

MAZOW | McCULLOUGH ▶ PC
ATTORNEYS AT LAW



What You Need to Know About

MOTORCYCLE ACCIDENT FATALITIES

What You Need to Know About Motorcycle Accident Fatalities

From the Desks of Robert E. Mazow and Kevin J. McCullough:

At our firm, we've represented numerous families who have lost loved ones in motorcycle accidents. We understand how devastating it can be and how challenging the legal obstacles are from the start. We provide zealous legal advocacy for grieving families after motorcycle accident fatalities, and we hope this eBook provides you with the information you need about motorcycle accidents and collision deaths. From causes of motorcycle accidents to how motorcycle accident insurance works, this eBook will go over various issues relating to motorcycle accident fatalities.

Thank you for reading and don't hesitate to contact us at (855) 693-9084 or (978) 744-8000 to learn more about motorcycle accident claims.

Sincerely,

Robert E. Mazow and Kevin J. McCullough



Table of Contents

Introduction.....	3
Common Causes of Motorcycle Accidents.....	4
Motorcycle Accidents and Fatalities.....	5
Common Causes of Death in a Motorcycle Accident.....	6
Proving Negligence in a Motorcycle Accident Case.....	7
The Difference Between Motorcycle and Motor Vehicle Insurance.....	8
Are Medical Expenses Covered in an Accident Related Death?.....	9
What a Family Can Do After Losing a Loved One in a Motorcycle Crash.....	10

Conclusion

About



Introduction

Motorcycle accidents are far more dangerous than other types of vehicle accidents. This is because a motorcyclist does not have a protective “cage” around them like a car or truck driver does, and the force of the impact is directly to their bodies and their motorcycle. The result is a higher number of fatalities per accident versus car or truck accidents, leaving many families grieving lost loved ones.

In this eBook, we discuss about how motorcycle accidents occur, how they lead to fatalities, how motorcycle insurance works, and how survivors can bring forward a motorcycle accident claim to help cover post-accident costs and obtain justice for their loved one.



Common Causes of Motorcycle Accidents

Motorcycle accidents occur every day in Massachusetts and New Hampshire, and unfortunately, many of them result in fatalities. Below are the most common causes of motorcycle accidents that injure or kill.

Lack of Motorcycle Operation Training

One of the most common reasons motorcyclists wreck is a lack of training when it comes to operating a motorcycle. Motorcycles are not like cars and require specific training in how to handle the machine in a variety of driving conditions. However, many motorcyclists skip any type of formal training, which can lead to accidents when a motorcyclist encounters a situation they're unprepared for.

Inclement Weather

Motorcycles are more difficult to handle in inclement weather than a vehicle. Since motorcyclists aren't protected by a car or truck roof, most motorcyclists tend to avoid riding when the weather is rough. However, patches of black ice or sudden rain showers that create wetness on the road can easily cause a motorcycle to lose traction or spin out of control when riding.

Road Construction

While road construction is challenging for a driver of any vehicle – be it a motorcycle, truck, or car – it can be particularly difficult for motorcycle riders. Loose gravel and rough roads that are typically normal conditions on a road under construction can make it more difficult for a motorcycle to stop or slow down, potentially causing an accident.

Negligent Drivers

Negligent drivers cause a number of motorcycle accidents, simply because they are either not aware of motorcycle riders or are not giving motorcycle riders the respect they deserve. Motorcyclists have the same right to the road as any other vehicle, however, not all drivers realize this. Negligent driving can force a motorcyclist off the road, or can cause direct collisions with cars and trucks.

Similar to motor vehicle collisions, the most common reasons that motorcycle collisions occur involve lack of driver attention, speeding, texting, and not paying attention to the roadway.

Motorcycle Accidents and Fatalities

Unfortunately, fatalities are common in motorcycle accidents. With motorcycle collisions in Massachusetts and New Hampshire, statistically those sorts of incidents in collisions do involve fatalities at a higher frequency. It's based upon just the lack of the protection to the rider or passenger.

