

What To Do if You are Injured While Riding

I. Recorded Recollection (if possible)

- Get a Police Report (regardless of it's accuracy it will help to determine liability)
- Make a record of what happened. This may be difficult to do as you likely will be disoriented and confused after being struck by a vehicle (or dog). Further, it is unlikely that you carry pen and paper with you. However, it may be possible to make a note on your phone, or leave yourself a voicemail recording the event. Try to record information regarding time, place, weather conditions, traffic/road conditions, presence of witnesses, notes about the driver of the vehicle, and a summary of the event as best you remember it. And, most importantly, if possible take pictures at the scene of the involved vehicle, its position on the roadway, debris, etc... Other than scene pictures, it is probably best not to be on your smartphone at the scene, or in the ambulance – but when you can find downtime it will be helpful.

II. Information Gathering

- At the scene, you want to obtain the personal, and insurance information of the driver. If the driver is uncooperative don't worry as this information should be listed on the police report. If the driver attempts to flee, try to get the license plate number, and make/model of the car if possible.
- If you are involved in an incident with a dog, always get an incident report and try to make sure that the dog owner admits the dog is his.
- Try to obtain contact information of any witnesses. Try to obtain their name and either an e-mail address or phone number.
- See if any of your riding partners had a "GoPro" or any video documentation and, if so, get their contact information and ask them to keep the video.
- Remember Garmin or Strava can record important information such as your speed or route at the time of the incident.

III. Medical Treatment (and bicycle "treatment")

- Seek medical attention immediately.
- It is in your best interest to be checked out by medical personnel following a collision with a car (or dog) – regardless of how tough you are. There are very few "minor" collisions with vehicles. You may feel fine after the crash, only to suffer later.
- Keep a record of all medical treatment you obtain as a result of the wreck. Especially out of pocket expenses. This is vital if you intend to make a claim. Don't feel bad about recording a small co-pay.
- Take your bike into your local shop and get a report of the extent of the damage. It is possible your bike frame may no longer be safe to ride, especially if it is a carbon fiber frame. Keep a documented list of the property damage you incurred.

IV. Insurance

- Don't trust the driver or insurance company to admit liability. Or, for that matter, for the driver to even have insurance coverage.
- Your UM/UIM car insurance applies to you when riding. Make sure that your UM/UIM **coverage is in the same amount as your bodily injury liability coverage**. Alabama law requires insurers to include UM/UIM coverage unless you opt-out. However, "full coverage" generally includes 100/300 bodily injury, and 25/50 UM/UIM. If you are hit by someone without coverage, or without adequate coverage, you will be unable to recover against them – regardless of the extent of your injuries. Accordingly, purchase adequate UM/UIM coverage. It should be equal to your BI coverage and be at least \$100,000/\$300,000. The cost to increase your UM/UIM to the same amount as your BI coverage generally is negligible (\$5 - \$20/car per 6 months).
- This same principle applies to you in a car as well.
- Place your own insurance company on notice of the Incident and that you may be making a UM/UIM claim if the at-fault driver does not have coverage, or adequate coverage.

V. Protect your Rights

- Do not give the driver's insurance company a recorded statement. At the very least, you should know the "rules of the game" (i.e. contributory negligence) before giving any statement. It is my strong advice that you do not do give a recorded statement until you have obtained legal representation.
- Remember, neither the driver's insurance company nor your own insurance company are looking out for your interests. Oftentimes recorded statements are taken with the intended purpose to prepare the case against you. Insurance adjustors will tell you it is needed for their investigation. Nonsense!
- Alabama is a "contributory negligence" state. This means if you are deemed to be even 1% at fault, you cannot recover. Any admission of any alleged wrongdoing will be used against you.

You have the right to be put back in the position you were in before the incident. You are not looking for a handout, nor should you expect a windfall, but you should not suffer financial loss for the carelessness of others.

If you are involved in an incident with a car or a dog or otherwise injured while riding your bicycle, do not hesitate to contact me. I can be reached at the office (205) 254-6060, by email at dfeldman@lewisandfeldman.com [REDACTED]