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Motorcycles, Safety, and the Law

With increased incidents of summer motorcycle riding the law firm of *Angiuli & Gentile, LLP*, encourages drivers to practice safe driving habits and learn the facts about motorcycle accidents

June, 2013....As we begin summer and experience the increase in traffic volume and motorcycle use that accompanies this season, partner Gary C. Angiuli, of the law firm Angiuli and Gentile, LLP, reminds motorcycle enthusiasts and drivers of any type of vehicle, to keep safety foremost in their minds. Drivers in general should also be aware of statistics and studies that concretely point out the most common factors leading to a motorcycle accident.

"The studies on what causes motorcycle accidents are conclusive. Knowledge is power. The more we know the better," said partner and fellow motorcycle enthusiast Gary Angiuli.

The law firm of Angiuli and Gentile, LLP, elaborates -

What steps can be taken to try and prevent motorcycle accidents and reduce personal injury if an accident occurs?

- o Riders are encouraged to wear among other items: higher visibility gear, armored lightweight vented protective jackets and pants, a full face helmet, gloves (made of leather or cordura and kevlar), boots, and earplugs to prevent hearing damage in states that permit it. There are even Kevlar reinforced jeans to avoid road rash.

- o Riders can also take a safe rider course. It is never too late to do that. Veteran riders who have not had the opportunity to take a class can still learn valuable information. The New York State Motorcycle Safety Program Basic Rider Course is given at the College of Staten Island in one of their parking areas. It is a two-day motorcycle safety course. For more information contact: 718-599-1079 or <https://www.ridemss.com/college-of-staten-island/>.

Know the stats when it comes to accidents – whether you are on a bike or in a car.

Findings from the "Motorcycle Accident Cause Factors and Identification of Countermeasures," a study conducted by the University of Southern California (USC) with funds from the National Highway Traffic Safety Administration, support taking measures to be safe on the road.

The findings are invaluable to know before getting on your bike or turning the ignition on in your car.

“Motorcycling is an inherently dangerous activity. People die or get seriously injured daily. Why not give yourself every advantage?” said Angiuli.

Here are some conclusions of the study:

- o Intersections are the most likely place for a motorcycle accident, with the other vehicle violating the motorcycle right-of-way, and often violating traffic controls.
- o Most motorcycle accidents involve a short trip associated with shopping, errands, friends, entertainment or recreation, and the accident is likely to happen in a very short time close to the trip origin.
- o The failure of motorists to detect and recognize motorcycles in traffic is the predominant cause of motorcycle accidents. The driver of the other vehicle involved in collision with the motorcycle did not see the motorcycle before the collision, or did not see the motorcycle until too late to avoid the collision.
- o The most frequent accident configuration is the motorcycle proceeding straight then the oncoming automobile makes a left turn in front of the oncoming motorcycle.
- o Almost half of the fatal accidents show alcohol involvement. National Highway Safety Administration (NHTSA) says that in 2009, 29 percent of motorcycle riders involved in fatal crashes had a blood alcohol concentration (BAC) over 0.08 percent.
- o Almost one out of four motorcycle riders (22 percent) who were involved in fatal crashes were riding without a valid license in 2009.

What do you need to know about the law if you find yourself a participant in an accident involving a motorcycle?

No-Fault insurance is required for every vehicle in the state of New York. For drivers of passenger vehicles, this means that no matter who is at fault for an accident, the No Fault portion of the relevant car insurance policy will help pay for medical expenses, lost wages and other reasonable expenses such as prescriptions, travel expenses and household help. The insurance and liability rules are different for motorcycles than for cars.

“No-fault sees motorcycles as inherently dangerous (small size of the motorcycle, physical exposure of the operator, much more susceptible to road hazards such as oil spills, debris and potholes, than four-wheeled vehicles), therefore the law does not cover motorcyclists. A motorcycle is not a motor vehicle within the meaning of the No-Fault Law,” said senior associate Alan Karmazin, an attorney with the law firm of Angiuli and Gentile, LLP, who concentrates in this area of the law.

“Injured motorcyclists who come to our firm are surprised to learn that these accidents are not covered by no-fault insurance. A fact many drivers are not aware of,” said Annamarie Gentile, supervising partner of personal injury cases at the firm.

Since motorcycles are exempt from the definition of motor vehicle, a motorcyclist is not a covered person

under the No-Fault Law and is not entitled to these medical and lost wage benefits. However, motorcyclists injured in motor vehicle accidents are not subject to the "serious injury" threshold under New York No-Fault Law which is a manner to which minor personal injury cases are kept out of the courtroom.

The Governors Highway Safety Association (GHSA) reported that motorcycle deaths increased nine percent in 2012. This marks the 14th of the last 15 years in which motorcyclist deaths increased. In GHSA's recent report state should address six issues: increase helmet use, work to reduce alcohol impairment among motorcyclists, work to address speeding among motorcyclists, increase operator training opportunities, ensure operators are properly licensed, encourage all drivers to share the road with motorcyclists.

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About the law firm of Angiuli & Gentile, LLP:

The law firm of Angiuli & Gentile, LLP began with a vision - to provide the surrounding community with quality comprehensive legal representation in a wide variety of legal areas. Residents of Richmond County would be able to retain localized services of sophisticated and skilled attorneys who understood and appreciated their unique concerns and requirements. From its very inception, Angiuli & Gentile, LLP has been dedicated to providing each and every client with committed, attentive and personalized service. The firm has since grown to provide service in Brooklyn, Queens, Manhattan, Long Island and New Jersey.

Angiuli & Gentile, LLP has the resources necessary to help those left seriously injured by the negligence or intentional acts of others, including those injuries resulting from motor vehicle accidents, construction accidents, slip and fall cases, products liability matters, medical malpractice claims and host of other injury-causing events. The firm's lawyers are also experienced in handling social security disability matters and represent those individuals who need to prosecute workers' compensation claims. Angiuli & Gentile, LLP has helped thousands of workers over its 25 plus year history to obtain the medical care they need to recover from their injuries as well as the financial compensation that they deserve. Through the years, lawyers from the firm have lectured extensively. Partners Gary C. Angiuli and Annamarie Gentile closely monitor the firm's cases to assure the firm's clients of the best possible outcome.