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# MOTORCYCLE

## e-BOOK

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A guide for all the motorcycle  
riders in Oklahoma



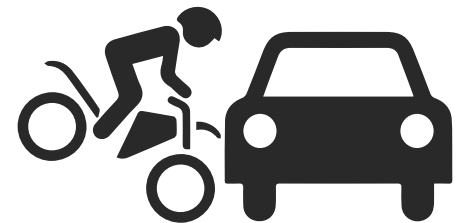
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Motorcyclists understand that the sense of freedom of riding a motorcycle comes with risk—the risk of serious or fatal injury in an accident. Many motorcycle riders who obey traffic laws and take proper safety precautions still suffer serious injuries—often because of the carelessness of other motorists. Motorcycles have a narrow profile and are easier to overlook than larger vehicles.

Many accidents occur because other motorists fail to see a motorcycle on the road.

When a collision occurs, the design of motorcycles affords riders little protection. More than 80 percent of all reported motorcycle crashes result in injury or death to the motorcyclist, according to the National Highway Traffic Safety Administration (NHTSA).



The numbers bear out the risk. Motorcycle fatalities in Oklahoma increased 10.8 percent from 83 in 2012 to 92 in 2013, according to the Oklahoma Highway Safety Office. In addition, there were 821 motorcycle accidents that resulted in serious injuries to 902 motorcyclists.

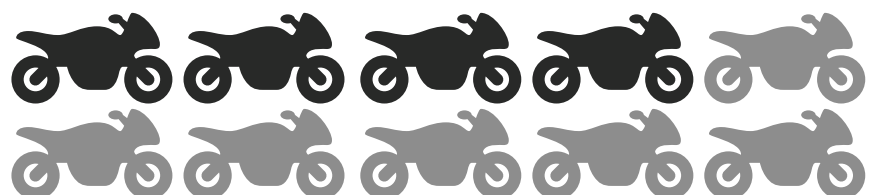
*Over five years in Oklahoma, 450 motorcyclists died in crashes, an average of 90 a year – nearly two every week.*

## Motorcyclist Fatalities in Oklahoma

2009	2010	2011	2012	2013
105	75	95	83	92

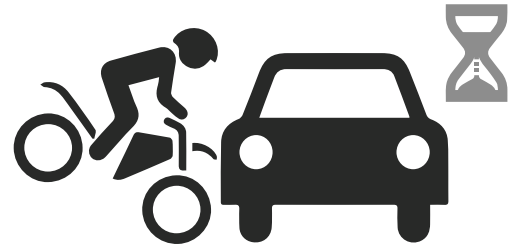
## Common Injuries in Motorcycle Accidents

Traffic accident statistics show that approximately **four** out of **every 10 motorcycle crashes** involving serious or fatal injuries occur on city streets.



# The Risks Oklahoma Motorcycle Riders Face

Accidents involving serious and fatal injury occur more often between **4 p.m.** and **8 p.m.** and they occur more often on **Saturday** than any other day of the week.



*Motorcyclists are commonly thrown from their bike in an accident, often causing them to hit other objects and then the ground.*

The most common types of motorcycle injuries, according to the Centers for Disease Control and Prevention (CDC) are:

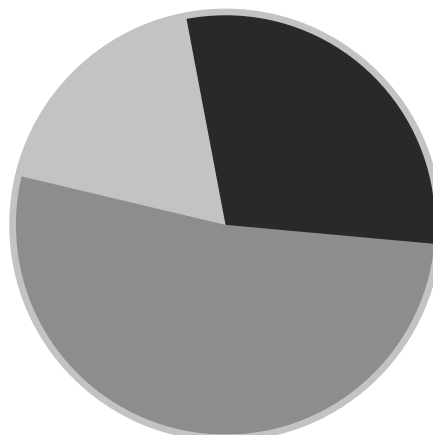
- **Leg and foot injuries**, including fractures and traumatic amputations (30%)
- **Head and neck injuries**, including TBIs, facial fractures and spinal cord injuries (22%)
- **Upper trunk (chest) injuries**, such as broken ribs and/or sternum, and spinal cord injuries (20%)
- **Arm and hand injuries**, including fractures, amputations and nerve damage (18%)
- **Lower trunk (abdominal) injuries**, including internal organ damage and pelvic fractures (8%)
- **Other/unknown injuries** (8%).

The total exceeds 100% because motorcycle accident victims often have multiple injuries.

While many states require all motorcycle riders to wear DOT-approved helmets, Oklahoma does not. Oklahoma only requires underage riders, 17 years old or younger, to wear helmets.

Helmets, obviously, protect motorcyclists from traumatic brain injury (TBI) and depending on the type of helmet, other head injuries, such as facial fractures and dental and ear injuries.

The **NHTSA** says helmets are estimated to be **37 percent** effective in preventing fatal injuries to motorcycle riders and **41 percent** for motorcycle passengers.



37 percent effective in preventing fatal injuries to motorcycle riders

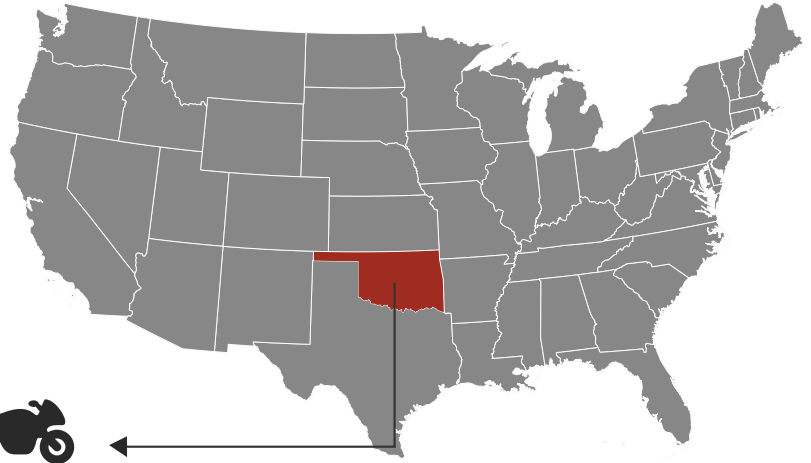


41 percent effective for motorcycle passengers

In other words, for **every 100 motorcycle riders** killed in crashes while not wearing helmets, **37 of them** could have been saved had all **100 worn helmets**.

## Assuming the Risk, Avoiding the Injury

More people than ever are riding motorcycles. Oklahoma has more than **125,000 registered motorcycles**, according to the Oklahoma Tax Commission. Motorcycle accidents have increased in recent years even as other types of accidents have declined.



**125,000 registered motorcycles**



Those who choose to ride for economic or recreational reasons can make motorcycling safer for themselves and others by always wearing helmets and other protective gear, completing approved rider training classes, and avoiding bad habits like speeding and other reckless or aggressive riding.

It's important to be aware of the risk of riding and be responsible if you choose to ride. Riders who have been seriously injured through the fault of others should understand their legal options.

That way you can make an informed decision with your future in mind. We have prepared this guide to help you get started.

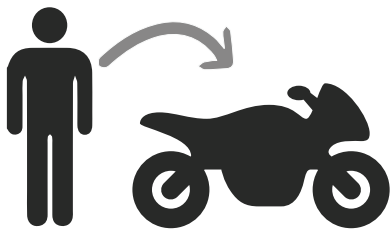
### Sources / More Information

- *Oklahoma Department of Public Safety, Highway Safety Office: Motorcyclists in Crashes (2013)*
- *National Highway Traffic Safety Administration: Without Motorcycle Helmets We All Pay the Price*
- *NHTSA: Traffic Safety Facts – Motorcycles*
- *Centers for Disease Control and Prevention: Motorcycle Crash-Related Data*
- *CDC: Motorcycle Safety Guide – People Who Ride, People Who Die*

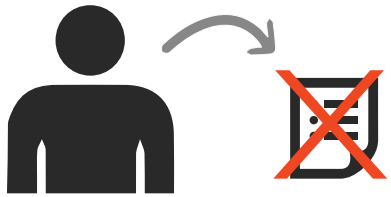
Most motorcycle riders are safety conscious and obey traffic laws because they understand the consequences of an accident. Motorcycle riders have the same rights to the roads of Oklahoma as those who drive cars, trucks, and other vehicles.

## In Case of a Motorcycle Accident in Oklahoma

Motorcyclists who are involved in accidents in Oklahoma also have the same rights as other injured motorists.



You have a right to refuse to speak or give a statement to the insurance company adjuster representing the at-fault driver. Be polite but firm. You don't have to comment about the accident, your injuries, or whether you are under the care of a doctor. Such statements may be used against you later by the insurance company.



