

# MOTORCYCLE — ACCIDENT — INJURIES

A GUIDE TO THE TOP CAUSES OF ACCIDENTS,  
RECEIVING PROPER TRAINING, AND MORE



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## From the Desk of Russell Guest & Richard Allen:

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Thank you for downloading this eBook and giving us the opportunity to discuss motorcycle accident injuries, personal injury claims, and motorcycle accident laws in South Carolina with you.

Being involved in a motorcycle accident or losing a loved one in such an accident is a devastating experience. This eBook will help you learn more about the most common motorcycle accident injuries and what you and your loved ones can do if your lives were affected by a motorcycle accident.

Again, thank you for allowing us to share with you our knowledge and experience with motorcycle accident cases and it is our hope that this eBook proves to be a valuable resource to you and your family after an accident.

Sincerely,

Russell & Richard

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# Introduction

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Motorcycle accidents are common on South Carolina's busy roadways, and, they can be devastating. Injuries often tend to be more severe with motorcycle accidents versus car accidents, and there are generally more fatalities associated with motorcycle accidents when compared to other types of motor vehicle accidents. If you or a loved one have been injured in a motorcycle accident, your life has been turned upside down. The injuries are most likely extensive, and the costs related to the crash are more than you and your family can bear.

In many cases of motorcycle accidents, someone else is at fault for the crash. Negligence, carelessness, or even defects in the motorcycle itself can contribute to or cause a collision. In these cases, a family may be able to bring forward a motorcycle accident claim in order to obtain financial compensation for medical costs, lost wages, disability, vehicle damage, and pain and suffering. Continue reading to learn more about what can happen in a motorcycle accident and the legal options you and your family may have if you were involved in a motorcycle crash.

# Most Common Types of Injuries in a Motorcycle Accident

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Almost any type of injury can occur in a motorcycle accident, simply because the motorcycle rider is completely exposed to the colliding vehicle and the open road. This is particularly true if the rider is not adequately protected with thick riding clothes and a DOT approved motorcycle helmet. However, there are several types of injuries that are seen frequently in motorcycle accidents, including but not limited to:

- Open and closed head injuries, including penetrating head injuries and concussions
- Brain injuries
- Neck injuries
- Back injuries
- Friction burns, or “road rash”
- Loss of limb
- Blood loss
- Broken bones
- Internal organ damage
- Death

## Getting Medical Help After a Motorcycle Accident

The most important thing to do after a motorcycle accident is to get medical help. While this may seem obvious, it is amazing how many people don't seek immediate care.” Broken bones and head or brain injuries are often diagnosed initially in the ER through an X-ray or a CT scan, but also there can be severe, significant soft tissue injuries that someone would suffer in a motorcycle accident.

It's important to make sure that you're seeing the right physicians and doctors, and understanding the symptoms that you may be experiencing, because there may be additional diagnostic tests, such as MRI's, CT scans, and other similar tests that are important to understanding those injuries. Soft tissue injuries can be as debilitating, if not more debilitating, than a broken bone. It can have more lasting, debilitating symptoms and effects.

That's why it's important to get an experienced attorney involved early on, so you can focus on the treatment, and certainly, a lawyer would be able to assist with making sure that your particular medical needs are being met, as far as being in front of the right specialist and that you're getting where you need to be.

# Motorcycle Accidents vs. Car Accidents: What's the Difference?

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Both motorcycle accidents and car accidents are common on South Carolina roadways. Here are the primary differences between motorcycle accidents vs. car accidents, and what to do if you or a loved one were harmed in such an accident.

## Are Motorcycle Accidents More Dangerous? Why?

When driving a motorcycle, there is no cage or protection around you, like there is in an automobile. Consequently the damages, or the injuries that might be incurred, are much greater. Oftentimes, motorcycle accidents lead to very serious injuries, as opposed to a car. Also, it could be a single-vehicle accident, or it could be an accident between a motorcycle and a car, or a motorcycle and a tree, or a motorcycle and a pet crossing the road.

A lot of times what happens is that the motorcycle doesn't actually hit the car. They see the imminent danger that they might be in and they attempt to avoid it, which they can do pretty rapidly on a motorcycle. But in avoiding it, they encounter other obstacles; either the pavement of the road, or the ground, or a tree. The injuries that result from these types of accidents can still be severe, even though the motorcycle did not collide with another object in the roadway.

## Legal Aspects of Motorcycle & Car Accidents

There are a number of issues that come into play with motorcycle accidents vs. car accidents. There is commonly, between the two, property damage and injuries that occur, and also fault.

An attorney must establish each of those points. Not all the time does a person readily admit that they are at fault in an accident. Oftentimes, whenever there is an accident involving a motorcycle, the severity of the injuries is much greater than it is in an auto accident.

