

# Top 10 Things to Do After a Bicycle Crash

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## 1. Call the Police

After a crash with a motor vehicle you should call the police immediately. The police report will be an objective account of how the crash happened based on information gathered at the scene. This may help prove your version of the events if you later submit a claim to the insurance company or eventually your case ends up in court. The police officers will also help to ensure that the driver and all potential witnesses give full and correct information.



## 2. Do Not Admit Fault

While you are discussing the details of the crash with the police, you should never admit fault. **This point is especially important because you might initially think that you contributed to the cause of the crash throwing off the investigation,** but then later learn that the driver of the vehicle was actually at fault. This issue often comes into play for bicyclists who do not fully know their rights on the road and may think their actions were improper when in reality their actions were completely lawful.

### 3. Exchange Information

If you are in a crash with a motor vehicle, no matter how minor it may initially appear, it is important to exchange information. You should get the driver's name, phone number, address, auto insurance company, policy number, driver's license number, license plate number, the make and model of the vehicle, and the vehicle owner's information if it is not owned by the driver. You may ride away from the incident feeling euphoric that you are alive after what could have been a very dangerous incident. Many bicyclists are full of adrenaline and do not begin to feel pain until a few miles down the road or even hours later. During the period of adrenaline fueled shock, fractures, traumatic brain injuries, and many other serious injuries can go unnoticed.



If you ride away without exchanging information only to later discover that you are injured, then **you will have no recourse to pursue compensation for your injuries.**

For safety purposes you should always ride with your ID card, medical insurance card, emergency contact information, and list of medical conditions in case you suffer severe injuries, cannot communicate, or need to be transported to the hospital.

## 4. Collect Evidence

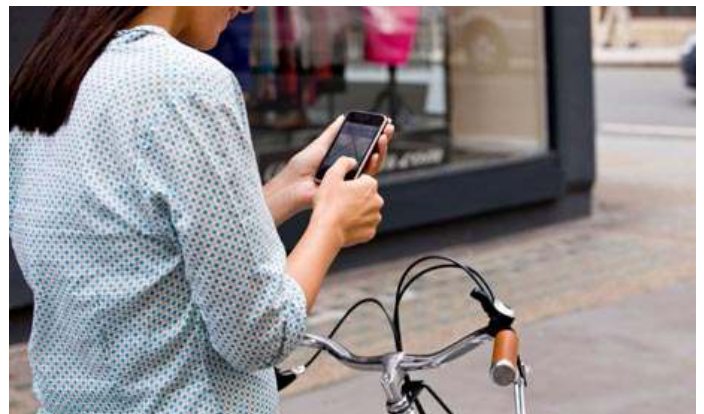
If you have been injured in a crash your first concern should be to call 911 for police and medical assistance. However, if you are well enough to remain on the scene you should begin collecting evidence immediately. If it is safe to do so, take pictures and videos of the scene. This should include pictures of the damage to your bicycle, your injuries, damage to the vehicle involved, the roadway, bike lanes, street signs, traffic signals, crosswalks, and crash debris.



If you ride with a GoPro or other similar device on your helmet or bike, you should immediately preserve and backup the recording.

## 5. Collect Witness Information

Witnesses are often crucial in proving what happened in a crash between a bike and a motor vehicle. Often times when drivers are distracted or reckless they may not even know how a crash occurred, only the fact that they hit someone. In cases like this a bicyclist may not even see the vehicle coming and also cannot fully describe how the crash happened. In these cases a witness can help bring clarity to the



sequence of events to determine who is at fault.

Even when you know exactly how the crash happened, the driver of the vehicle may remember or falsely tell a different version of the events. The driver may also tell a different version of the events down the road to the insurance company or in court. In all of these scenarios, the accounts of witnesses will help prove the truth.

As soon as it is safe to do so, try to collect the names, phone numbers, addresses, and business cards if they have one, of everyone who may have witnessed the crash.

## 6. Seek Medical Treatment

After a crash with a motor vehicle you should **seek medical treatment as soon as possible or as soon as you begin to feel pain**. As we discussed earlier, your body may initially be in shock and your doctor can help evaluate the potential for serious injuries.