You also have a right to refuse to sign any medical authorization forms presented by the insurance company of the at-fault driver. Such authorizations may be used to rummage through your entire medical history looking for reasons to deny your claim.



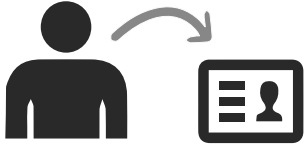
You have a right to educate yourself about your legal options by speaking with an attorney. It's a prudent step to take. You may have an attorney review the specifics of your accident without any obligation and receive guidance about your legal rights to obtain compensation. If you have serious injuries, you should have an attorney represent you in dealings with the at-fault driver's insurance company.

Depending on the specifics of the accident, you may have a right to seek compensation for medical bills, property damage, and other losses when someone else is at fault in the accident.

You have a right to be made whole for your losses caused through no fault of your own. An injured motorcyclist, or his or her family in the case of a fatal motorcycle accident, may sue responsible parties for damages after an accident.

Such a lawsuit must be filed within two years of the accident and injury in most cases. To be successful, the personal injury lawyer representing the injured motorcycle rider has to demonstrate the other party's negligence and that it was the cause of the motorcyclist's accident and injuries.

## Licensed to Ride in Oklahoma

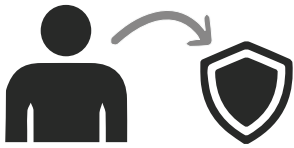


Oklahoma requires riders to have an “M” endorsement on their state driver’s license. That demonstrates that you have attained a certain level of knowledge and skill as a motorcycle operator.

To obtain the endorsement, you must either pass vision, written, and driving tests at a driver’s license office or present documents to show that you have completed a Motorcycle Safety Foundation course.

In addition to a proper motorcycle license endorsement, motorcycle owners must obtain liability insurance coverage for their bikes to be legal on the road. At a minimum, this coverage must consist of:

- \$10,000 for injury or death of one person
- \$20,000 for injury or death of two or more persons
- \$10,000 for property damage.



You also have a right to have insurance coverage for accidents caused by uninsured motorists and underinsured motorists. If you ride a motorcycle, it’s a smart choice to have this supplemental coverage.

If you have been seriously injured through the carelessness or fault of another driver, it’s a good idea to have a knowledgeable motorcycle accident attorney review your case and explain all your legal rights. From there, you can make an informed decision about your future.

### Sources / More Information

- *Oklahoma.gov: Oklahoma Motorcycle Safety & Education*
- *Oklahoma Tourism & Recreation Department: Oklahoma Motorcycle Laws & Safety Tips*
- *Motorcycle Safety Foundation: Motorcycle Operator Manual*

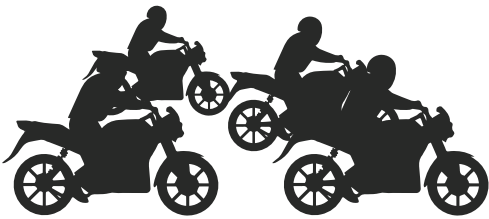
On a highway filled with SUVs and 18 wheelers moving at high speeds, a motorcyclist who does not make an effort to be as visible as possible can remain unnoticed until it is too late.

Motorcycles are shorter and narrower than four-wheeled motor vehicles. A driver who makes an unsafe lane change and hits a motorcyclist he did not see may be held liable for the crash, but it's the motorcyclist who winds up in the hospital with injuries and a damaged bike to replace if he's ever able to ride again.

A high percentage of collisions involving cars and motorcycles occur because the driver of the other vehicle failed to see the motorcyclist in time to avoid a crash, according the National Highway Traffic Safety Administration (NHTSA).

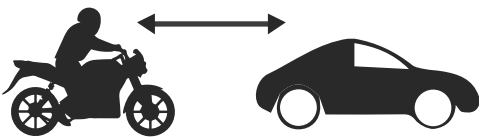
You can make yourself and your motorcycle more conspicuous to other motorists both by how you choose to ride and what you choose to wear. Here are six ideas to consider:

**1. Ride in groups.**



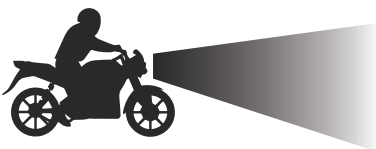
There is safety in numbers when it comes to visibility. If you can ride with a group, ride in a staggered formation in which the leader rides in the left third of the lane, followed by the next rider at least one second behind in the right third of the lane, and the rest of the group following in the same left-right pattern. Ride with no more than five to seven members in a group.

**2. Keep your distance.**



Make sure there is enough room between your bike and the cars and trucks around you so that they can see you if they look. Avoid riding in blind spots. Beware of tailgaters. Many motorcyclists are hurt in rear-end collisions caused by motorists who don't realize how quickly motorcycles stop. It's better to let a car pass than to have it too close behind.

**3. Light up.**



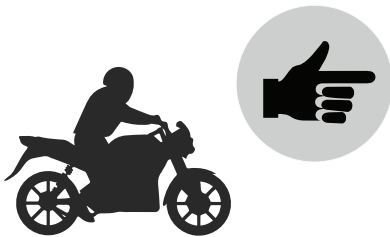
Make sure your headlight stays on. New motorcycles sold in the U.S. since 1978 automatically have the headlights on when running. A motorcycle with its headlight on is twice as likely to be noticed. A headlight modulator will cause the light to alternate between a higher and a lower intensity during the day, making a motorcycle even more noticeable. Use turn signals when you plan to change lanes or turn. It's also helpful to flash your brake light before you slow down, particularly if you are being followed closely. Your signal lights and brake lights make you more visible.

4. Stand out.



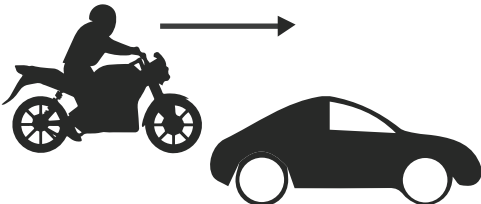
Ditch the all-black biker look. Wear a brightly colored helmet and upper-body clothing, such as red, orange, yellow, or lime green. Some riders wear lightweight reflective vests over their jackets. Reflectors, reflective tape, or decals on your bike will help it show up better in headlights and under street lamps at night.

5. Signal often.



Use hand signals for turning, slowing down, and stopping, along with your motorcycle's turn signals and brake lights. By extending your arm to signal, the silhouette of your bike and your body gets larger, and the movement is eye-catching. Motorists often fail to realize that a motorcycle slows and comes to a stop faster and in less distance than a car, so signal early that you are slowing down.

6. Expect to be missed.



Collisions with cars and other vehicles are most likely in intersections, particularly when a car turns left at an intersection and crashes into a motorcycle traveling straight through the intersection. Ride in a lane position that provides the best view of oncoming traffic. Look ahead as you enter intersections and expect that motorists may not see you. Slow down and select a lane position to increase your visibility to vehicle drivers who are preparing to cross your path. If other drivers do see you, they may misjudge your speed, so slow down. Check your rear view mirrors and turn to look frequently to check what's going on behind and around you. If they're going to not see you, be sure you have your eyes on them.

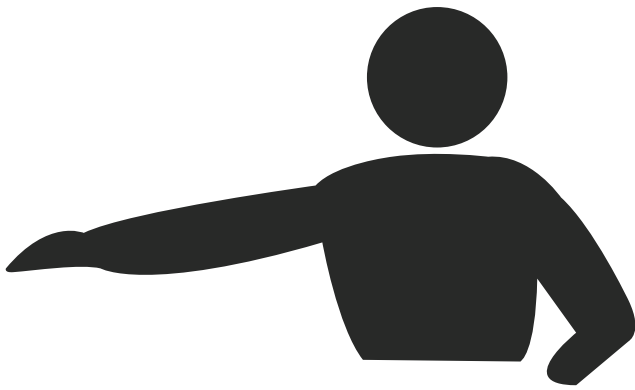
**Sources / More Information**

- *Motorcycle Safety Foundation: Motorcycle Operator Manual*
- *MSF: National Agenda for Motorcycle Safety – Conspicuity*
- *MSF's Guide to Group Riding*
- *National Highway Traffic Safety Administration: Motorcycle Safety*
- *Center for Transportation Research and Education, Iowa State University: Enhancing Motorcycle Conspicuity Awareness in Iowa*



Motorcycle safety experts recommend that motorcyclists use hand signals to indicate their intentions to other drivers and riders. Hand signals are best used in addition to a motorcycle's electronic turn signals or brake light. Combining hand signals and flashing turn signals draws more attention to a rider, which increases visibility on the road.