In New Hampshire, you're not required to wear a helmet while driving a motorcycle. Even if you're the safest motorcyclist in the world, for example, traveling on a beautiful sunny day on Route 16 in New Hampshire within the speed limit and within your designated lane, you never know when someone's going to pull from a side street or hit you as an oncoming motorist.

When incidents like that occur when you're driving a motorcycle with or without a helmet, often times those head injuries or those internal injuries are severe enough that the motorcyclist doesn't survive the collision.



Common Causes of Death in a Motorcycle Accident

Death can occur in a motorcycle accident for a variety of reasons, however, some are more frequently seen than others.

Crush Injuries

Crush injuries can occur when a motorcycle pins a rider underneath itself or against another object at a high speed in a motorcycle collision. Because motorcycle riders aren't well protected, they can easily be thrown off the motorcycle and crushed by the motorcycle or by another vehicle.

Crush injuries may be fatal right away, or they may cause internal bleeding that isn't diagnosed quickly enough. Often, motorcycle riders that have been crushed in an accident are rushed to the hospital, where they later die.

Head Injuries

Head injuries are the most common cause of fatalities in relation to motorcycle accidents and most often, deadly head injuries occur when a rider isn't wearing a helmet. Head injuries can cause immediate death at the scene of the accident, or they can cause brain trauma, including brain swelling or bleeding, that in turn causes the death of the motorcycle rider.

Because a motorcycle rider is exposed to every element of a collision, a fatality can arise multiple ways. Any time the brain or critical organs like the heart and lungs have been critically injured, there's a high chance that the injuries will prove to be fatal before the rider can be transported to the hospital for life-saving medical care.

Proving Negligence in a Motorcycle Accident Case

Motorcyclists are faced with insurance bias in that they can't even get Personal Injury Protection (PIP) coverage on their policies in Massachusetts. Insurance companies have convinced Massachusetts lawmakers that there are simply too many accidents involved with motorcyclists and as a result have obtained the legislative support needed to deny motorcyclists payment for medical bills through PIP coverage.

The truth of the matter is that motorcyclists can be some of the safest drivers that are out on the road. But initially when an insurance company receives a claim for medical bills and payment for pain and suffering, their first reaction is, "Well, wait a minute, the motorcyclist must have some comparative fault or must have some comparative negligence." The insurance company tries to reduce the payment.

The insurance company, or even a jury if the case makes it to trial, might feel that the motorcyclist must have been negligent. This person must have been reckless. They drive a motorcycle, they have to want to drive fast. There's a bias.

This makes it much more difficult for motorcyclists and their attorneys to prove negligence in their cases. It becomes much more of a burden to bring forward evidence that the other driver was fully or partially at fault for the collision and that the motorcyclist is deserving of fair compensation for their injuries and suffering. However, with an experienced personal injury attorney, a motorcyclist has the best chance of creating a compelling case.



The Difference Between Motorcycle and Motor Vehicle Insurance

The most significant difference between motorcycle insurance and motor vehicle insurance is that when you have a car in Massachusetts on the road, you are required to have Personal Injury Protection coverage, which pays for yourself and your passengers' medical bills up to a certain amount. It could be \$2,000 or it could be \$8,000.

Motorcyclists, however, aren't even allowed that option, they are not allowed to have Personal Injury Protection coverage. Now, the smart motorcyclists will buy additional coverage to protect themselves because they know that they can't get Personal Injury Protection.

They might buy medical payments coverage, although, some of them make sure that they have some form of health insurance to pay for any potential injury. They'll hopefully increase the limits of their motorcycle liability under an uninsured motorist's protection, in case they're hurt by an at-fault driver that does not have enough insurance coverage.

Because of the high rate of injuries and fatalities that can occur in a motorcycle accident, insurance companies can be less willing to offer adequate coverage to motorcyclists and in cases where they are presented with compensation claims, they may be more reluctant to offer a fair settlement than they would in a car accident case.



