



# VIRGINIA MOTORCYCLE ACCIDENT GUIDE

*A Bikers Handbook to  
Serious Injuries on the Open Road*

MICHAEL R. STRONG





Being in a motorcycle accident, unfortunately, is a real concern amongst riders in Virginia. Statistics from the Virginia DMV state that almost 40% of all motorcycle accidents occur at no fault of the rider. Their statistics also reveal that motorcycle accident fatalities are highest among riders between the ages of 46 and 60

years (40.3%). Riders between the ages of 21 and 35 years account for 37.5% of injuries. With close to 60,000 registered motorcycles in the State of Virginia, motorcycle accidents are a very real concern. If you or someone you love was affected, call us now to schedule your free consultation with our Virginia motorcycle accident lawyer. We want to help you protect your legal rights and get the compensation that you deserve.

## MOTORCYCLE ACCIDENTS CAN RESULT IN SERIOUS AND LIFE-THREATENING INJURIES

---

Because motorcycles do not offer the same protection as a car, riders and passengers face a higher likelihood of serious and life-threatening injuries. Motorcycle riders and their passengers do not have anything that absorbs the force of the impact. In fact, if a motorcycle is struck by another vehicle, the rider may experience a subsequent impact with the road. Their motorcycle may also land on them. The impact with the body may result in:

- » Traumatic brain injury (TBI)
- » Spinal cord injury (which could result in paralysis)
- » Amputation of a limb
- » Broken bones
- » Skull fractures
- » Permanent disfigurement
- » Burns

- » Head injuries
- » Internal injuries

These injuries may result in the on-going need for medical care or specialized assistance. All too often, due to these injuries, families lose a loved one who provided their only means of support. Regardless of the seriousness of the injuries, families end up with unexpected medical bills and property damage.

## WHY MOTORCYCLE ACCIDENTS OCCUR

---

As you learned earlier, around 40% of motorcycle accidents aren't caused because the motorcyclist did something wrong. Only around 3% of motorcycle accidents happen because of bad weather. The common causes of motorcycle accidents are:



- » **Vehicle drivers don't see the motorcycle.** This can happen for a number of reasons. The motorcyclist could unknowingly be in the driver's blind spot. The driver may be distracted. They may not properly check their mirrors.
- » **Vehicle drivers don't yield the right of way.** Again, this could happen for several reasons. Many vehicle drivers state that they didn't see or notice the motorcycle. Sometimes, passenger vehicle drivers may believe that they don't have to share the road. The most common places this happens include parking lots and left hand turning lanes.
- » **Vehicle drivers cut off motorcycles.** The most common reason this happens is because the driver of the vehicle misjudges the speed of the motorcycle. The driver may pull out in front of the motorcycle or quickly change lanes. The motorcyclist may be unable to safely avoid a collision.

- » **Drunk driving.** The National Highway Traffic Safety Administration reported that alcohol was the cause of close to 1,300 motorcycle accidents.
- » **A problem with the motorcycle or the road.** Loose gravel, unexpected potholes, and defective parts can all result in a serious accident.

## FREQUENTLY ASKED MOTORCYCLE ACCIDENT QUESTIONS

---

### *What Should I Do After a Serious Motorcycle Accident?*

Being on a motorcycle in Virginia carries certain inherent risks, and unfortunately, the public usually has a dim view of motorcycle drivers in Virginia. However, it's been our experience that motorcycle drivers are some of the safest vehicle operators on the highway today. That being said, it's extremely important in every motorcycle collision that you retain legal counsel as quickly as possible after your crash. The reason is because preserving evidence of the scene and the vehicles involved in the crash can make all the difference in the world.

A good example of that was a recent case that we had involving a motorcycle operator who was struck by a vehicle that was crossing several lanes of traffic on the Dulles toll road trying to get to the exit that they had almost missed. By carefully preserving the evidence at the scene of the crash, including the tire marks and the scraping of the motorcycle on the ground, as well as lining up the damage between the motorcycle and the vehicle that struck it, we were able to prove that this was not a turnaround case, which the vehicle operator had claimed. Instead, it was a case where the vehicle operator made a too-quick movement from lane to lane without looking behind them to see the motorcycle operator who had been following in the further left lane for a distance of over a mile prior to the collision. That's a perfect example of why it's important to hire an attorney early in your motorcycle accident case in Virginia.

## *What Mistakes Should I Avoid After a Motorcycle Accident?*

Some of the most common mistakes that I see people make when they have a motorcycle accident case in Virginia have to do with not preserving the evidence of the crash quickly enough. That usually requires not just relying on what the police investigation shows, but hiring an attorney to get a full team of field investigators out to document all of the physical elements of the collision. Often in Virginia motorcycle accidents, the blame is attempted to be shifted onto the motorcycle operator, more or less to take advantage of the innate prejudice against motorcycle drivers that many people have. The best way to rebut that is to retain an attorney as quickly as possible and preserve the evidence of the accident scene following those types of collisions.



## *What Are the Differences Between a Motorcycle and Car Accident?*

The first thing that's different about a motorcycle case is dispelling the prejudice that people often have against motorcycle operators in Virginia that they were operating recklessly, or weaving in and out of traffic the way some drivers have a tendency to do. That evidence is most easily obtained by

getting a lawyer involved early on in your case. By doing that, you'll have the ability to dispel that prejudice against motorcycle drivers in Virginia.

