenses should be kept for legal reasons. It's a good idea to keep a journal that details your condition in the days and weeks following the crash.



Do Not Give Info to Insurance Adjusters



In addition to medical records, a record of your repairs, health expenses, and other accident-related expenses should be kept for legal reasons. It's a good idea to keep a journal that details your condition in the days and weeks following the crash.

Speak with a Lawyer



Motorcyclists tend to take the brunt of an accident with a larger motor vehicle. While the driver of a car or truck may walk away unscathed, you may not be so lucky. Even if you do avoid serious injury, your bike will probably need repairs. A motorcycle accident attorney will serve as your personal advocate and attempt to reach a fair settlement with the other driver's insurer. And if they can't, they can help you pursue legal action aimed at a full recovery. An attorney is particularly important if you have suffered a serious injury.



LIFETIME COSTS OF A SERIOUS MOTORCYCLE ACCIDENT

An old biker saying goes, "There are two types of riders: those who have crashed and those who have yet to crash." Some motorcyclists ride for many years without being involved in crashes, but there is still some truth to the saying. Motorcycles are more maneuverable than cars and trucks, but they provide riders with no protection in a collision. When an accident does occur, a biker is at a higher risk for serious injury, and the injuries are, on average, costlier.

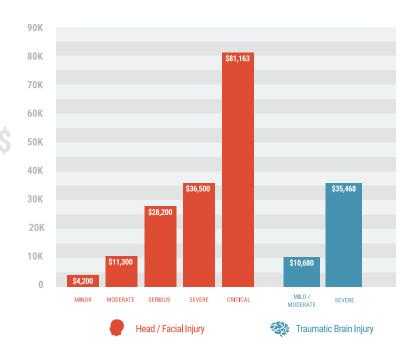
MOTORCYCLE CRASHES TEND TO HAVE HIGHER INJURY COSTS THAN OTHER VEHICLE CRASHES

The injury costs for a typical motorcycle crash are more expensive than injury costs for other types of vehicle crashes. According to one analysis, the per-crash injury costs of a motorcycle accident are nearly 12.5 times higher than crashes involving other types of vehicles.

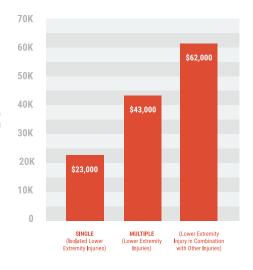
Importantly, the analysis concluded that 63% of the total costs of motorcycle crashes stemmed from lost quality of life. A separate analysis put this figure at 71%. This is likely related to the severity of motorcycle crash injuries and their ability to have long-lasting effects on a victim's well-being.

The National Highway Traffic Safety Administration performed some of the most comprehensive studies regarding motorcyclists' injuries. One NHTSA study analyzed motorcyclist hospital charges for certain types of injuries commonly suffered by bikers, including lower-extremity injuries, head/facial injuries, and traumatic brain injuries (TBI).

The median hospital costs (adjusted for 2015 dollars) for these injuries include the following:



Another NHTSA study looked at motorcyclists with lower-extremity injuries only as well as lower-extremity injuries combined with other injuries. Median hospital charges (adjusted for 2015 dollars) were calculated to be:



Keep in mind that median costs do not accurately portray costs at the higher end of the spectrum. For example, 25% of motorcycle accident victims who suffered multiple (lower extremity and other) injuries had hospital costs exceeding \$120,000.

LIFETIME COSTS OF SERIOUS MOTORCYCLE INJURIES

The injury-specific figures quoted above take into account hospital charges only. They do not include the ongoing costs of specific injuries such as TBI and spinal cord injuries (SCI), which can prove to be far costlier than hospital charges.

Bikers who suffer a brain injury, spinal cord injury, or other catastrophic injuries may require ongoing rehabilitation, doctor visits, adaptive devices, home health care, medication, and other care. They, and sometimes the loved ones that care for them, can suffer from lost income. Over a lifetime, the costs can easily exceed six figures. Cost estimates vary widely, but various studies put the lifetime costs of TBI at anywhere from \$600,000 to \$5 million or more.

For spinal cord injuries, lifetime costs are estimated to begin at just over \$1 million and run as high as \$4.5 million depending on the injury severity and the age at which the injury occurs (the longer a patient lives with their injuries, the higher their costs are).

Motorcyclists represent a small portion of all Michigan drivers, but riders are overrepresented in accident costs. In a recent year, 150 fatal Michigan motorcycle accidents resulted in an estimated \$125 million in crash-related costs. or more than \$833,000 per fatal motorcycle crash (which includes medical and work loss costs).

The high cost of motorcycle accident injuries underscores the need to obtain compensation that reflects the extent of your injuries and losses, including diminishment in quality of life.



If you or a loved one has sustained a catastrophic injury or permanent disability in a motorcycle accident, you need to work with a Michigan lawyer who will aggressively negotiate for a settlement that recognizes the full costs of your injury and the ongoing lifetime costs of that injury. A skilled motorcycle accident lawyer will work with life planners to project the lifetime costs of a catastrophic injury.

