

VIRGINIA BICYCLE ACCIDENT GUIDE

*Helping a Cyclist
Get Back On Their Feet*

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If you have been seriously injured in a Virginia bicycle accident, you may be wondering what happens next. You are probably in immense pain and want to get better, but also want to recover for these damages.

Virginia is an incredibly scenic location. This lends itself to lots of bicycles on the roadways in both cities and towns. There are people who use their bicycle to get from one place to another. There are those who cycle for exercise. Then, there are those who ride for pleasure. Regardless of the reason someone rides a bicycle, an accident can be absolutely devastating. Without a Virginia bicycle accident lawyer, it can be hard for cyclists to prove negligence on the part of the vehicle driver.

COULD WEARING A HELMET HELP PROTECT YOUR LEGAL CLAIM?

Depending on where you were riding in Virginia, you may not be required to wear a helmet if you are over the age of 15. Yet, even if you don't ride in an area that requires a helmet, you should still consider wearing one when you're on the road. This isn't just about physical safety, although being safe is paramount to anything. Wearing a helmet may be beneficial for your legal claim as well because the defense isn't given an opportunity to say that you wouldn't have been hurt or you wouldn't have been hurt as badly if you would have worn a helmet.

COMMON INJURIES THAT HAPPEN IN BICYCLE ACCIDENTS

With auto accidents involving cars and trucks, the drivers and passengers involved have a clear advantage when compared to bicycle riders. They are protected by the frame of the vehicle. The vehicle itself can absorb a large amount of the impact. Of course, that doesn't mean there won't be any injuries.

It just means that the bodies of the individuals inside of the vehicle won't get the thousands of pounds of impact directly. Bicyclists, on the other hand, don't get that same protection. If they are hit by a vehicle, they deal directly with the impact of the vehicle. They may also be thrown onto the road or concrete. This can result in catastrophic injuries. The most common injuries are:

- » Broken bones
- » Concussions
- » Traumatic brain injuries
- » Injuries to internal organs
- » Serious cuts and abrasions

MOST COMMON REASONS BICYCLE ACCIDENTS HAPPEN

Bicycle accidents generally happen because drivers aren't devoting their full attention to the road. However, you should also know that bicyclists are held to the same standard as drivers. The most common reasons bicycle accidents occur are:

- » A car makes a left turn into the path of a bicyclist who is going straight while the bicyclist has the right of way. This is the most common cause of bicycle accidents.
- » A car makes a right turn into the path of a bicyclist who is going straight while the bicyclist has the right of way. Many drivers don't think that bicyclists ever have the right of way or that bicyclists must always yield for vehicles on the road.



- » A bicyclist collides with the door of a vehicle. This happens when the occupant of a vehicle opens their door directly in front of a bicyclist.
- » A bicyclist is hit when a vehicle backs out of a driveway. In this instance, drivers are generally not paying enough attention to the road.
- » A bicyclist is hit from behind by a vehicle. These don't happen as often as the accidents listed above, but they often cause permanent injury or death.

PROVING NEGLIGENCE

Negligence means that someone is responsible for hurting another person. There is a duty of care that was violated. That violation caused the actual injury. Of course, that's summarizing what can be a very complex process. Virginia is a state that relies on contributory negligence. This means that, despite the fact that you're a victim, if you're found 1% or more at fault for the bicycle accident, you will not be able to recover any financial compensation. To learn more about negligence, schedule your free consultation with our Virginia bicycle accident lawyer. We'll be happy to discuss the specifics of your potential case with you.

FILING A CLAIM ON TIME

You only have a two year timeframe in which you can file your claim. We highly suggest that you do not wait the full two years to contact us, it might be too late if you're coming to us right before the statute of limitations runs out. To learn more, call us now to schedule your free consultation with our Virginia bicycle accident lawyer. You could be eligible to receive financial compensation for your injuries and damage to your bicycle.



FREQUENTLY ASKED BICYCLE ACCIDENT QUESTIONS

What is the Difference Between Car and Bike Claims?

How is a bicycle accident different than a motor vehicle accident in Virginia? Number one, the injuries are usually worse, and number two, the proof of who was at fault is far more difficult or complex. How we get to the differences in those two cases would be to make a thorough site inspection to determine where the position of the vehicles were at the time of impact and what the speed of the motor vehicle was because usually, those are the precipitating factors that most heavily weigh on why you were hit while you were on a bicycle.

What Mistakes Should I Avoid After a Bike Accident?