Auto Accident Report

When an accident occurs:

First Steps

Do Not Say

Are Medical Expenses Covered in an Accident Related Death?

In Massachusetts, when you're involved in a motor vehicle crash, regardless of who is at fault, if there's an injury or a death, the company that insures the vehicle that the person who is injured or dies is in, is responsible at least initially for payments related to any medical treatment that might happen. This includes an ambulance ride, any med flight, or a helicopter ride if necessary.

There's a limit to that though. In Massachusetts, the outward limit to pay for medical expenses related to either an injury or a death is \$8,000, and if medical bills go beyond that, you'll be dealing with private health insurance or you'll be dealing with the at-fault person's insurance company to be reimbursed for medical expenses or all expenses related to a person's death.

The more serious an impact and the more serious an accident, the more significant that the medical bills are. So, you need to make sure that any insurance that might be available – automobile, health, or otherwise - is immediately accessed by the person themselves or their family members so they can be reimbursed for those medical expenses.

However, cases where a fatality has occurred often require a different analysis. The law can vary dramatically from state to state, including what forms of coverage are required. For example, in Massachusetts, there are two different types of insurance that may be available to you immediately after a collision involving a wrongful death. These include personal injury protection (PIP) as well as medical payments coverage, although motorcyclists cannot get PIP.

In New Hampshire, they don't offer personal injury protection coverage, but they do offer medical payments coverage. In either Massachusetts or New Hampshire, those types of insurance may be immediately available to you.

Yet, there could be liability insurance involved for the at-fault party, which often times doesn't kick in immediately. You have to do the investigation and the analysis, and the presentment of those funeral bills or expenses to get paid. There are numerous different types of coverage that may come into play that would provide payment for funeral expenses.

Pursuing a Claim After Losing a Loved One in a Motorcycle Crash

Losing a loved one in a motorcycle accident is a heartbreaking experience and naturally, you'll want justice for your loved one. The recourse that the family members have is to be directly involved with the investigation in the accident reconstruction analysis.

Typically, the family does have some input. They may have been witnesses to the incident itself. Further recourse would be retaining a law office to also work closely with the state investigating authorities. Attorneys often times conduct their own investigation just to make sure that things are done thoroughly and properly, and also to have that extra analysis if a case ultimately moves into litigation.

When a family wants to retain a firm, an attorney typically presents the claim to the at-fault party or their insurance company or family members. Most cases do get resolved as part of a claim. Often times unfortunately, attorneys do have to file lawsuits and the family members are directly involved in the pursuit of the claim, the damages through that claim and the litigation process.

They may learn information that wasn't readily available at the scene or within those initial reports. Witness statements and depositions that get conducted during that investigation phase or the litigation phase that the family members are directly involved in sometimes provides further light or evidence as far as how a collision may have happened and who's at fault.

Overall, working with an experienced attorney can be the most effective way to recover fair compensation for damages a family has incurred after a loved one's fatal motorcycle crash and to ensure that anyone responsible for their loved one's death are held accountable for their negligence.



Conclusion

There are many causes of motorcycle accidents and many issues with medical costs and insurance. No two motorcycle accident cases are the same, and regardless of the details, there is one common thread: the most advantageous asset your family can have after losing a loved one in a motorcycle accident is an experienced lawyer.

At Mazow | McCullough P.C., we have the expertise and resources to help you bring forward a claim that aims to cover the damages your family has suffered as a result of your loved one's accident and hold those responsible for the accident accountable for their actions. If you've lost a loved one in a motorcycle accident, don't hesitate to contact us for a free consultation to discuss your case in detail.



About

The law firm of Mazow | McCullough, PC was formed in 2003 when two experienced personal injury lawyers and life-long Massachusetts residents, Mr. Robert E. Mazow and Mr. Kevin J. McCullough, joined forces to create a personal injury law firm dedicated to helping injured persons in Massachusetts achieve fair and just compensation for the injuries they have sustained and the emotional, physical and financial hardship caused by those injuries.

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