



# FLORIDA MOTORCYCLE ACCIDENT GUIDE

*What To Do If You're Seriously  
Injured In A Motorcycle  
Accident*



**LAYMAN  
LAW FIRM, P.L.**  
Personal Injury Trial Attorneys

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Have you been seriously hurt in a motorcycle accident in Florida? We understand you are likely feeling overwhelmed and scared about what will happen now. These accidents can really change your life. We want to help you get the compensation that you deserve. Our Florida motorcycle accident lawyer can guide you through your case every step of the way. After you have read about your motorcycle accident case, please do not hesitate to call our office to set up a free initial consultation.

## Steps to Take After a Motorcycle Accident

Most motorcycle accidents are the result of another driver. Motorcycles are smaller and harder to see and an inattentive or distracted driver can change lanes or brake suddenly and cause an accident. Even if you are a careful and safe driver on your motorcycle, sudden changes in road or weather conditions can cause loss of control and unavoidable accidents. Motorcycle accident victims are subject to much more serious injuries and even death due to their exposure to impact and trauma. If you or a loved one has been injured or killed in a motorcycle accident you should speak to a Florida personal injury attorney at Layman Law Firm to learn what can be done to get the necessary medical care and support you need after an accident.

The most common motorcycle accident injuries include:

- Road rash
- Scarring and disfigurement
- Internal organ damage
- Paralysis
- Nerve, muscle, or tendon damage
- Head, neck, or back injuries
- Spinal cord damage
- Concussion or traumatic brain injury

The sooner you get medical attention, the better.

Our firm will give you the dedicated care and attention of an experienced motorcycle accident lawyer who will handle your case personally. We know how to make sure you get the best medical care and treatment, and we can help you seek the financial compensation you deserve if another party was responsible for your accident. If a loved one was killed in a motorcycle accident, we will help the family pursue a wrongful death suit to recover damages and for their pain and suffering.

## Avoid Making a Mistake That Could Ruin Your Case

When you are involved in an accident where you are seeking compensation, you are more than likely going to be dealing with the liable party's insurance company. Their main goal is to keep their costs low. They are not going to be prioritizing your compensation. When you are injured and seeking compensation, the liable party's insurance company will be reaching out to you to get a recorded statement from you.

In this statement they will be asking you questions that are meant to illicit a particular response from you. If they can get the response they are looking to get, you will likely damage your case. We hope that, when our clients come in, they have not taken this call or made this statement because once you have given the insurance company something to use against you, you cannot get this back from them.

They are trained to get you to damage your case. If you put yourself at fault for the accident, they are going to be able to try to either reduce what they owe you or eliminate your claim altogether. These are things we are trying to help you avoid doing. When you hire a lawyer, they can take over all of the communications with the liable party's insurance company so that you and your rights to full compensation are being protected.

## Frequently Asked Motorcycle Accident Questions

### *Do Motorcycles Require PIP Coverage?*

No, motorcycles do not require PIP coverage. In fact, you cannot get PIP coverage on a motorcycle, as they are statutorily excluded from the definition of a motor vehicle in the state of Florida. As a result, if you're injured as you're riding a motorcycle, you will not have any PIP benefits available to pay any of your medical bills.

### *How Long Do I Have to File a Florida Motorcycle Accident Case?*

Typically, if you're filing a motorcycle accident injury claim in Florida against another person, you have a four-year statute of limitations to file that claim. If you are presenting an uninsured motorist claim against your own motorcycle uninsured motorist policy, typically that's governed by contract in the policy, and you usually have five years to file that claim.

### *I Was Injured in a Florida Motorcycle Accident, but I Wasn't Wearing a Helmet. Can I Still Recover Damages from the Other Driver?*

Yes, you can still recover damages in Florida. If you were on a motorcycle and not wearing a helmet, the fact that you are not wearing a helmet may come into play when assigning some comparative negligence to you. However, if your only injury is a broken ankle, the fact that you didn't have a helmet on really shouldn't impact the amount of your damages. If you have a head injury, however, there's probably going to be a heavy comparative finding against you for not wearing a helmet.

### ***Is It Important to Retain an Attorney for My Florida Motorcycle Accident Case?***

Yes, it is important to retain an attorney to represent you for your Florida motorcycle accident. You need someone who is familiar with all the specific laws governing motorcycle cases and the nuances and distinctions between a motorcycle accident and a car accident. Someone that's capable and accustomed to handling motorcycles accident claims can get you the compensation that you deserve.

### ***Should I Release My Medical Records to Another Driver's Insurance Adjuster After a Florida Motorcycle Accident?***

We do not advise clients to release medical records to the insurance company for the person that hit them when on a motorcycle. I would have those records presented through your attorney's office in the form of either a formal demand or some other type of letter that he or she may send on your behalf. Giving the other insurance company carte blanche access to your medical records isn't going to benefit your case in any manner or fashion.

### ***What Are Some Common Motorcycle Accident Injuries?***

Some of the most common motorcycle accident injuries that we see are fractures – leg fractures, arm fractures, clavicle fractures, and rib fractures. Brain injuries are another significant injury that we see. There is also a good deal of road rash for people that aren't wearing the proper protective gear – boots, jackets, etc. Protective gear certainly does play a large role in minimizing some of these injuries, so it's important to wear the protective gear you need, whether it be boots, jacket or a helmet.

### ***What Should I Do If I Am Involved in a Florida Motorcycle Accident?***

The first three things you probably need to do, if you've been involved in a motorcycle accident in the state of Florida, is seek the appropriate medical care and treatment that you need. The second thing you need to do is contact an attorney to represent your interests. Finally, the third thing you want to do is to make sure you contact the police so an appropriate report is made of the accident.





## *Who Can Be Held Responsible in Florida for Injuries or Death to Motorcycle Operators and Passengers?*

Typically, the person that is responsible or can be held responsible for causing a motorcycle accident in Florida is the driver of the vehicle that might have caused the accident. If the owner of the vehicle is not the driver, that person could also be held responsible, if permissive use is established. If the vehicle that was involved in the crash with the motorcycle involves an employee driving an

employer vehicle, then the employer can be held responsible as well. Again, it's very factually specific, but typically you look at the driver, the owner and any other people related to the case. If the work was done in the scope and course of the employment, then that might be a target as well.

Generally, most attorneys in Florida that handle motorcycle accident case work on a contingency fee basis. What that essentially means is they don't get paid any money unless they are successful getting an award or a settlement or a verdict for you. No money should ever come out of your own pocket for any reason unless the attorney is successful, and then it's only coming out of the settlement proceeds and not your own pocket.

## **Call Our Office Today for a Free Consultation**

We understand that even if you were not at fault, because you were driving a motorcycle others may sometimes view you as a risk or somehow responsible for your accident. We will stand by you to protect your rights and aggressively present your personal injury claims, providing the evidence needed to get you a just and adequate settlement. You deserve to have all the necessary medical treatment and rehabilitative care you need and be compensated for your pain and suffering, loss of income and other damages caused by your injuries.

If you or a loved one has been injured or killed in a motorcycle accident, contact a Florida Motorcycle Accident Lawyer today to receive the personal care and legal representation you deserve. We can help you get the financial settlement you need to recover from your injuries.

## About the Author

Attorney Christopher A. Layman provides unique insight into the claims process, with a background as a defense attorney for insurance companies. With his former experience, he knows exactly what procedures and tactics the insurance companies engage in when negotiating settlements and can provide you with powerful and insightful legal representation. We are aggressive during settlement and are no strangers to the courtroom. In fact, we are well known throughout the legal community in our area for our abilities and our record of success in seeking compensation for damages for our injured clients or their families.



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