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**THE UTAH  
BICYCLE  
ACCIDENT  
HANDBOOK**

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# TABLE OF CONTENTS

WHY DID WE WRITE THIS BOOK? .....	4
INTRODUCTION.....	6
LEGAL DISCLAIMER.....	7
SECTION ONE: BEFORE YOU RIDE	
<i>Chapter One: Laws</i> .....	11
<i>Chapter Two: Insurance</i> .....	19
<i>Chapter Three: Wearing Helmets and     Other Safety Tips</i> .....	26
<i>Chapter Four: Teaching Your Child to Ride</i> .....	32
SECTION TWO: AT THE SCENE OF A BICYCLE ACCIDENT	
<i>Chapter Five: Medical Tips at the Scene     of an Accident</i> .....	42
<i>Chapter Six: 7 Must Do's to Protect     Your Insurance Claim</i> .....	46
<i>Chapter Seven: Hit-and-Run Accidents</i> .....	49
SECTION THREE: AFTER THE ACCIDENT	
<i>Chapter Eight: Bicycle Accident Claims</i> .....	56
<i>Chapter Nine: Injuries and Death in     Cycling Collisions</i> .....	72
<i>Chapter Ten: Finding the Right Attorney</i> .....	82
TESTIMONIALS FROM PAST CLIENTS .....	89

## *Why Did We Write This Book?*

We wrote this book for two reasons. First, we are hopeful that the information we provide in this book will help to prevent many bicycle accidents from ever happening in the first place. Many collisions occur because motorists and cyclists don't know the laws that are intended to help us all "share the road." With the cycling population on the rise in Utah, knowing how to ride safely is more important than ever.

Preventative measures will help to reduce the number of bicycle accidents on our roads, but won't completely eliminate them. That leads us to the second reason we wrote this book—to help you understand your legal rights if you or a loved one is ever injured in a bicycle accident. The insurance and legal jargon of any personal injury case is complex, and handling an insurance claim on your own can be one of the most confusing, time-consuming, and stressful things you have ever done.

This book breaks down the legal complexities of bicycle accidents into plain, easy-to-read English. We hope this book will help create awareness about common bicycle injuries and inform the reader about specific Utah bicycle laws. We wrote this book to answer some of the questions injury victims might have and to offer some general advice as they decide how to pursue their claim.

We are willing to share the information contained in this book because we do not like to see people accept an unfair settlement or give up on fighting for their rights simply because they do not know how to

proceed. This book outlines what you need to know and what you must avoid in order to preserve your rights and get what you deserve.

Most attorneys require you to make an appointment in order to get some of the information we provide in this book. We believe you should have this information right now, without any pressure. This book may not answer all of your questions, and it cannot cover every aspect of Utah bicycle laws, but we think you'll find the information in the book very beneficial. For more detailed information or for a free consultation, please contact Christensen & Hymas Law Firm.

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## *Introduction*

Safe cycling is the shared responsibility of cyclists and motorists. When motorists understand the rights of cyclists on the road, and cyclists understand their responsibilities as equal partners on the road, fewer injuries and increased safety will occur.

A primary goal of this book is to empower cyclists with proper knowledge of Utah bicycle laws and other information regarding how they can best protect themselves. We also want Utah motorists to be aware of their responsibilities towards cyclists. As part of the “Share the Road” campaign sponsored by the Utah Departments of Health, Public Safety and Transportation, the State highlighted several of the things motorists must do to protect cyclists. In essence, drivers must understand that cyclists have equal rights on the road. This means that at stop signs and when making left and right turns, motorists must yield the right-of-way to a cyclist just as they would to another motorist. Sometimes this means that drivers must exercise patience while waiting for a cyclist to cross an intersection, but this is the law. If, as a motorist, you find yourself behind a cyclist traveling in your lane, remember it is his/her right to do so! If you would like to pass the individual, there must be at least three feet between your vehicle and the cyclist in order to legally do so. Finally, motorists are encouraged to check mirrors and blind spots for cyclists when parking their cars, especially on the street. Open car doors account for many unfortunate accidents.