The most basic and well-known hand signals are for turning, slowing, and stopping are:



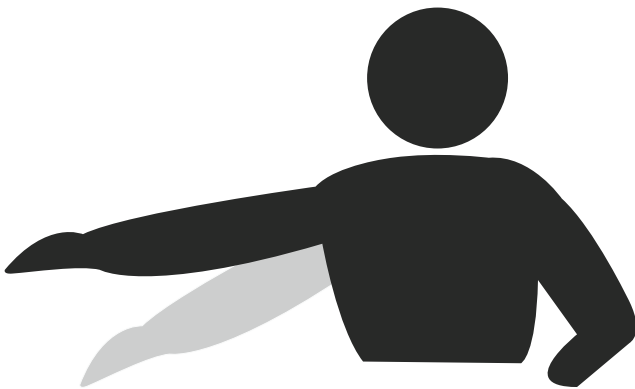
**Left turn:**

Fully extend your left arm with hand open and fingers together.



**Right turn:**

Extend your left arm bent at a 90-degree upward angle with hand open and fingers together.



**Slowing:**

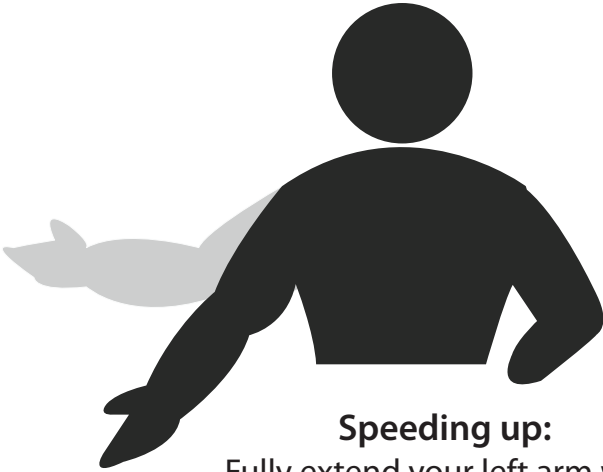
Fully extend your left arm with hand open and palm facing down, and bring it down to your side.



**Stopping:**

Fully extend your arm straight down with open palm facing behind you.

Additional hand signals are particularly useful when riding with a group of motorcyclists. They include:



**Speeding up:**

Fully extend your left arm with hand open and palm facing up, and bring it upward.



**You lead/come:**

Fully extend your left arm upward at a 45 degree angle and pointing with your index finger, swing it in an arc from back to front.



**Follow me:**

Fully extend your arm straight up with your palm facing forward.



**Single file:**

Extend left arm with index finger straight up.



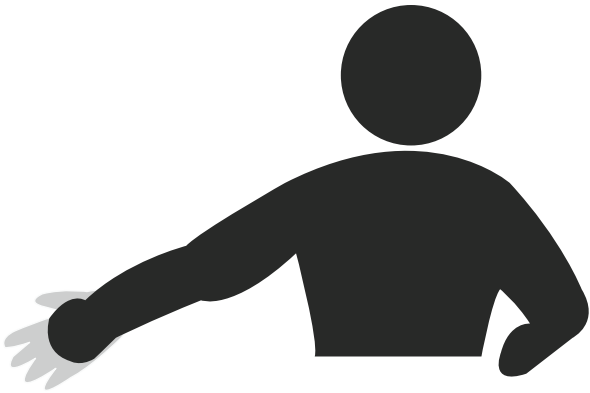
**Double file:**

Extend left arm with index and middle fingers straight up.



**Highbeams on:**

Tap the top of your helmet with open palm of left hand.



**Turn signal on:**

Extend left arm, and repeatedly open and close fist.



**Pulling off road:**

Extend your left arm bent at a 90-degree upward angle as for a right turn, and swing upper arm toward your shoulder.

Additional signals explain why you are pulling off:



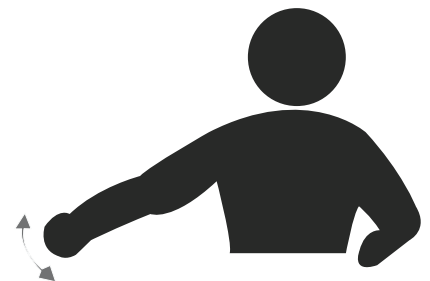
**Fuel stop:**

Extend left arm bent inward at elbow to point with index finger to fuel tank.



**Refreshment stop:**

With left fist closed and thumb extended, place thumb to mouth.



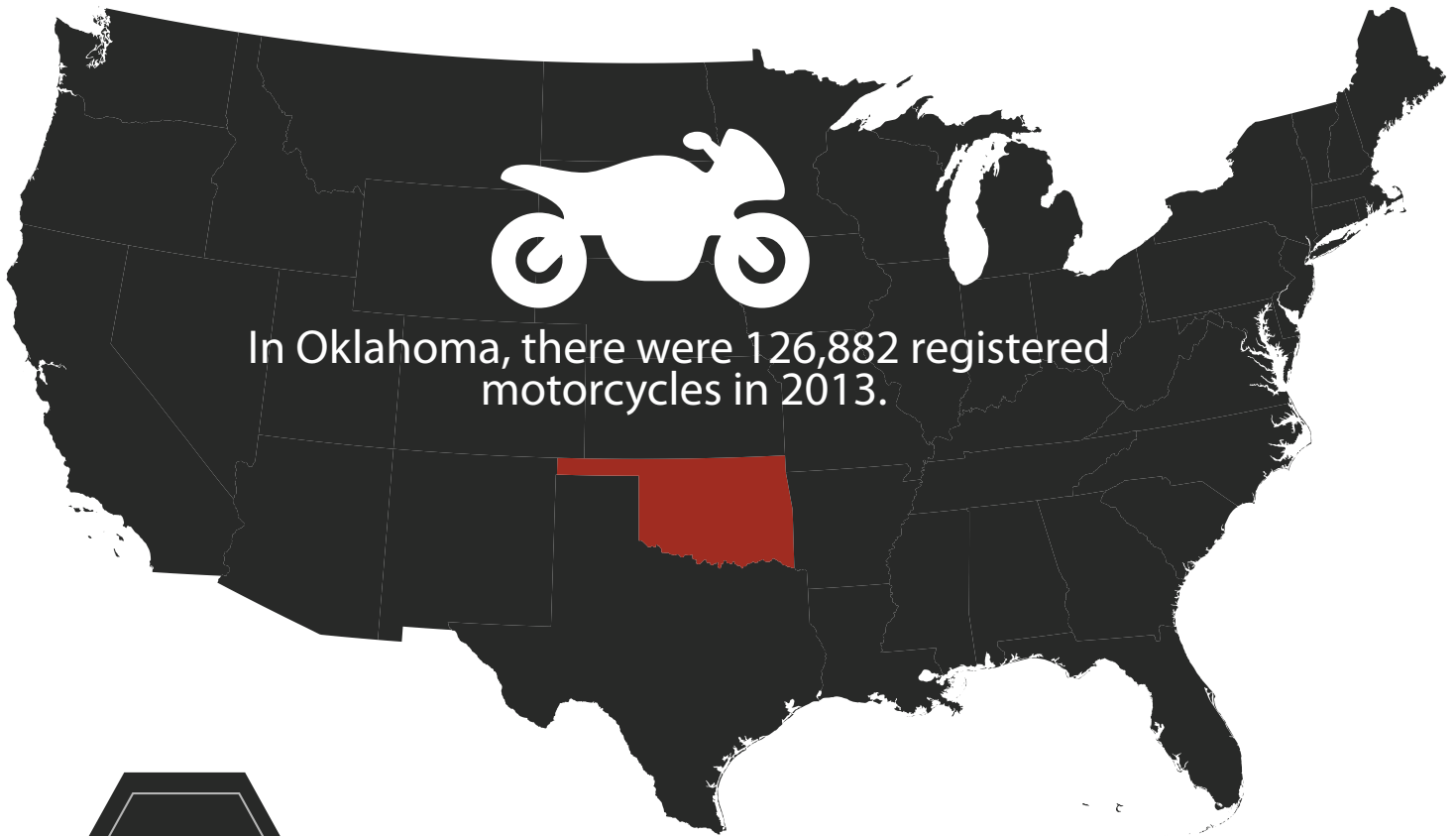
**Comfort stop:**

Fully extend left arm with fist closed, and move up and down in a short, quick arc.

