

What to Do After Your Bike/Car Crash

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, skid and crash into the passenger side of the minivan. You have some road rash but quickly realize you're not dead, and your adrenaline kicks in. The minivan driver immediately takes the offensive and asks why you were riding in the roadway and why you did not stop.

Unfortunately, I've been in this situation twice, and both times I thought I wasn't injured 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. To preserve your rights, keep in mind the following:

- **Do** remain calm and non-confrontational.
- **Do** call the police and insist that the 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 without first consulting with an attorney.
- **Do not** rush into any settlement until you know the full extent of your injuries and bike damage.

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. As will be discussed in a future article, in most bicycle/motor vehicle accidents in Washington, 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, you will be prepared.

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