Some of the most common mistakes I see people make who have injury claims from a bicycle accident in Virginia are simply not getting proper legal counsel soon enough in the case. The other types of mistakes I see are not following your doctor's specific recommendations for treatments following an injury from a bicycle accident in Virginia. That simply means if you've been injured on a bicycle in Virginia, you probably have some pretty severe injuries and not looking after those properly is going to severely compromise the value of your case. Most important, though, is to find somebody with the proper experience to handle the investigation of your bicycle accident case in Virginia.

How Do I Choose the Right Attorney?

How do you go about selecting the best attorney to represent you in your bicycle injury claim? That question depends on what kind of experience the attorney has in handling bicycle claims. My office has handled a number of very serious

accident claims for bicycle operators over the years, and we've had some excellent results in helping our clients get fair compensation for those injuries.

The experience of the attorney is key to being able to get proper recovery, whether it be from another bicycle operator swinging by at a high speed too close to an oncoming bicyclist and knocking them over as they pass by, or being struck by a passing car or truck on the highway while they're operating their vehicle in proper lane of travel in the right direction. Those types of claims take a lot of investigative expertise and careful attention to detail. If you hire the right attorney who has that experience, you can count on having a successful recovery too.

Should I Talk to the Insurance Companies?

When I'm asked if it's okay for a bicycle injury victim to talk to an insurance adjuster after a bicycle accident in Virginia, my normal answer is no, it's not a good idea. That's because the insurance company has very little need to find out from you what happened in the accident. They have their own insured to be able to get information from, and they have access to the police reports to be able to get that same information from an impartial party. The need to speak with you directly is relatively minor, but they do it anyway because they want to try to take advantage and get in early to find any compromising information they can about your case. It's always a good idea to have a lawyer on your side before talking to the insurance company after your bicycle accident claim.

Can I Be Partially at Fault?

The simple answer in Virginia is, no. The reason is because Virginia is one of only four states in the United States that has the doctrine of contributory negligence as a complete bar to any recovery from your injury claim. In those cases where you're partly at fault, there is no basis for recovering under Virginia law.

Do I Have a Claim If I'm Injured on a Bike Due to a Pothole?

Occasionally, a potential client will ask if they have a claim if they were injured on a bicycle because of a pothole in the road. Unfortunately, in those type of

cases, the typical answer is you really don't have that type of claim because of the obviousness of the condition of the road. If you see a pothole coming and you're driving at a bicycle speed on a roadway, it's normally possible to see those coming. That's why the commonwealth is not going to pay you for that type of a claim.

How Long Do I Have to File a Claim?

Occasionally, a client will ask me, "How long do I have to file a lawsuit for my case?" Just like any other motor vehicle collision case, you have two years from the date of your accident in which to file a lawsuit in court to preserve your claim. That does not mean that you have to prove your case and have it concluded within two years. No, it simply means you have to file the lawsuit and start the litigation process within two years of your accident date.

How Do I Determine the Value of My Bicycle Accident Case?

This is a process that depends on how severe your injury was. It also depends on how bad the misconduct was of the person that hit you. Those two things can be added together to come up with a value, but generally speaking, if you have a muscle strain injury, the value is a little less. If you have a fracture or other permanent type of injury, you could have a far higher claim value in that type of case. Certainly, it depends, though, in part on how bad the conduct was of the person that hit you because, if you can establish that they ran a red light or they were a drunk driver, the jury will give the severity of that misconduct a far higher value in compensating you for your injuries.



CONTACT OUR OFFICE TODAY

If you were seriously injured in a Virginia bicycle accident, please call our office today for a free consultation. You want to focus on getting better. Allow us to focus on recovering compensation for you. We are here to help you through this difficult time.



ABOUT THE AUTHOR

Michael R. Strong has handled complex auto accident, trucking accident, and products liability claims for over 38 years. He has achieved many six-figure settlements and verdicts for his clients involving highway accidents, products liability claims, and medical malpractice claims.

A true litigator, Michael Strong is licensed to practice law in Virginia, Maryland, and the District of Columbia. He has been licensed to practice law since 1980. Mr. Strong earned his law degree from the University of Dayton School of Law. He handles cases involving personal injury and business litigation, including catastrophic injuries, serious accidents, business contracts, business transactions, and more. As a dedicated advocate, he is well-known for his client-focused representation. He has secured favorable results for many of his cases and is passionate about serving his clients.

Mr. Strong is the author of several articles involving personal injury recovery advice, development of sources of insurance coverage in complex accident cases, and creative solutions for compromise of medical provider and subrogation liens. He is also a Number One Best Seller on Amazon.com on Insurance Issues.