**Sources / More Information**

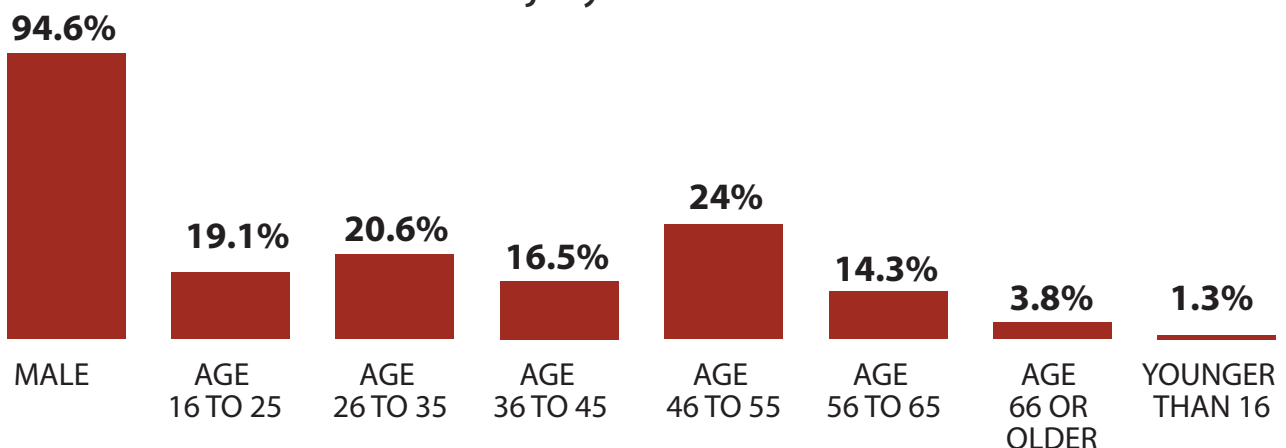
- *Motorcycle Safety Foundation: Motorcycle Operator Manual*
- *MSF's Guide to Group Riding*

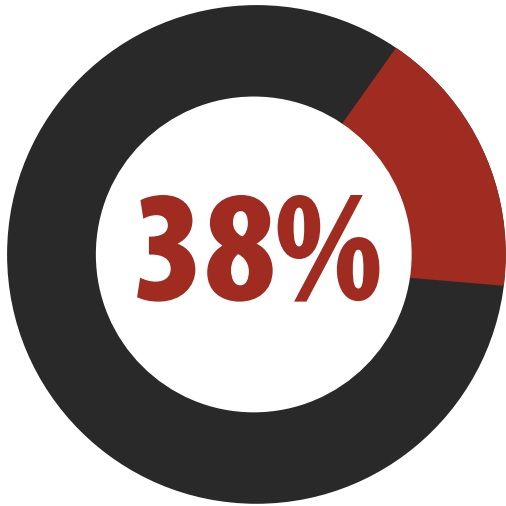
More people are riding motorcycles today in Oklahoma and across the United States, making accidents more common.



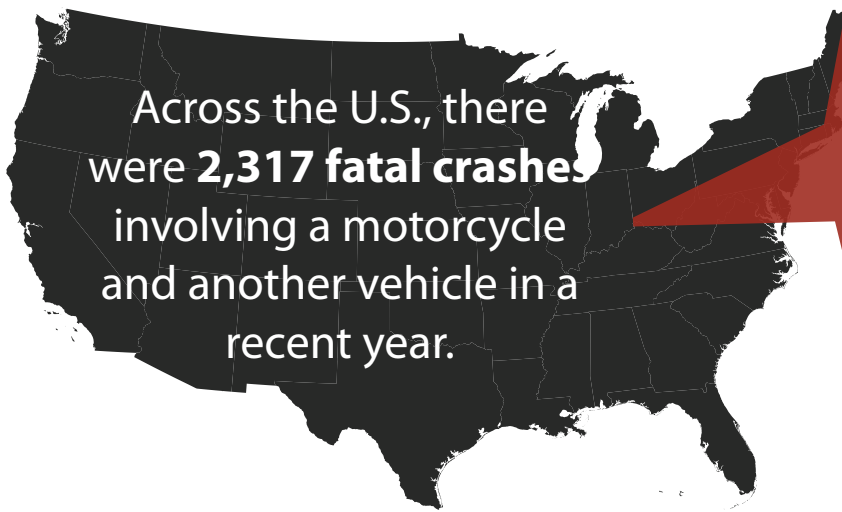
More than one of every seven traffic deaths in **Oklahoma** is a motorcyclist.

Among Oklahoma motorcycle operators involved in fatal or serious injury crashes in 2013:

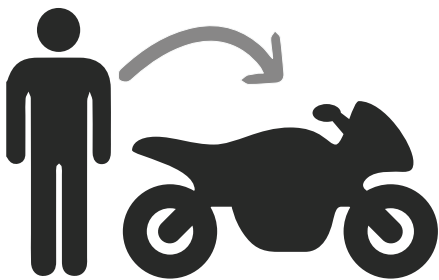




**38 percent** of motorcycle accidents involving serious injury in **Oklahoma** occurred on city streets.

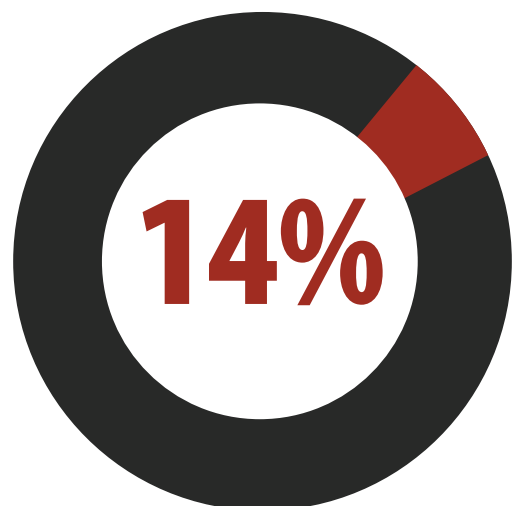


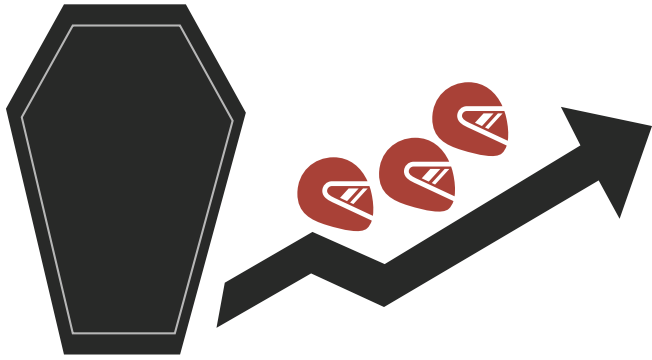
In **41%** of these two-vehicle crashes, the other vehicle was turning left while the motorcyclist was going straight, passing, or overtaking other vehicles.



Per vehicle mile traveled in **2012**, motorcyclists were **26 times** more likely than passenger car occupants to die in motor vehicle traffic crashes and five times more likely to be injured.

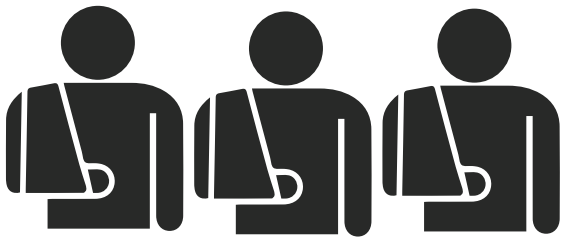
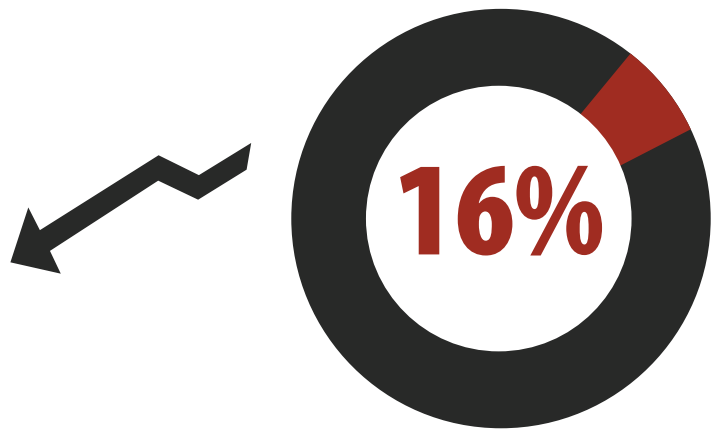
**Motorcyclist deaths** in accidents accounted for **14%** of all motor vehicle crash deaths in 2012 and were more than double the number of **motorcyclist deaths** in 1997.