It is important to remember that the end goal is

for all parties to ride safely, whether traveling in a car or on a bicycle. The Utah Department of Health stated that over the ten-year period from 1995 to 2006, 93% of accidents between motor vehicles and cyclists resulted in an injury to the cyclist.<sup>1</sup> Motorists must be cautious and recognize that cyclists will bear the brunt of any physical damage if an accident should occur. Motorists can respect cyclists by respecting the law.

## *Legal Disclaimer*

We cannot give legal advice in this book. The information in this book does not constitute legal advice. The suggestions and the warnings we provide in this book are not a substitute for consulting with or hiring an attorney. Please remember that we do not represent you. Therefore, we cannot give you legal advice unless and until you hire us, and we have agreed in writing to accept your case.

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<sup>1</sup> <http://utah.ptfs.com/awweb/main.jsp?flag=browse&smd=1&awdid=7>





# SECTION ONE



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**Before You Ride**



## *Chapter One: Laws*

Utah state law has a comprehensive code for cyclists, with detailed laws establishing proper bicycle operations on Utah's roadways. You are probably already familiar with traffic laws for driving motor vehicles. However, many people are not aware that the law also considers bicycles to be moving vehicles and therefore subject to Utah traffic laws governing vehicles (with a few exceptions that we'll highlight below). Understanding bicycle laws will help you avoid an accident.

### **Know the Laws**

Each of the following laws can be found under Title 41, Chapter 6a of the Utah Code. We have only included references to the individual sections of the title and chapter where these laws are located. If you would like to read the laws in their entirety, visit the website of the Utah State Legislature: <http://le.utah.gov/UtahCode/section.jsp?code=41-6a>.

#### **1) "Bicycle" Defined**

- a) A "bicycle" is defined as a wheeled vehicle propelled by human power; by feet or hands acting upon pedals or cranks, with a seat or saddle, designed to be used on the ground for the use of the operator, and whose wheels are not less than 14 inches in diameter. "Bicycle" includes an electric assisted bicycle, but not scooters and similar devices.

b) “Electric assisted bicycle” means a moped powered solely by the electric motor. It must have fully operable pedals on permanently affixed cranks and weigh less than 75 pounds (§102).

**2) General Rule: Bicycles Subject to Vehicle Laws**

A bicycle is considered a vehicle, and with a few exceptions, a cyclist has the same rights and obligations as the operator of any other vehicle (§1102). This includes obeying traffic signals (§305), stop and yield signs (§902), and all other official traffic control devices (§208).

**3) Direction of Traffic**

A bicycle must ride with the flow or direction of traffic (§1105).

**4) Shoulder/Bicycle Lane Travel**

- a) If the bicycle is traveling slower than the flow of traffic, a cyclist must ride as close to the right-hand edge of the roadway as practicable, except when:
  - i) Passing another bicycle or vehicle;
  - ii) Preparing to make a left turn;
  - iii) Riding straight through an intersection just to the left of vehicles turning right; or
  - iv) Necessarily avoiding unsafe conditions along the right-hand edge of the road such as fixed or moving objects, parked

or moving vehicles, other bicycles, or pedestrians.

- b) If a useable pathway alongside the road is available, a traffic-control device may direct bicyclers to use it and not the road (§1105).

#### 5) **No More than 2 Bicycles Wide**

No more than two cyclists may ride side by side. While doing so, they may not impede the normal flow of traffic. If traffic is impeded, single file rules must be followed (§1105(3)).

#### 6) **3-foot Rule for Motorists Passing Cyclists**

- a) Motorists may not pass within 3 feet of a moving bicycle (§706.5);
- b) When passing a cyclist, a driver is allowed to cross the center line if necessary, to provide adequate space and distance from the cyclist, provided the pass can be made safely (e.g., such a pass may not be made within 100 feet of an intersection or when approaching a curve in the road that obstructs the motorist's view) (§701).