Property damage absolutely can be severe and costly in an automobile accident, but whenever there's a motorcycle, most often the motorcycles are totaled. Then it becomes an issue of what the value of the actual motorcycle is or the repair value of the motorcycle versus the total value of the car. Often, property damage becomes more of an issue in totaling the motorcycle, in those instances, versus a car accident.

## Are Motorcycle Accidents More Costly Than Car Accidents?

Because of the lack of a safety cage, or safety barrier, on the actual motorcycle itself, it's fair to say that you're more likely to suffer severe injuries in a motorcycle accident.

Depending on the degree of injury, the degree of disability, and lasting symptoms, and in effect, the medical care or the ongoing treatment, it can be extremely expensive. The cost, number one, derives from the safety or lack of safety features that you see on a motorcycle versus a vehicle.

## UIM Coverage

One thing to keep in mind is the UIM or underinsurance coverage. UIM coverage for a motor vehicle is relatively inexpensive. That's different very often from a motorcycle. In fact, UIM coverage can be considerably more expensive for motorcycles, and a lot of that may go into the risk analysis that these insurance companies use to set premium rates. Bottom line, it should not deter someone who is thinking about purchasing a motorcycle from getting the UIM coverage. In reality, while it is more expensive, it is absolutely critical, and just from the safety standpoint, you can't afford to ride a motorcycle or buy a motorcycle without purchasing UIM coverage.

If someone hits you, and they are carrying, for instance, the minimum limits on liability coverage required in South Carolina, which is \$25,000, and let's say your medical bills exceed \$25,000, then that's where the benefit is in you having the UIM coverage.

It would pay the excess, and there is a strong likelihood that if you're in a motorcycle accident, you're going to have more than \$25,000 in medical care, because the injuries tend to be more severe.

A person who causes the accident is legally responsible for all the damages, even despite them having only \$25,000 in coverage. It is not a wrong presumption by people in the community to know that the person who caused that accident is absolutely responsible for the total damages. That's the legal argument.

The problem with that is why you must purchase underinsurance coverage. You have to protect yourself, because most likely in 99% of the cases, the person who caused the injury has no ability other than the actual liability coverage on the vehicle to be able to pay more than the coverage limits.

If your medical bills were all of a sudden \$100,000 or \$200,000 for the surgeries and treatment that you received, and the person only has \$25,000 in coverage, they're responsible for the total damages, but they most likely have no ability to pay it. That's why you've got to protect yourself with underinsurance.

It's everyone's obligation to protect themselves and their family by purchasing underinsurance coverage and in amounts greater than the \$25,000 minimum limits.

Although there are many similarities between car accidents and motorcycle accidents, there remain some clear differences -- including the fact that motorcycle accidents are often more expensive because the injuries tend to be much more severe. South Carolina does not require the purchase of UIM coverage but it is essential coverage.

# Motorcycle Safety Tips

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Motorcycles can be a lot of fun to ride, especially when the weather is nice and/or you are riding with friends. However, the nature of a motorcycle means that if you are in an accident, you are much more at risk for serious injuries simply because your body is so much more exposed to the collision than it would be were you in a car. If you're going to enjoy riding a motorcycle, be sure to follow these five motorcycle safety tips to reduce your chances of being critically injured in the event that you are in an accident.

## 1. Wear a DOT Approved Helmet with Eye & Face Protection

One of the most important things you can do to protect yourself while riding a motorcycle is to wear a DOT approved helmet. Although the state of South Carolina does not require motorcycle riders over the age of 21 to wear a helmet, you are taking a serious gamble with your life if you choose not to wear one. Some people would argue that a helmet can actually be unsafe. The reasons that they give for not wanting to wear a helmet is that it might impair or impede your peripheral vision, as well as impairing your hearing. They feel like they might be more aware of their surroundings and by not having a helmet on they might be able to respond to a potential accident and/or other situation.

However, a motorcycle accident can easily result in a traumatic brain injury or even death if a helmet is not worn. A helmet with a full face shield that provides eye and face protection from wind and flying debris is your best choice.

You can wear a modified helmet that is DOT in South Carolina approved. It's called a hat helmet. You've seen those that people wear perhaps on the roadway, it just covers the top of your head above your ear. That would help to eliminate some of the concerns about being aware of your surroundings and certainly would be safer than not wearing anything at all. It's not nearly as protective of course, in terms of the trauma that you might experience to the head or the face if you had a more protective covering helmet, but it is DOT approved, and it does allow you to have greater peripheral vision and also be able to hear at the same time.

## 2. Wear Thick, Protective Clothing

If you are in an accident, there's a chance that your body will be thrown across the road or dragged on the pavement. This can cause friction burns, commonly called "road rash," which can be very painful and in some cases, life threatening. Wear thick, protective clothing like jeans or leather pants and a jacket to protect your skin from friction burns in the event of a crash, even if it's warm outside.