Motorcyclist deaths began to increase in **1998** and continued to increase through to **2008**.

Motorcyclist deaths decreased by **16% in 2009** compared with **2008**, then increased slightly in **2010**, **2011** and **2012**.



Among motorcycle riders **40 years and older**, the number of fatalities has increased by **63 %** over a **10-year period**.

In **2013 in Oklahoma**, **26.8%** of motorcycle operators involved in fatal and serious injury crashes were driving at an unsafe speed.



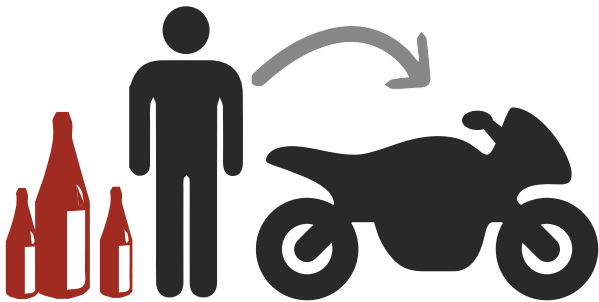
Of 92 Oklahoma motorcycle operators and passengers killed in crashes in **2013**, **61** were not wearing a helmet, with **57** being male and four females. For **15 people killed**, helmet use was unknown.

Helmets are about **37% effective** in preventing motorcycle deaths and about **67% effective** in preventing brain injuries.



Yet only **19 states** and the **District of Columbia** require all riders to wear helmets; **Oklahoma** is not one of them.

**Oklahoma** requires motorcycle riders who are younger than 18 years old to wear a helmet.



In **2012**, **27%** of motorcycle operators in the U.S. who were involved in fatal crashes had a blood-alcohol content of **.08%** or higher.

### This was more than

Passenger car drivers (23%)

Light truck drivers (22%)

Commercial truck drivers (2%)



Of **925 motorcycle operators** in fatal or serious injury crashes in **Oklahoma** in **2013**, **103 (11.1%)** had "an alcohol-related driver condition." All of them were male.

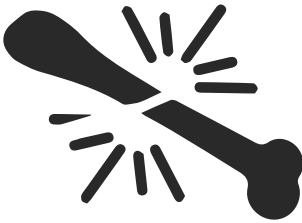
### Sources / More Information

- *NHTSA: Traffic Safety Facts – Motorcycles*
- *Oklahoma Department of Public Safety, Highway Safety Office: Motorcyclists in Crashes (2013)*
- *Insurance Institute for Highway Safety: Motorcycles*

When motorcyclists crash, riders are not protected in an enclosed cabin so the chances of injury are greater even at lower speeds. Motorcyclists are vulnerable to a wide variety of injuries, from abrasions to broken bones and head injuries. Many injuries sustained in motorcycle accidents are serious enough to require medical care and hospitalization. More serious injuries may involve surgery and extensive physical therapy.

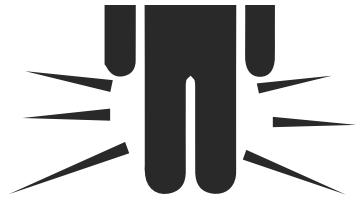
The most common types of serious injuries suffered in motorcycle accidents include:

- **Fractures.**



The impact of falling or being thrown from a bike or having a motorcycle fall on top of you can break bones. Because riders will instinctively reach out to catch themselves as they fall, they can break bones in their hands and arms, in even relatively minor crashes. Some broken bones such as broken elbows may require surgery to repair.

- **Lower-Extremity Injuries.**



Foot, ankle, leg, knee, thigh, hip, and pelvic injuries are the most common motorcycle accident injuries, according to multiple studies. Long-bone fractures of the tibia, fibula, and femur, and hip dislocation are the most common types of lower extremity injury suffered in motorcycle crashes.

- **Amputations.**



A motorcyclist may suffer such severe bone and soft-tissue damage in a crash that it is necessary to surgically amputate a limb, digit, hand, or foot that cannot be saved.

- **Head/Traumatic Brain Injury (TBI).**



Falling or being thrown from a motorcycle can lead to a blow to the head that causes a concussion or more serious TBI. The best way to prevent a head injury in a motorcycle accident is to wear a DOT-certified helmet. Riding without a helmet leaves a motorcyclist unprotected against such injuries as a broken jaw, lost teeth, eye injuries, and disfiguring facial cuts and fractures.



- **Chest Injuries.**



A sharp blow to the chest can fracture the chest bone or ribs, which protect the heart and other major organs. It can also rupture the diaphragm (the muscle that propels the lungs). Such a blow also can damage internal organs or broken bones can be dislodged and tear into organs.

- **Spinal Cord Injuries.**



A blow to the neck or back that fractures, dislocates, crushes, or compresses one or more vertebrae or disks can cause a traumatic spinal cord injury and paralysis. In addition to reducing the victim's quality of life, paralysis can have life-threatening complications.

- **Abdominal Injuries.**



The blunt force trauma suffered in a motorcycle accident may damage kidneys, spleen, liver, bowels, stomach, or any organ in the abdomen, as well as muscle, nerves, and other soft tissue. If not promptly diagnosed and treated with surgery, internal organ damage can lead to a life-threatening infection.

- **Internal bleeding.**



Internal organ damage may also lead to loss of blood that sends the accident victim into shock, which is a life-threatening

In addition to hospitalization and surgery, a motorcyclist who has suffered a severe injury in a crash will face physical rehabilitation as part of his or her recovery regimen. Patients who are undergoing treatment in a rehabilitation facility may be unable to work for an extended period of time. The most severe injuries may result in a permanent disability. A disabling injury typically involves higher medical costs and reduction of a rider's future earning capacity and quality of life. The most severely injured might require vocational training as well as the use of adaptive equipment or personal assistance. The long-term accident costs for the survivor of a serious motorcycle accident injury can amount to hundreds of thousands of dollars. A motorcyclist who is injured through the fault of another motorist should understand their legal options to seek compensation to cover their medical bills and other losses.

### **Sources / More Information**

- *Insurance Institute for Highway Safety – Motorcycles: Q&As*
- *National Highway Traffic Safety Administration – Traffic Safety Facts: Motorcycles*
- *NHTSA – Lower-Extremity Injuries in Motorcycle Crashes*
- *Department of Surgery, Benue State University – Lower limb injuries arising from motorcycle crashes*
- *Monash Injury Research Institute, Monash University – Case-control study of motorcycle crashes*

If you get into a motorcycle crash, it is very likely that you will be injured, perhaps seriously, and that your bike will be damaged. If you are able, there are immediate steps that you can take to protect yourself in case you pursue a personal injury claim.

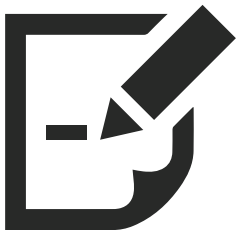
The seven most important steps to take after a motorcycle accident are:

## 1. Seek medical care.



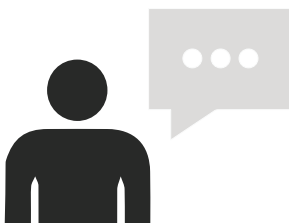
If you have been hurt in a motorcycle accident, your health is the first priority. Phone 911 for emergency medical assistance and cooperate with responders. If you do not require emergency care, you should still see a doctor as soon as possible after a motorcycle accident. There are several medical conditions that occur after accidents that may not show obvious symptoms for 24 hours or more. Seeing a doctor also documents your accident and/or injuries in case you file a legal claim later.

## 2. Gather evidence of the accident.



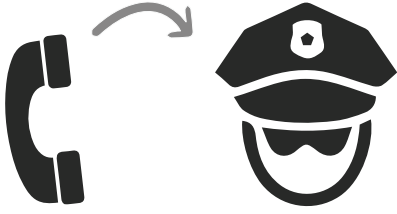
If you can, photograph the accident scene. Get photos of damage to your bike, the other vehicle(s), and any road signs, guardrail, or landscape damaged in the accident. Photograph your injuries, torn clothing and broken gear, skid marks, and broken glass. Take photographs of the license plates of the vehicles. Get a photo of the other driver and any passengers. Write down names and contact information for any witnesses to the crash, including your passenger and/or companions, such as riders in your group.

## 3. Provide routine information.



Always be polite and business-like after an accident. Don't argue or make accusations. The other driver may ask for your name, driver's license number, and insurance information, so be prepared to provide it. You may want to suggest that police will gather each driver's information and share it, and that you'd like to let them handle it. Do not get into an argument about what happened or who is at fault. It's natural to want to minimize your injuries, but do not say that you are unhurt. Such statements can be used against you later.