A delay in obtaining medical treatment may negatively affect any future insurance claim or court case you may bring. Without a medical record definitively establishing your injuries soon after the crash, it may be difficult or even impossible to link any injuries you may later complain of back to when the crash happened.

The injuries that often result from a crash between a bicycle and a motor vehicle are unfortunately of a very serious nature. These injuries include broken and

fractured bones, neck and back injuries, crush injuries, face and scalp lacerations, and traumatic brain injuries (TBI). Sometimes it can be difficult to tell if you have experienced a TBI or even a life threatening brain bleed. **You do not need to hit your head to suffer a TBI**, as it can also be caused by a jolt or blow to the body. If you suspect that you are suffering from any TBI related symptoms you should be immediately evaluated at an ER.

## 7. Do Not Communicate with the Adverse Insurance Company

After the crash the driver's auto insurance company may contact you to discuss the incident. The representative calling you will likely sound friendly, helpful, and may even be offering you money, **but it is important to remember that they are not looking out for your best interests.** They are a business, and their first interest is their company's bottom line. Often they will push for a quick settlement in an attempt to get the matter off of their books.



The insurance representative may ask you for a recorded statement regarding how the crash happened. In these statements they are hoping that you may contradict yourself or even admit fault. They are searching for ways to get out of paying you entirely. You have no legal obligation to give a recorded statement to the driver's insurance company. If you choose to hire an attorney, the law firm will handle all communication and negotiation with the insurance company to ensure that your rights and interests are protected every step of the way.

## 8. Wait to Settle Your Case



As mentioned previously, once the driver's auto insurance company determines that their driver was at fault, they may try to settle your claim as quickly as possible. They may offer you compensation for your bike and compensation for your medical bills. The person you are negotiating with may sound like they want to give you money right

away in an effort to help your own personal needs. However in reality, the settlement may be offered without any concern for the true severity of your injuries or your potential need for future medical treatment.

**You should wait until you fully know the extent of your injuries and your need for future treatment.** As long as you are not waiting past the statute of limitations period to file a case in your jurisdiction, it is best to wait until you have completed all necessary medical treatment and have made a full recovery until you consider a settlement with the driver's insurance company.

## 9. Have Your Bike Inspected

When agreeing to an amount for the damage to your bike, remember that the insurance adjuster likely knows much less about bikes than you do. You should have the damage to your bike inspected and estimated by a reputable bike shop. If necessary have the shop declare the bike a total loss. In order to ensure that you get fair value for your bike, you may want to gather information regarding the sales price of your specific bike on the open market by consulting sites such as eBay, Craigslist, and Amazon.



## 10. Call a Lawyer – It's Free

Certain bike crashes, especially on the congested streets of D.C., are more common than others. In some cases even the responding officers do not properly know the laws regarding bicyclists and may issue unlawful citations. For example dooring, traffic circle crashes, clipping, failure to yield

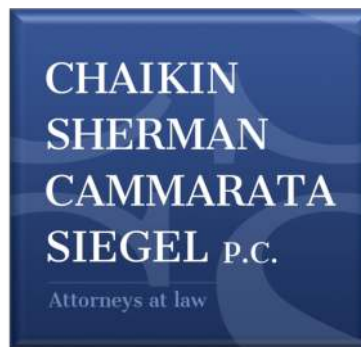




the right of way at an intersection, failure to yield the right of way on a sidewalk or in crosswalk, passing too closely, and taking the lane are all common bike crashes which can result in unlawful citations.

If you have been involved in a crash with a motor vehicle, you should be sure that all laws which protect bicyclists' rights have been properly evaluated in regards to your specific case. Often people turn to an attorney whom they worked with previously to draft a will or help with a family matter.

However, the area of personal injury, specifically in regards to bike laws, requires the knowledge and experience that comes from handling and litigating these cases on a regular basis. At Chaikin, Sherman, Cammarata & Siegel, we have been successfully fighting for the rights of injured bicyclist for over four decades. To learn more about our experience, please read our many [5 Star reviews](#) on Google or visit our website to watch or read [testimonials](#) from our satisfied clients. To speak directly with an attorney for a free legal consultation, please call our law firm at 202.659.8600.



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