

Bicycle-Vehicular Accidents: What to Do If It Happens To You

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The unthinkable happens. You - not someone else, mind you - but YOU are involved in a bicycling accident with a motor vehicle. What do you do?



1. **IDENTIFY THE VEHICLE INVOLVED.** Most of the time, this is easily done because the driver stops. In the case of a hit-and-run, however, you have precious few seconds to identify the make, model, color, and maybe even license number (if you're good) of the vehicle. You can test your powers of observation while on group rides. Turn to the rider next to you a minute or so after a vehicle passes, and ask him or her to describe the car that just passed. This little exercise can help teach you to be alert.
2. **CALL THE POLICE.** Always have an official report prepared. The information that will be gathered may become critical to your obtaining a recovery for your injuries and other damages. Law enforcement authorities are trained to follow procedures, most of which involve information gathering. This process can identify evidence which may become important in either presenting your claim or trying your case. That evidence gets harder to gather when, as they say, the trail gets cold.
3. **OBTAIN PROMPT MEDICAL TREATMENT.** Don't be a martyr! If an ambulance arrives on the scene and you are hurt, let them take you to the hospital. If there is no ambulance involved, and you get home some other way, obtain medical attention promptly; don't wait several days. Not only are you probably delaying your ability to get healed and back to full strength and training, but you are not doing yourself any favors in the processing of your claim for damages. Insurance adjusters are notorious about claiming a cyclist must not have really been hurt because the cyclist didn't seek medical treatment for several days.
4. **GATHER AND PRESERVE EVIDENCE.** Take pictures of your injuries from different angles. Keep a daily diary of your symptoms. Leave your bike, helmet,

and other items as they are; that includes your clothing - as nasty as it may be. Do not wash it. Stick it in a box and put it out in the garage if you want to, but don't change its condition.

5. **DO NOT ATTEMPT TO NEGOTIATE YOUR OWN CLAIM.** Do not attempt to negotiate with either the at-fault driver or the insurance company. My files are full of cases where the driver jumped out of the car apologetically and accepting blame, only to have reconsidered once it became time to consider the ramifications. Likewise, insurance adjusters are always eager to communicate with you to gather information so they can "take care of you" or make a "fair settlement of your claim." What they perceive as "fair" may be much different than your perception. Which brings me to my final point.
6. **CONTACT A QUALIFIED-EXPERIENCED ATTORNEY.** As soon as you hit the ground, a number of insurance policies sprang into effect. Handling any accident case requires knowledge of how these policies interact and how to maximize their application. Handling bicycle accident cases requires additional specialized knowledge many accident lawyers do not have. A lawyer involved in bicycle accident cases has experience with bicycle traffic laws and ordinances, negotiating the unique personal injuries associated with bike wrecks, understands the prejudice against cyclists with juries and insurance adjusters, knows the right questions to ask about our bike and its damaged parts, understands the significance of varying degrees of bicycle handling skills, and has access to a network of bicycle accident forensic engineers who are skilled at reconstructing accidents for presentation of your claim to an insurance adjuster or jury.

Bicycle accident attorneys typically handle claims for a percentage of any recovery obtained for you, and your recovery - even after deduction of an attorney's fee - is generally higher than if you attempt to go it alone. Most accident claims can be successfully negotiated to conclusion without a trial.

Hopefully, you will never have to use the information contained in this article. If, however, that day comes, be prepared and follow the steps laid out above - for your sake and the sake of your family.