SOURCES:

HIGHER DEATH RATES, MEDICAL BILLS FOR MICHIGAN MOTORCYCLISTS WITHOUT HELMETS
NHTSA: LOWER-EXTREMITY INJURIES IN MOTORCYCLE CRASHES
NHTSA: MOTORCYCLE HELMET USE AND HEAD AND FACIAL INJURIES
NHTSA: COSTS OF INJURIES RESULTING FROM MOTORCYCLE CRASHES: A LITERATURE REVIEW
CDC: MICHIGAN: COST OF DEATHS FROM MOTOR VEHICLE CRASHES
ARCHIVES OF PHYSICAL MEDICINE AND REHABILITATION: FINANCIAL AND VOCATIONAL OUTCOMES
1 YEAR AFTER TRAUMATIC BRAIN INJURY

CHRISTOPHER & DANA REEVE FOUNDATION: THE COSTS OF LIVING WITH SCI

GOODMAN ACKER P.C.

MOTORCYCLE WRECKS INVOLVING UNINSURED DRIVERS

Under Michigan's no-fault insurance system, motorcyclists involved in an accident with an insured driver are eligible for payments from the driver's insurance company. But what happens when the other driver has no insurance?

The situation is more common that you might think. According to the Insurance Information Institute (III), the national uninsured motorist rate is nearly 13%. In Michigan, the rate is estimated to be 21%-one of the highest rates of uninsured drivers in the nation. In other words, if you get in a motorcycle wreck, there is a roughly one in five chance that the other driver will not have the insurance needed to cover your losses.

Injuries caused by an Drivers can purchase optional insurance that protects them in the event of a crash with an uninsured (UM) or underinsured motorist (UIM). UM and UIM coverage does not pay for repairs to your motorcycle, but it does pay compensatory damages related to bodily injuries suffered by you and/or your passenger.



UNINSURED MOTORIST INSURANCE

Uninsured motorist (UM) and underinsured motorist (UIM) coverage is an optional but highly recommended type of coverage that allows you and your passengers to recover from your own insurer if the other driver does not have state-mandated insurance coverage.

Not all insurance companies offer uninsured motorist coverage. The companies that do offer uninsured motorist coverage typically offer it in amounts ranging from \$20,000 to \$1,000,000. Given that motorcycle accidents can result in serious injuries, you should purchase as much UM coverage as you can afford. It might cost you a few extra dollars per month, but if you suffer debilitating or catastrophic uninsured driver, the coverage will prove to be money well spent.

UM coverage does not pay for repairs to your motorcycle, but it does pay compensatory damages related to bodily injuries suffered by you and/or

your passenger. In the case of a fatal accident, UM insurance may pay benefits to the victim's survivors.



UNINSURED MOTORIST COVERAGE AND UNIDENTIFIED AT-FAULT DRIVERS

Riders who purchase UM coverage are protected when they're involved in a hit-and-run motorcycle accident.

For example, a driver could run into your bike and flee the scene without you or any witnesses identifying the vehicle. Obviously, you cannot sue an unidentified driver, but you can make a bodily injury claim against your own policy if you have UM coverage. In some instances, you may have to file a lawsuit against your own insurance company so they make good on a claim for benefits for injuries caused by an uninsured motorist.

FILING A LAWSUIT AGAINST AN UNINSURED MOTORIST

An at-fault uninsured Michigan driver may be sued for damages in court. The court may grant a judgement for damages in your favor, forcing the uninsured motorist to compensate you for accident losses.

The uninsured driver, however, cannot always pay the full amount of damages at once. In this case, the court may set up a partial-payment agreement, signed by you and the uninsured driver, ordering them to make payments towards the judgment. The agreement specifies the amount to be paid, when it is to be paid, and to whom.



MICHIGAN UNINSURED MOTORIST CLAIMS AND THE STATUTE OF LIMITATIONS

In Michigan, the amount of time that you have to file a personal injury lawsuit against a negligent driver is set by the statute of limitations. You have three years to file a personal injury lawsuit against a negligent party from the time the accident occurred. Riders who do not have uninsured motorist coverage may pursue a lawsuit against an at-fault uninsured driver and must abide by the three-year personal injury statute of limitations.

If you need to make an uninsured motorist claim, contact your insurance company as soon as possible.

SOURCES:

MICHIGAN SECRETARY OF STATE: FINANCIAL RESPONSIBILITY
III: UNINSURED MOTORISTS





FILING A MICHIGAN MOTORCYCLE ACCIDENT LAWSUIT

Michigan's motor vehicle insurance laws are complicated and place restrictions on personal injury lawsuits. Michigan's no-fault insurance policy, in theory, pays for motorists' personal injury and property losses, regardless of who is at fault. Michigan law allows lawsuits after motorcycle accidents and other motor vehicle accidents that cause severe injuries, disfigurement, or death.