### 4. Contact police.



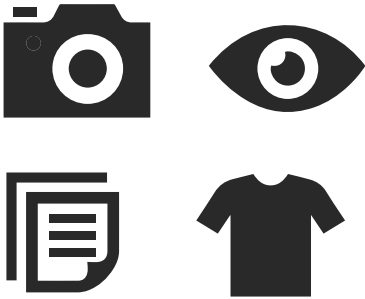
Regardless of the severity of your motorcycle accident, report it to police right away. This protects you by documenting the wreck with a police report. Cooperate with police by answering questions truthfully, but answer only the questions asked. Do not offer opinions, make accusations, or accept blame. Ask how to get a copy of the police report and get it as soon as possible.

### 5. Contact your insurance company.



You must report a motorcycle accident to initiate a claim. You should do this within 24 hours of the accident. Follow their instructions, such as what to do with your damaged bike and/or getting repair estimates. Don't sign anything or agree to a settlement offer from an at-fault driver's insurance company without consulting an attorney. If you hear from the other driver's insurance company, refer them to your insurance carrier.

### 6. Establish an accident file.



Save anything and everything connected to your motorcycle accident, including photos, witness contact information, the police report, and printouts of email from the insurance company. Save your damaged gear, torn clothes, and any other accident parts, exactly as they are. Save all receipts connected to the accident, including receipts for medical care and medication. If you miss work or school because of your injuries, save records of time lost. Write a description of the accident, your injuries and your recovery, including progress and setbacks. You might even keep a journal or make videos. Any of this evidence could eventually support a compensation claim.

### 7. Contact a motorcycle accident lawyer.



Your lawyer will be the only one involved with your motorcycle accident who is legally obligated to put your interests first. The police only file a report and the insurance company, even "your" insurance company, looks after its bottom line first. Once you retain a lawyer, he or she serves as your advocate to negotiate with the insurance company on your behalf or pursue a claim in court to obtain proper compensation for your losses. Most motorcycle accident attorneys offer free initial consultations with no further obligations.

The costs to a motorcyclist injured in an accident will depend on the severity of the crash and subsequent injuries. Among the cost considerations are:

- Medical expenses
- Property damage
- Lost income during recovery
- Lost earning power due to disability
- Ongoing medical/care costs due to disability.

A Centers for Disease Control (CDC) and Prevention study said that in terms of medical care costs and productivity losses, the overall U.S. economic burden from motorcycle crash-related injuries and deaths in one year alone totaled \$12 billion. Elsewhere, the CDC put the costs of motorcycle crash deaths in Oklahoma for a single year at \$49 million.

## Injury Costs in a Motorcycle Accident

Among the most common catastrophic injuries in motorcycle accidents are traumatic brain injuries (particularly among riders who do not wear helmets), spinal cord injuries resulting in paralysis, and lower-extremity injuries. A look at these injuries gives us a rough idea of the medical costs resulting from motorcycle accidents:

- **Traumatic Brain Injury (TBI).**



Motorcycle riders without helmets are twice as likely as those wearing helmets to suffer TBIs from crashes, the CDC says. They also face substantially higher healthcare costs after an accident than do riders who wear helmets. The median hospital charges for motorcycle riders hospitalized with severe TBI in a CDC study were 13 times higher than the charges for those who did not have a traumatic brain injury.



One calculation of the average lifetime health care costs for TBI said they range from about **\$85,000 to more than \$3 million.**

- **Spinal Cord Injury.**



Trauma to the spinal cord in a motorcycle accident may result in loss of bodily function below the point of the injury. A spinal cord injury is classified as “complete” or “incomplete,” depending on the loss of function. The paralysis is referred to as paraplegia if it affects the legs and pelvic organs or tetraplegia if it affects the arms, trunk, pelvic organs, and legs.

The National Spinal Cord Injury Database (NSCID) says, depending on the severity of injury, the average yearly expenses of a spinal cord injury range from \$342,112 to \$1.08 million in the first year and from \$41,554 to \$182,033 for each subsequent year.



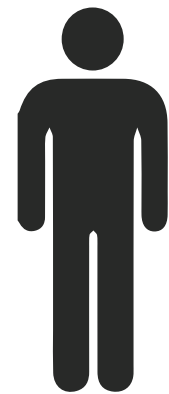
For a **25-year-old** with high **tetraplegia**, lifetime medical costs are likely to exceed **\$4 million**.

• **Lower-Extremity Injuries.**



The most likely injuries among the foot, ankle, leg, knee, thigh, hip, and pelvic areas in a motorcycle accident are fractures of the tibia, fibula, and femur, and hip dislocation, according to the National Highway Transportation Administration (NHTSA).

A **NHTSA** study found that patients with multiple lower-extremity injuries faced median medical expenses of about **\$39,000 to \$56,000** if they sustained lower-extremity injuries in combination with other injuries.



## Additional Costs of Motorcycle Accidents

A study by the NHTSA attempted to deduce the cost of motorcycle accidents by studying literature published in the U.S. in the 1990s. What researchers found was that some motorcycle topics, such as the benefits of helmet use and acute medical costs, have been studied extensively. But research into many related topics, such as the areas of long-term medical costs and work-loss costs from motorcycle accidents, is sparse.

**The study concludes:**

*“For victims of serious head injury, acute hospital care might be only the first stage of a long and costly treatment program. For many crash victims, lost wages from missed work days will outweigh medical costs. And for victims who are permanently disabled, their earnings might be reduced for the rest of their lives. More research is needed on these subjects to provide a more comprehensive picture of the full cost of motorcycle crash injuries.”*

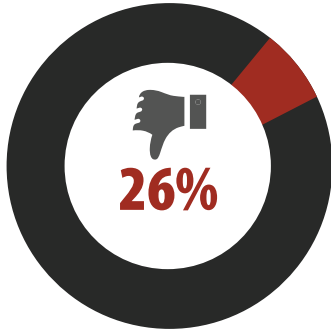
The overall conclusion is inescapably that a significant injury from a motorcycle accident could easily cost the accident victim and/or his or her family more than \$1 million over the course of the injured victim’s lifetime. For a motorcyclist in his 20s who has been disabled in an accident, a multi-million dollar lifetime cost due to medical expenses, lost earnings, and more should be expected.

**Sources / More Information**

- *Centers for Disease Control and Prevention – Motorcycle Safety: How to Save Lives and Save Money*
- *Research America – Facts About Traumatic Brain Injury*
- *National Spinal Cord Injury Statistical Center – Spinal Cord Injury Facts and Figures at a Glance*
- *National Highway Traffic Safety Administration – Lower-Extremity Injuries in Motorcycle Crashes*
- *NHTSA – Costs of Injuries Resulting from Motorcycle Crashes: A Literature Review*

## Motorcycle Wrecks Involving Uninsured Drivers

Oklahoma requires motorists to carry liability insurance to operate vehicles on state roads. Liability insurance pays the victims of accidents that the policyholder causes.



Unfortunately, many drivers in Oklahoma fail to comply and drive uninsured. The Insurance Research Council says its latest survey shows that Oklahoma had the nation's highest percentage of uninsured motorists, at 26 percent.



If you are in a motorcycle accident caused by an uninsured driver or a motorist who does not have enough insurance, you may be covered through the uninsured motorist coverage as part of your own policy.

Some states require UM coverage, but in Oklahoma, it must simply be offered as part of every auto/motorcycle insurance policy. You may have UM coverage if you did not specifically decline it when buying motorcycle insurance. It is not unusual for anyone to forget or overlook details of an insurance policy.

## What Does UM Coverage Do for Me?



Uninsured motorist coverage pays for personal injury (medical) expenses the policyholder sustains in a traffic accident caused by a driver who does not have insurance or has too little insurance to cover the policyholder's needs. The latter coverage is sometimes referred to separately as underinsured motorist, or UIM, coverage.

Unless the policyholder opts to buy additional coverage, a UM policy's coverage is equal to the insured's liability coverage. In Oklahoma, the minimum amount of liability coverage required is:

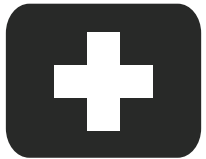
- \$10,000 for injury or death of one person
- \$20,000 for injury or death of two or more persons
- \$10,000 for property damage.

Note that UM coverage does not include a benefit for property damage. If an uninsured motorist damages your bike, repair bills would be paid through your collision coverage, if you have it.

