

Can Not Wearing a Helmet Impact a Motorcycle Accident Claim?

Description

Motorcycle riders can file a legal claim if they cannot get compensation through an auto insurance policy. After an accident, it is necessary to report the accident to law enforcement and get an accident report. The parties involved in the accident need to know the identity of the person who caused the accident, and they will need a report showing that an accident happened.

When assessing the results of a motorcycle accident, the victims must consider what laws applied to them and if they violated these laws. You can also [click atlantapiattorney.com](https://atlantapiattorney.com) to learn more about it.

Comparative fault rulings could present a dismissal of their case if the rider broke the law and caused the accident.

What Are the Current Helmet Laws?

The current motorcycle helmet laws require motorcycle riders to have at least personal injury protection coverage if they do not wear a helmet. The law applies to all riders who are at least 21 years old, and all individuals younger than 21 are required to wear a helmet regardless of whether they have insurance coverage.

The additional insurance coverage helps them if they are involved in an accident and sustain serious injuries. However, the circumstances of the accident could take precedence over how the lack of a helmet could impact the legal claim. Victims of motorcycle accidents learn more by [hiring an accident attorney](#) now.

Does It Matter If The Victim Is Wearing a Helmet?

While [the law doesn't require all riders to wear helmets](#), it is possible that the defense could present evidence that shows the victim could have avoided their injuries if they chose to wear a motorcycle helmet.

In some cases, it is possible to introduce comparative fault rulings because the victim chose not to wear a helmet. For example, in high-traffic areas, there is a greater probability of auto or motorcycle accidents.

Riders who choose not to wear a helmet could place themselves at greater risk by travelling down more congested highways and interstates. It is seriously important to remember that all [motorcycle accidents can be life changing or even fatal](#) and should the victim sustain a serious life-changing injury, such as a brain injury, or worse, the lack of head protection could play a role in defining fault and accountability in a legal claim. Despite the current laws, there remains a probability that the rider could sustain far more serious injuries if they choose not to wear a helmet when riding a motorcycle.

Wearing a helmet in such accident cases helps your attorney to prove your case legit and deserving to seek a claim. There are many motorcycle accident laws associated with it. You can [visit here](#) and

explore all about these laws.

Filing an Insurance Claim After the Accident

The [accountable party could file an insurance claim](#) to cover the medical expenses, property damage, and other financial losses incurred by the victim. If the motorcycle rider has personal injury protection coverage, they can file through their own insurer to get coverage for their medical expenses.

However, the PIP coverage doesn't cover the loss of their motorcycle or any additional economic losses they incurred because of the accident. The accountable driver can file a claim to get the motorcycle repaired, but the victim will need at least three estimates from an auto body shop. If the accountable driver doesn't have insurance coverage, the victim must start a legal claim to get compensation for their economic losses.

What You Need for a Legal Claim

Before starting a legal claim for the motorcycle accident, the victim needs evidentiary support for their claim. For example, they must start with their medical records that outline all their accident injuries and link the injuries to the motorcycle accident.

Next, they need witnesses that saw the accident and could testify on the victim's behalf. The witnesses will need to be deposed by their attorneys who will verify the events that led to the accident. This is where finding a [motorcycle injury lawyer](#) will help ensure all necessary steps are taken.

The attorney will need a copy of the accident report that explains law enforcement's assessment of the accident. The officers identify the accountable party who caused the accident, and all parties must file the accident report with their insurer. If the victim didn't report the accident, the odds of starting a legal claim decrease unless it was a hit-and-run accident in which the victim or witnesses can identify the other party.

Beyond the initial report, a skilled attorney is crucial for interpreting complex legal nuances, such as comparative fault laws or specific state insurance requirements, which can significantly impact a claim's success. They meticulously analyze every detail, ensuring all evidence aligns to present the strongest possible case on behalf of the injured rider. This comprehensive approach helps victims understand their rights and the full scope of compensation they may be entitled to. For individuals facing the aftermath of a motorcycle collision, securing experienced legal counsel, such as that offered by [Tom Fowler Law](#), can make a substantial difference in navigating the complexities of personal injury lawsuits.

The victim needs three estimates for repair costs for their motorcycle, and they will submit these estimates with their legal claim. The court will assess the estimates and choose the median cost.

If the victim filed any insurance claims related to the motorcycle accident, they must disclose all funds received from the claim to their attorney. If they were denied coverage, the victim must provide the details to their lawyer, too.

Is Insurance Required for Motorcycle Riders?

No, the state of Florida doesn't require motorcycle riders to purchase or maintain liability coverage for the motorcycle. The insurance mandate applies to automobiles only. For this reason, if a motorcycle rider causes an accident, they will not have coverage unless they choose to purchase a policy. If the motorcycle rider is the victim, they can seek compensation through the auto owner's insurance coverage.

What Can Victims Expect If They Win?

Typically, these cases offer monetary awards based on the economic losses incurred by the victim. The monetary award covers medical expenses, auto or motorcycle repair costs, and may replace lost wages. Some accident cases could lead to tort-based awards if the victim sustained serious or life-altering injuries. In these complex cases, working with an experienced [motorcycle accident lawyer in Mobile, AL](#) (or elsewhere) can make a major difference, since they can evaluate the full scope of your injuries, calculate long-term costs like rehabilitation and loss of earning capacity, and negotiate aggressively to ensure your settlement can reflect the true impact of the crash.

For example, victims who lose a limb, organ function, or sustain traumatic brain injuries may receive a higher award. If a traumatic brain injury leads to the need for nursing care, the family could sue the accountable driver on the victim's behalf.

Motorcycle riders must obey all traffic laws and decrease their risk of an accident. However, in the state of Florida, there aren't any enforced laws that require riders over the age of 21 to wear a motorcycle helmet. This could present some issues for the victim and the defendant in a lawsuit. First, it could lead to more serious injuries, and it is possible that the rider could face some comparative fault rulings because they chose not to wear a helmet. Even though it isn't against the law, it does present the riders with more serious risks and could lead to serious brain injuries during an accident. By reviewing the laws, the riders determine if they have a viable claim after an accident.

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