The situation is complicated for Michigan motorcyclists, who do not have the option of purchasing no-fault insurance. Motorcyclists who are injured in accidents caused by automobile or truck drivers are entitled to medical benefits. paid by the other drivers' no-fault insurance. Motorcyclists are required to carry liability insurance, and if they do not have at least the state-mandated minimum motorcycle insurance, the rider is not eligible for injury recovery.

More than in any other state, a motorcycle accident in Michigan may require the assistance of an experienced motorcycle accident attorney who can help the injured rider navigate the insurance system and no-fault requirements. There is no substitute for the guidance of an experienced Michigan motorcycle accident lawyer.



WHEN MICHIGAN MOTORCYCLISTS CAN FILE AN INJURY LAWSUIT

Michigan car and truck drivers who have no-fault accident protection typically cannot be sued by other drivers, including motorcyclists, except when an accident results in one of the following:



For serious and disfiguring injuries, the impairment typically must affect the person's ability to lead a normal life.

Obviously, this definition is open to some interpretation, which is why a lawyer can offer important guidance after analyzing the specific facts of a case involving a serious motorcyclist injury.

TYPES OF DAMAGES RECOVERABLE IN A LAWSUIT

Both non-economic damages (for pain and suffering) and economic damages (for excessive wage loss and household chores) may be recoverable in a Michigan motorcycle accident lawsuit that results in serious injury, permanent disfigurement, or death. In the case of an injury, it must be based on tangible medical evidence and could be challenged in court, requiring expert testimony.

A motor vehicle no-fault policy pays unlimited medical benefits for the injuries of the motorcyclist, regardless of who was at fault for the accident. This includes products, services, and accommodations for an injured biker's care, recovery, and rehabilitation. It also covers wage loss and other economic losses up to certain thresholds.

Ordinarily, a no-fault policy covers the following accident injury-related economic losses:

- Lost income up to 85% of what you would have earned for up to 3 years. As of October 2015, the monthly maximum for no-fault wage loss recovery is \$5,398/month.
- Up to \$20/day in "replacement services" (household services such as housekeeping and yard work).

However, if a motorcyclist is injured in a crash with a motor vehicle and has economic losses exceeding the limits, he or she is eligible to seek additional compensation for these losses in a lawsuit.



WHAT CAN DISQUALIFY A MOTORCYCLIST FROM SEEKING LAWSUIT DAMAGES

Even if an injured motorcyclist is eligible to file a lawsuit against a motor vehicle operator, lawsuits are barred in two situations

- The motorcyclist does not carry state-mandated insurance minimums. Michigan bikers must carry minimum amounts of liability insurance to cover losses suffered by car and truck drivers and passengers in accidents. If they do not, they are barred from filing a motorcycle accident lawsuit.
- The motorcyclist is more than 50% responsible for the accident. Michigan uses comparative fault to assess motorcycle accident lawsuit damages. According to this, if a motorcyclist is partly at fault for an accident with a motor vehicle, he or she can still recover lawsuit damages from a negligent motorist as long as their blame does not exceed that of the other driver. But if the biker is more than 50% at fault (as determined by a court), damages shall not be assessed in the motorcyclist's favor.

SOURCES:

MICHIGAN DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES: BRIEF EXPLANATION OF MICHIGAN NO-FAULT INSURANCE;
MOTORCYCLES AND THE MICHIGAN CATASTROPHIC CLAIMS ASSOCIATION (MCCA)

MICHIGAN LEGISLATURE: SEC. 500.3135: TORT LIABILITY FOR NONECONOMIC LOSS; "SERIOUS IMPAIRMENT OF BODY FUNCTION" DEFINED

INSURANCE JOURNAL: MICHIGAN COURT LOWERS THRESHOLD FOR DAMAGE SUITS UNDER NO-FAULT



ABOUT GOODMAN ACKER

Michigan riders who are in serious motorcycle accidents need help. Michigan insurance laws are among the most complex in the nation and can make it difficult for seriously injured riders to recover the compensation they need to make a full recovery. Injured riders may be entitled to a larger settlement than an insurer initially offers, but riders who are not able to interpret the fine print and navigate the courts may be leaving money on the table.

Goodman Acker P.C. can help. We are Michigan's most trusted personal injury attorneys who are backed with more than 75 years of experience and a track record of obtaining excellent results for clients.

At our firm, we know the excuses that insurers make to avoid paying the full amount to injured motorcyclists. As an example of how we help injured riders, a former Goodman Acker P.C. client was injured in a motorcycle-car collision. The insurance company representing the car's driver tried to deny paying the motorcyclist by claiming that the car never contacted the motorcycle. Our lawyers worked with traffic accident experts to reconstruct the accident. In court, we proved the insurer wrong and secured a six-figure verdict for our client.

This type of hard work has earned us the trust of thousands of clients.

The Goodman Acker P.C. legal team is committed to providing honest, ethical, attentive, knowledgeable and aggressive legal representation.

Trust is something that is earned, which is why we offer complimentary case reviews. Because we work on a contingency-fee basis, we never get paid until you get paid.

To learn how Goodman Acker helps injured motorcyclists and their families, call 1.800. Trusted or fill out an online form to get started with a free consultation.

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