UM pays you, members of your family who live with you, and passengers on your motorcycle for personal injuries caused by an uninsured motorist or a hit-and-run driver who is not identified or found. If the motorist who hits you is underinsured, UM makes up the difference in the maximum paid by their liability insurance and the remainder of your medical bills, up to the limits of your policy.

## Obtaining Compensation from Uninsured Motorists

If you have UM coverage and have been injured in a motorcycle accident caused by an uninsured motorist, you should be able to obtain benefits as provided by your policy. You would contact your insurer and follow the normal steps involved with filing a claim.



This includes seeing a doctor for medical care and to document your injuries, and maintaining records and other evidence to document the accident, your injuries, and all of your associated medical expenses.

In theory, you would file a claim and provide information requested by your insurer and you would receive a check to cover your medical expenses up to the maximum available under your policy. Unfortunately, insurance claims do not always run so smoothly. Insurance companies are in business to make a profit, so it is quite likely that the adjustor assigned to your case will look for ways to minimize or deny your claim.



The alternative to accepting the amount offered by the insurance company is to seek legal assistance from a personal injury lawyer who is experienced in motorcycle accidents and UM claims. A personal injury attorney may be able to negotiate a more favorable settlement or identify potential sources of compensation that you have not considered.

An experienced motorcycle accident attorney understands insurance law and the strategies that insurers use to get out of paying appropriate settlements. Your attorney would also investigate your accident to develop evidence of the accident and a full accounting of your medical expenses as a basis to negotiate for a proper settlement or take the matter to court, if necessary.



## Third-Party Claims After UM Accidents



The investigation of your motorcycle accident might also turn up other sources of compensation for your injuries. The uninsured motorist who hit you may have other assets that can be attached for compensation to you.



If, for example, the person who hit you was driving while on the job, their employer might be held liable for your injuries. If it could be shown that a defect in the motorist's car caused the accident, the manufacturer of the defective part or automotive system might be liable for your injuries.

A personal injury lawsuit against the driver or a "third party" would not be limited to seeking compensation for your medical expenses. Your claim, which could be pursued independent of or in addition to a UM claim, could seek compensation for:

- Property damage
- Pain and suffering
- Income loss
- Egregious behavior (punitive damages).

## Investigate a Motorcycle Accident

Each motorcycle accident has its own unique set of facts and there are no guarantees as to how well any case will turn out for an injured motorcyclist. But if you have been significantly injured in an accident and are facing expensive medical bills, you owe it to yourself and your family to explore your legal options.



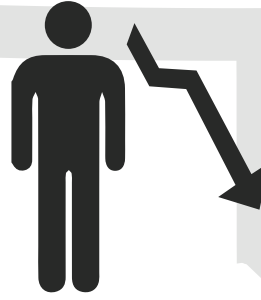
An experienced attorney can investigate your case and press the insurance company to do what's right and often obtain a better settlement that you can on your own. If others should be held responsible for your losses, an attorney can help you obtain the evidence to make that case, as well.

### Sources / More Information

- *Oklahoma Insurance Department: Frequently Asked Questions – Auto Insurance*
- *Insurance Information Institute – Compulsory Auto/Uninsured Motorists*

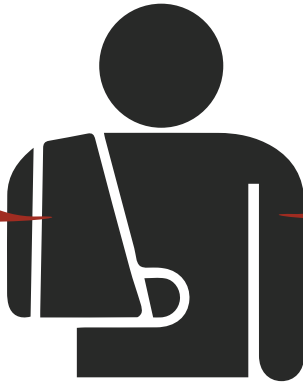


Adult motorcyclists in Oklahoma have the choice of whether to wear a helmet when riding.

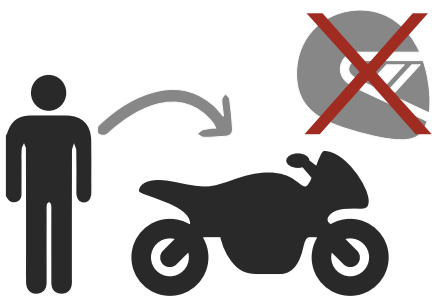


Oklahoma only requires motorcycle riders who are 17 and younger to wear helmets.

An adult rider who chooses not to wear a helmet and becomes injured in an Oklahoma motorcycle accident is still entitled to make an insurance claim.



Even a rider age 17 and younger not wearing a helmet (or his/her parents) could seek compensation for injuries and other losses after an accident.



The presence or lack of a helmet is not usually considered a contributing factor to a motorcycle accident. However, not wearing a helmet could be considered a factor in the extent of the motorcyclist's injuries in an accident. Opposing lawyers would argue that had a motorcyclist worn a helmet, his or her head and neck injuries would have been less severe or avoided altogether.

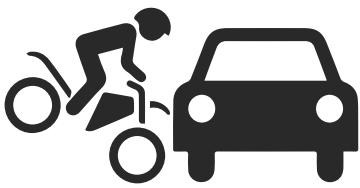


The argument would be that the motorcyclist was partly responsible for his or her injuries and associated losses. Under Oklahoma's "modified comparative fault" rule, a jury could reduce the amount of compensation awarded to the motorcyclist, if the jury found that the motorcyclist contributed in part to their injuries by not wearing a helmet.

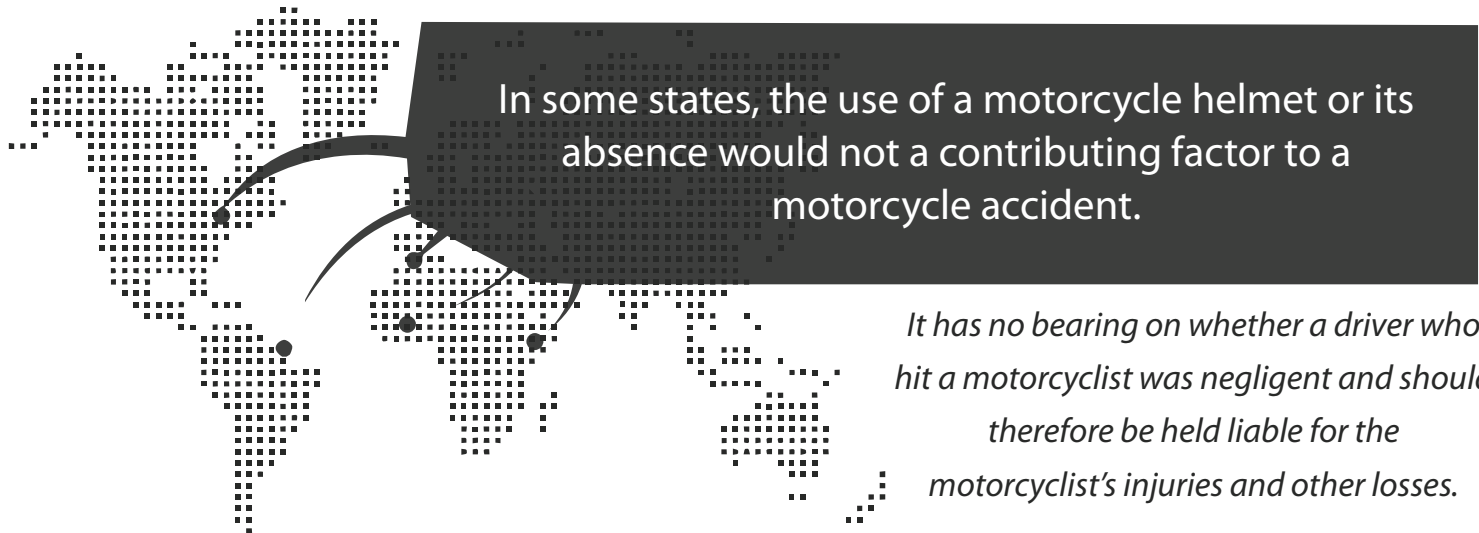
## Shared Negligence in a Motorcycle Accident

In general, a motorcycle accident victim who pursues a personal injury claim must show that:

- The defendant owed a duty of safety to the injured party;
- That duty was breached by the defendant's negligence;
- The at fault driver's action was directly connected to the plaintiff's injuries; and
- The plaintiff's injuries are compensable (i.e., can be made better with money).



In a motorcycle accident that involved a collision with another vehicle, the collision would be the proximate cause of the motorcyclist's injuries, as well as the breach of duty the motorist had for the motorcyclist's safety.



In some states, the use of a motorcycle helmet or its absence would not a contributing factor to a motorcycle accident.