### **3. Make Sure You Are Visible to Drivers of Other Vehicles**

If you are riding a motorcycle at night, be sure that you are visible to other drivers. Make sure your headlights and taillights work properly, and consider wearing reflective clothing so other drivers can easily see and avoid you.

### **4. Drive Defensively, Not Aggressively**

Many motorcycle drivers believe that because their vehicle is smaller, that they can go faster or weave in and out of cars to get through traffic. Driving aggressively on a motorcycle can lead to an accident, and it's best to drive defensively instead of aggressively. Watch for the actions of other drivers and respond to them accordingly.

### **5. Never Drive in Hazardous Conditions**

Hazardous road conditions or inclement weather is well known to cause motorcycle accidents that result in serious injuries. If it's raining or icy out, take a car instead of your motorcycle to get to where you need to go. Avoid roads that you know are under construction and instead take a detour.

Even when you take as many safety precautions as possible, motorcycle accidents can still occur. If you or a loved one have been involved in a motorcycle accident, it's important that you contact an experienced lawyer who can assist you in filing a claim for damages and getting the medical care you need to move forward.

# When You Need a Motorcycle Accident Lawyer

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Any time you or a loved one are involved in a motorcycle accident, it's important to consult with an experienced attorney to determine what your rights and legal options are. However, there are some instances where having an attorney is even more critical.

## **“John Doe” & No Collision Motorcycle Accidents**

There are times when motorcycles don't even collide. There's not a collision. The bike lays down in order to prevent the actual collision or it's swerving out of the roadway in order to prevent the collision, and the car didn't see them and just continues. It's a situation that can occur and does occur.

In that instance, someone might suspect, “What is the coverage in that instance? Certainly, the car caused me to either lay my bike down and caused me to get injured or to go off the roadway, but they didn't stop. They just left.” It could be that they were just not aware or they could have just fled the scene, either one.

In those instances, it's considered a “John Doe” situation. When somebody leaves the scene, then he becomes an uninsured driver and you then have to look to the uninsured coverages on the motorcycle in order to recover for damages to the property and also damages or injuries to the individual.

There are certain circumstances that have to happen in those instances. If you find yourself in that situation, you have to reasonably report the accident to a law enforcement official in a reasonable time.

## **Contacting a Motorcycle Accident Lawyer**

In most cases it's important to contact a lawyer after a motorcycle accident, and there are many reasons why. To the extent that your injuries permit, you should certainly do what you are able to do as far as identifying witnesses at the scene, if you are able, perhaps taking pictures and preserving evidence. However, oftentimes you're faced with severe injuries. That's another very important reason to have an attorney involved, so you can focus on your recovery and getting treatment and allowing the officer to take that burden off and allow you and your family to heal, as far as dealing with the liability insurance, all the various types of the insurance, medical providers, and medical liens.

Motorcycle accidents can cause extended periods of recovery, loss of work, and loss of wages. People often need help during the interim to be able to survive. Most people need their income, if they're working, in order to continue to meet monthly bills and so forth.

It's very difficult for an individual who's not working with an attorney to be able to manage these circumstances. An attorney can help relieve a lot of stress by helping families not have to deal with the insurance issues, not have to deal with the sometimes difficult insurance adjusters who are just simply trying to save their insurance company money and perform their job, and their job is not necessarily your best interest.

If you are concerned about those things and don't want to deal with that and want to focus on your recovery, you definitely need to hire an attorney.

## Conclusion

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Although motorcycle accidents can turn a family's life upside down, there is help available for victims and their loved ones. An experienced attorney can help handle the various challenges of a motorcycle accident, including helping the victim get in front of the right doctors who will relate the injuries back to the accident, dealing with insurance companies and coverage, and pursuing a claim for the maximum amount of damages available in the case.

If you or a family member were hurt in a motorcycle crash, you have lots of obstacles ahead and fortunately, you don't have to face them alone. Contact an experienced personal injury attorney with experience working with motorcycle accident victims and their families to get the help you need during this difficult time. An attorney will guide you through each stage of getting the full and fair compensation you deserve for the impact the accident has had on your life and the lives of your loved ones.

## About Us

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From its founding in 2005, the Guest & Brady law firm in Greenville, South Carolina, has been focused on helping families who are coping with personal injury or loss. Our experienced team can help you with a wide variety of legal needs on any type of personal injury case, such as motorcycle accidents, automobile accidents, and tractor trailer accidents, workers' compensation cases, serious brain injuries, and even wrongful death cases.



Kevin Brady and Russell Guest, along with Richard Allen and the entire Guest & Brady team, take pride in providing legal support – and getting results – while maintaining a personal relationship with clients. They frequently make personal visits to kitchen tables and hospital rooms and are gratified for the chance to help their clients focus on recovery.

Our team is focused on the human side of the story and can help you navigate the confusion and stress of a personal injury – which is often a life-altering event – allowing the injured person and their family to focus on recovery.



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