

## *Of All Things – A Crash! Now What?*

We spend much of our time focusing on getting ready to ride, thinking about details such as the trip, routes, stopping places or way points, extra money, credits cards, maps, gear, gizmos, and a variety of other details. In planning for a trip or just to ride, none of us really plans to be involved in a crash. Sometimes, things like that just happen. When you're involved in a crash, things happen very quickly. As a motorcycle rider, you should always be prepared for the worst scenario, just in case that does happen. We've heard excuses such as, "Officer, I just didn't see the motorcycle coming...the motorcycle came out of nowhere!" How many of us plan or think about what we would do if involved in a crash? Once that has happened, the obvious question to follow is, "Now what?" Here are several steps to take.

How many of you have a checklist of basic information that you carry with you any time you ride? That would be a good place to start before things happen. The list should include: name, address, phone number, emergency contact person and phone number, and any medical conditions, medications, and insurance information.

At the scene of the crash here are several very important things to remember. First, remain calm. We have no rewind button to reverse the event. When the fault is unclear, it makes no sense to argue with the other driver or police officers. As a matter of fact, be careful whom you speak to and what you say. You should give your version of the crash to the police only if you can think clearly. Moments after a crash, things can be confusing. In that case, give a general summary and ask to be contacted later. If you are under the influence of medication or in pain, it may be difficult for you to recall sufficient details causing you to give inaccurate information that might possibly be used to undermine your position. Report the crash to your own insurance company. If you think you may retain a lawyer, consult with you attorney before making any statements. In fact, some attorneys say that you should not give your version to police until after you have had a medical checkup and a chance to contact an attorney.

Seek medical treatment. Make sure medical help is called to the scene or get treatment as soon as possible, even if there's a remote chance of injury. Remember that some injuries are not obvious and require a precautionary medical examination. It's always a good idea to get examined by a medical professional either at the scene of the crash or at an emergency room. If you refuse treatment at the scene of the crash or fail to get an exam right away and something crops up later, you could be denied a claim for that injury. As always, it's best to seek legal advice in such cases to make sure.

Call the police. Law enforcement officers will document the crash and take witness statements. The police may not respond, if no injuries or property damage occurs. Make sure you get all license, vehicle, and insurance information from the other party. Get detailed witness information as well. Even if the other driver admits fault, he or she may tell a different story later. Make sure you get the identifying information of all witnesses who witness the crash.

Documentation is very important. Document the scene by taking clear pictures. Enlist the aid of a friend, if necessary. Take pictures of the damage to your motorcycle and gear. In addition, the photographs of any injuries sustained as a result of the crash are also extremely helpful, supporting your case. Save your damaged gear to help recover its value and possibly serve as evidence in support of your case. If you are thinking of a personal injury or lost income claim, you will need to document your injuries and treatment, as well as lost income. If your doctor orders you off work, make sure he or she enters that information into your medical records and provides you with a disability slip. Document the value of your motorcycle. If your motorcycle is totaled or if the insurance company tries to lowball you, show them why your motorcycle is worth more through online searches to find comparable motorcycles in your area to support your position. Document all extras and any recent work or new parts. Saving your receipts to show what you paid for your gear will help you establish its value.

Don't expect to get full replacement value, as the insurance company may depreciate such items. Some insurance companies might ask you to send them your gear.

Lastly, if you decide to retain a lawyer, make sure that you choose one with a proven track record and who specializes in the field. Motorcycle related cases often require unique insights and specific knowledge other lawyers might not have. Lawyers who are also avid motorcyclists can relate to you better and understand what you're going through better than someone with no experiential background in motorcycles. Whoever you may decide on, make sure you discuss the general objectives of your claim with your attorney to keep your expectations realistic.

In the event that your case goes to litigation and you are deposed, the way you present yourself may affect the value of your case. At your deposition, the defense lawyer is trying to determine your version of the crash and injuries. He or she is also evaluating jury appeal. Juries tend to like nice people, and if you come across well in the way you handle yourself, it might help to increase the value of your case.

While this is not an exhaustive list by any means, it does provide a good place to start. This information came from [www.allaboutbikes.com](http://www.allaboutbikes.com) and was written by John Campbell. This piece is not meant to replace sound legal advice but provides a good place to start further research. Visit the web site for additional details. While we don't plan in getting involved in a crash, it doesn't hurt to think through some of the details listed here or to carry such a checklist with you whenever you ride. Just as with using your SEE (search, evaluate, and execute) strategy when riding, considering the possibilities helps with preparing for those possibilities and having an action plan in place to execute.

Don't wait until it's too late. Plan and prepare now. A good motorcyclist always has and uses a sound strategy, when it comes to motorcycling. Make sure that you have all the bases covered. That way, if you become involved in a crash and ask the question, "Now What?" you will be better prepared and have a plan of action in mind. Until next time, remember to ride safe!

*S.E.Hartley*