*It has no bearing on whether a driver who hit a motorcyclist was negligent and should therefore be held liable for the motorcyclist's injuries and other losses.*



But under Oklahoma law, a jury must consider whether the plaintiff in a personal injury claim contributed to their own losses. If so, the jury can reduce the award the plaintiff might receive accordingly.

If a motorcyclist who was not wearing a helmet suffered a traumatic brain injury (TBI) in an accident and sought compensation for his injuries, opposing lawyers would surely argue that a helmet would have lessened or prevented the injury.



If a motorcyclist who was not wearing a helmet suffered a traumatic brain injury (TBI) in an accident and sought compensation for his injuries, opposing lawyers would surely argue that a helmet would have lessened or prevented the injury.

The NHTSA says helmets are estimated to be:



**37 PERCENT**

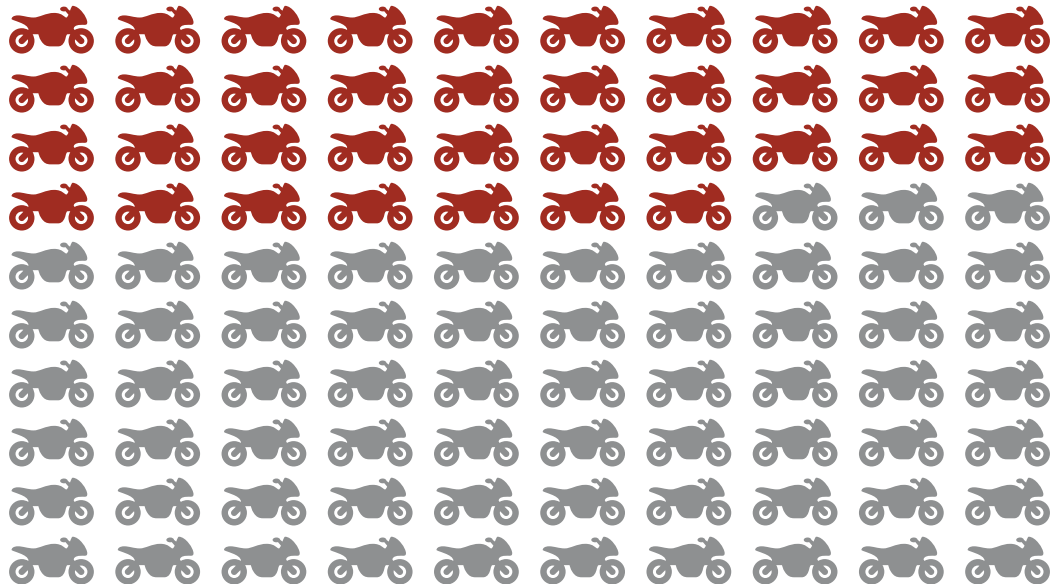
effective in preventing  
fatal injuries to  
motorcycle riders



**41 PERCENT**

effective for motorcycle  
passengers.

In other words, for every **100 motorcycle riders** killed in crashes while not wearing helmets, **37 of them** could have been saved had all **100 worn helmets.**



If a jury were presented with these and similar statistics from expert witnesses and decided the unhelmeted motorcyclist was 30 percent responsible for his TBI, for example, the final compensation awarded would only be 70 percent of what it might have been.



For example, if a jury awarded \$100,000 to a motorcyclist for injuries in an accident, but found that the rider was 30 percent at fault for their injuries, the final award would be reduced to \$70,000.

## Helmets Have No Effect on Right to Compensation

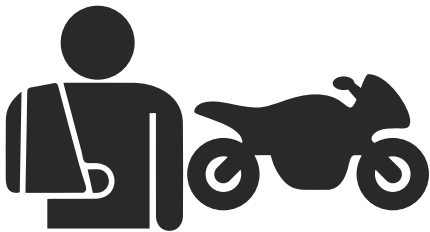
Adult motorcyclists in Oklahoma have the freedom to ride with or without a helmet. They should make their choice with the knowledge that most experts say a helmet can help protect them from a TBI or death in the event of an accident. Regardless of a rider's choice, if a motorcyclist has been injured because of someone else's negligence, they have the right to seek compensation for their losses.

### Sources / More Information

- *NHTSA: Traffic Safety Facts – Motorcycles*
- *Insurance Institute for Highway Safety: Motorcycles*
- *American Motorcycle Association: AMA Position In Support Of Voluntary Helmet Use*

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How the Downed  
Bikers Association  
Assists the Oklahoma  
Riding Community



Oklahoma motorcyclists have a friend in the Downed Bikers Association, a non-profit organization created to assist motorcyclists confined to a hospital due to a motorcycle accident or the families of lost motorcyclists.

The Downed Bikers Association provides emotional and financial support to injured riders. While the organization cannot prevent motorcycle accidents, it works to make a difference in the lives of injured riders and those of families of fatally injured riders.

The organization conducts poker runs and other events to raise money for motorcyclists' hospital bills and associated expenses. The association has chapters in Central Oklahoma (Oklahoma City), Tulsa, and Western Plains (Elk City).

As motorcycle enthusiasts ourselves, Burch George & Germany recognizes that most motorcyclists are conscientious and law abiding citizens and supports the work of the Downed Bikers Association through donations to the cause.

The Downed Bikers Association joined ABATE of Oklahoma, the family of David Jagers and motorcyclists around the state to work toward creation of the David Jagers Law, named after a long-time motorcycling enthusiast and active member in the Downed Bikers Association who was killed by a negligent, reckless motorist while riding his motorcycle.



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## Regular Riding and Ongoing Training Keep Skills Sharp



Experience is a proven teacher and motorcyclists who have years of street riding experience are proven survivors. Experienced riders are more adept at recognizing and avoiding hazardous traffic situations that lead to accidents and injuries.

More than half of motorcycle accidents involve riders with fewer than five months of experience, according to the Motorcycle Safety Foundation. Regular riding and ongoing training keep riding skills sharp and make a better motorcyclist.



**MORE THAN HALF**  
motorcycle accidents  
involve riders with fewer  
than five months of  
experience

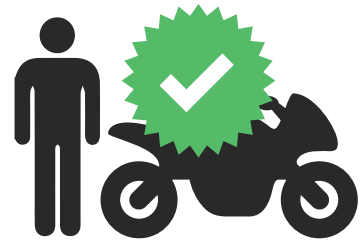
The more you ride, the more experience you have. The more training you receive, the better you'll be able to foresee and avoid dangerous traffic situations.



Riders of every level of experience will benefit from ongoing training courses. Oklahoma State University-Oklahoma City offers motorcycle training classes throughout the year taught by certified motorcycle instructors for advanced riders as well as less experienced riders.

*Rider can take a refresher course on common errors that riders make in crash situations and what to do instead.*

More seasoned riders can enroll in advanced training and refine their bike handling abilities in low speed drills including cornering, counter steering, braking, group riding and swerving and avoidance techniques to prevent collisions. The controlled environment of a training class is a great way to test your bike handling skills, identify what skills you need to work on and improve them.



Classes are not just for novice riders. Whether you are a beginning biker or a more experienced rider, ongoing training can raise your confidence and make riding safer and more enjoyable for you.

## ABOUT BURCH GEORGE & GERMANY

We understand the difficulties that your family may be experiencing if you or a loved one has been seriously injured in a motorcycle accident. We have prepared this guide about issues to consider after a motorcycle accident based on our experience assisting injured bikers. It provides general information.



Burch George & Germany, based in Oklahoma City, represents injured motorcyclists and other injury victims in all 77 of Oklahoma's counties in personal injury and product liability lawsuits involving all types of accidents and injuries. A civil lawsuit against an at-fault motorist who caused a collision can provide financial compensation for an injured rider and relieve the stress of paying medical bills.

A study by the NHTSA attempted to deduce the cost of motorcycle accidents by studying literature published in the U.S. in the 1990s. What researchers found was that some motorcycle topics, such as the benefits of helmet use and acute medical costs, have been studied extensively. But research into many related topics, such as the areas of long-term medical costs and work-loss costs from motorcycle accidents, is sparse.



*Law partners Derek Burch and Kelly George have been friends and colleagues for decades. They founded the law firm of Burch & George in 1997. They named longtime associate DeeAnn Germany a partner and changed the firm name to Burch, George & Germany, P.C. in 2011.*

Our Burch, George & Germany legal team has a serious commitment to providing professional and ethical representation to each client. We pledge to do everything it takes to succeed at trial, regardless of the defendant's size, power, or financial strength.

Every accident has a unique set of facts so we have not attempt to offer legal advice in this guide. To have an experienced attorney review the specifics of your motorcycle accident and explain your legal options at no charge, contact us.



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