## *How Do I Choose the Right Attorney?*

A frequent question we get in motorcycle accident cases in Virginia is, "How do I find the right attorney for my motorcycle accident case?" My simple answer to that is find somebody who knows and has handled many motorcycle accident cases before. A lawyer who has experience in motorcycle accident cases understands the prejudices against motorcycle drivers in Virginia, but also understands how to show that you as a motorcycle operator were not the cause

of the crash. By doing that, you can dispel that prejudice. Look for a lawyer with experience in handling actual motorcycle accident cases in Virginia.

## *Should I Speak to the Insurance Company?*

When I'm asked by clients if it's okay to take a call from an insurance adjuster when they've had a motorcycle collision in Virginia, I always tell them, "Don't do it." We're not trying to hide anything from anybody when we represent people who were injured in motorcycle accident cases in Virginia. Insurance companies have proven techniques that they will use that are unknown to most people on how to trick people in saying things that can be misconstrued later, taken out of context, even down to the simple "Well, how are you today, Mr. Jones?" "Oh, I'm fine," is the normal answer. Well, of course you're not fine in the sense of the car crash injuries that you've sustained, but as a polite introductory statement, you'll say that. That's a perfect example of how they will use your recorded statement out of context to try to minimize or defeat your personal injury claim from a motorcycle accident in Virginia.

## *Do I Have a Claim If I Was Injured as a Passenger?*

The simple answer to that question is yes. Now, the next question is who can you recover from? Frequently, people are under the impression that, because they're on a motorcycle, they're assuming the risk of all injuries from riding in a vehicle that doesn't have a protective surrounding them, such as they would have in a car. With that being said, you do not assume the risk of injury by being a passenger on a motorcycle. Instead, the injury that you have sustained is only occurring because somebody has not operated the vehicle in a proper manner. When that occurs, you're entitled to a full recovery, unless you knew the specific risk was going to occur.

For example, if you're riding on a vehicle where you know the operator is under the influence of alcohol or drunk driving, you might have an assumption of risk defense against you in that case. If that unusual circumstance does not occur in your accident case, there's no reason, just because you're the passenger on the motorcycle, that you should be barred from recovery for your injury claim.

## *Can I File a Motorcycle Accident Claim If I'm Injured by a Pothole?*

Occasionally, I'm asked by people who were involved in a motorcycle accident on Virginia roads whether they can make a claim against the Commonwealth of Virginia, for example, for a poorly-maintained roadway. Those are some of the most difficult cases to make, but they are, in certain limited circumstances, acknowledged as valid claims under Virginia law. To make that claim, you have to make a proper timely notice within six months of the accident date to the Commonwealth. There are a variety of other very difficult engineering analyses that have to be made of the layout of the road to determine whether it was foreseeable to the Commonwealth that an injury is likely to occur from the condition of that road, and secondly, to establish notice of the fact that there was a problem with the road at that location. In those limited circumstances, you may have a claim of that sort after an accident on Virginia highways.

## *Do I Have a Claim If I Was Run Off the Road?*

I was recently asked if a motorcycle is forced off the highway, but there's been no collision, could there still be a motorcycle accident claim in that case? In some circumstances in Virginia, yes. You can make that claim if you can make a reasonably clear identification of the vehicle involved. Now, that doesn't mean you have to go to the extent of capturing the driver's license number or the license plate number on the vehicle that ran you off the road, but there needs to be a reasonably clear explanation of how that other car was involved in running you off the road and other facts such as the skid marks on the road that would tend to suggest that, in fact, there was another driver responsible for that crash. In those cases, under Virginia law, you would be able to make a claim for that type of an injury.



## *How Do I Determine the Value of My Case?*

My simple answer is it's no different than any other accident in Virginia. Whether it be a car crash or a truck crash, the question is resolved by looking at the severity of the injuries to the person making the claim. If you've had, as often happens in motorcycle accidents, a more severe injury such as a broken leg, broken arm, broken shoulders, or clavicles, or other kinds of more traumatic injuries, those are generally accorded a greater value under Virginia law. Most injuries will give you more money for those compared to a muscle strain injury that you might see often in a low-speed car accident.



## *How Long Will My Motorcycle Accident Case Take?*

I was recently asked by a client how long it takes to resolve an injury claim when they've been involved in a motorcycle accident in Virginia. That sort of claim takes about the same as any other claim. It depends, of course, on how long it takes you to recover physically or medically from the injuries that you had in that accident. To evaluate that in a

motorcycle accident, usually it will take longer because you've had more severe injuries when you've been involved in a motorcycle accident. If you're a driver or a passenger on a motorcycle, you're more subject to serious injuries such as fractures and dislocations than the other sorts of injuries that are commonly seen by people who are in a motor vehicle. In a motorcycle, you can readily see that in most cases that within about two to four years after the accident, even in the worst case, you could reasonably expect your case to be resolved in that time.

# HURT IN A MOTORCYCLE ACCIDENT? CALL US NOW

---

If you or someone you love was hurt in a motorcycle accident, you only have two years from the date of the accident to file a claim. Call us now. We're an experienced team of Virginia motorcycle accident lawyers. You could be entitled to receive financial compensation for:

- » Medical expenses related to your injury, including future expenses
- » Lost time from work
- » A reduction in your earning capacity
- » Pain and suffering
- » Disfigurement
- » Loss of companionship
- » Disability
- » Punitive damages

An experienced lawyer can make all the difference when it comes to dealing with the insurance company to make sure that you're treated in a fair manner. Don't wait. The consultation is free and confidential!



## 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.

