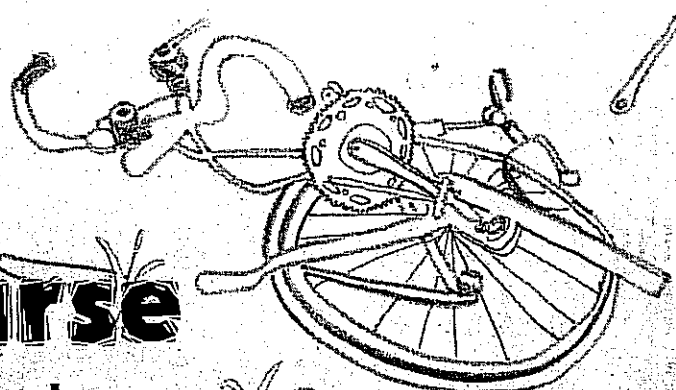


Crash Course



What to do if you get in a bicycle accident

By John Duggan



You might be on your club training ride, commuting to work or simply out riding with friends, and when you least expect it, your worst fear becomes a reality: The minivan approaching from the opposite direction makes a left turn in front of you. You lock up your brakes and skid before crashing into the passenger side of the vehicle. You have some road rash but quickly realize you're still alive.

And then your adrenaline kicks in.

The minivan driver admits they didn't see you, immediately takes the offensive and asks why you were riding in the roadway and why you didn't stop.

The ever-increasing number of cyclists combined with the higher volume of motor vehicle traffic makes the above scenario a nearly everyday occurrence in the Pacific Northwest.

Unfortunately, I've been in this situation twice, and both times I thought I wasn't hurt and could ride away. In each instance, approximately a mile down the road, I realized I was injured, my bike was damaged and I was looking for the nearest emergency room. By this time, it may be too late to gather the information you need to make a claim against the at-fault driver.

Through my personal experience on the bike as well as my experience representing injured cyclists, I have learned what you should and should not do if you find yourself a victim of a negligent driver. Keep in mind that as a cyclist, you are usually behind the eight ball.

In most bicycle/motor vehicle accident claims, I demand that the insurance company declare the bike and all damaged clothing and accessories a total loss and pay full replacement value. In most bicycle/motor vehicle accidents in Washington (Oregon may have different laws), regardless of who was at fault, the vehicle driver's insurance will pay reasonable and necessary medical bills and some wage loss.

Hopefully you will never find yourself in a situation where you need to use this information, but if you do, now you will be prepared. Keep in mind that most bicycle/car accidents occur because the vehicle driver does not see the cyclist.

So be smart: Make yourself visible and ride safely.

— John Duggan of Seattle is an avid cyclist and attorney who represents injured cyclists. He is a member of the Cascade Bicycle Club, Bicycle Alliance of Washington and the Washington State Trial Lawyers Association. He is also a sponsor and member of the Byrne/Jet City Velo cycling team. He can be reached at (206) 343-1888 or johnd@warrenduggan.com.

Bike Crash Tips

To preserve your rights, keep the following list in your saddlebag – and remember to use it.

- Do remain calm, collected and non-confrontational.
- Do call the police and insist an officer files a police report. In the event that an officer does not respond, go to a police station and file an accident report within 72 hours of the incident.
- Do get the vehicle driver's insurance information, address, phone number and license plate number.
- Do get the name, phone number and address of every witness.
- Do get the necessary medical treatment.
- Do have your bike thoroughly inspected by a reputable bike shop.
- Do take photographs of the accident scene, your injuries, your bike and all other involved vehicles (Your new camera phone may come in handy!).
- Do not lose your temper or argue with the vehicle driver.
- Do not minimize your injuries or your bike damage.
- Do not give a statement to the vehicle driver's insurance company without first consulting an attorney.
- Do not rush into any settlement until you know the full extent of your injuries and bike damage.