#### 7) **Sidewalk Riding**

A cyclist may not ride on a sidewalk, path, or trail, or across a crosswalk where prohibited by city or county ordinances. Many cities along the Wasatch Front have ordinances in place which prohibit bicycles riding on sidewalks. If riding on the sidewalk is allowed, the cyclist must yield

to pedestrians; no cyclist can overtake or pass a pedestrian without first giving an audible signal. Cyclists cannot ride in a careless manner that may cause them to collide with a pedestrian, another bicycle, or a vehicle (§1106).

## 8) Intersection Procedures

Remember, a bicycle has the same rights and obligations as a vehicle when it comes to intersections. The following rules apply to motorists and cyclists alike:

- a) If there is no traffic light (or the traffic light is not working), any driver/cyclist approaching the intersection must yield the right-of-way to other drivers/cyclists already at the intersection, no matter the direction from which they are coming;
- b) If two vehicles arrive simultaneously at an intersection, and there is no traffic signal, the vehicle on the left must yield the right-of-way to the vehicle on the right;
- c) If the roadway does not continue through the intersection, the vehicle must yield the right-of-way to the intersecting highway;
- d) A vehicle on a road that is not paved yields the right-of-way to the vehicle on a paved road;
- e) A vehicle must stop when directed by a traffic light or stop sign, before the designated white stop line (unless otherwise directed by a police officer);

- f) A vehicle approaching a stop sign must yield the right-of-way to pedestrians within an adjacent crosswalk;
- g) A bicycle may ride straight through an intersection on the left side of a right-hand turning lane; and
- h) A vehicle turning left in an intersection yields the right-of-way to oncoming traffic (§§901, 902, 1105).

## 9) Left Turns

If a left turn is necessary, a cyclist has two options:

- a) Use the left-hand turn lane designated for vehicles; or
- b) Stay on the right-hand side of the roadway, ride through the intersection to the opposite side, stop, and wait for the light to change. Then, going in a new direction, cross the street with the flow of traffic (§§801, 1108).

## 10) Non-responsive Signals

- a) Cyclists must obey all traffic lights and stop and yield signs, and must yield the right-of-way to pedestrians within an adjacent crosswalk (§§305, 902);
- b) If a cyclist age 16 or older comes to a complete stop at a red light, and the traffic signal does not detect his/her presence after waiting for 90 seconds or more, the cyclist may cautiously proceed through the intersection, as long as no other vehicles or pedestrians

with the right-of-way are in or near the intersection (§305). (Note: This law was recently added by the Utah legislature for a “testing period,” and will expire on July 1, 2014, unless the legislature extends the law.)

## 11) Hand Signals

- a) Cyclists must give proper hand signals to turn right, turn left, change lanes, or stop.
- b) The hand signal must be executed at least two seconds before the maneuver, but the cyclist does not need to maintain a continuous signal if his/her hand is needed for safety purposes.
- c) The proper hand signals are:
  - i) Left turn—left hand and arm extended horizontally;
  - ii) Right turn—left hand and arm extended upward or right hand and arm extended horizontally; and
  - iii) Stop or decrease speed—left hand and arm extended downward (§804).
- d) Once stopped in a designated turn lane, cyclists are not required to signal again before turning (§1109).

## 12) Passing on the Right

Cyclists are allowed to utilize the shoulder of the roadway in order to pass a vehicle on the right, provided that the move can be made with safety (§705).



**13) Crosswalks**

Although you may have heard that walking your bicycle through a crosswalk is the law, it actually isn't required. However, walking a bicycle through a crosswalk may be a safe way to cross the street. The law states that a cyclist may not ride at a speed greater than is reasonable and prudent under the existing conditions, while paying attention to any potential hazards (§1106). Some arbitrators and judges have interpreted a "reasonable" speed for a cyclist crossing a crosswalk to be the same speed at which a pedestrian would travel.

**14) Bicycle Racing Prohibited**

Never race bicycles on roads unless authorized by state or county officials (§1111).

**15) Both Hands on Handlebars**

All cyclists must have at least one hand on the handlebars at all times. In addition, a cyclist is not permitted to carry packages, packs, bundles, or any other articles that prevent him/her from keeping both hands on the handle bars (§1112).

**16) Number of Persons Allowed on Bicycle**

A bicycle may only carry the number of persons for which it is designed. Single-rider bicycles are not permitted to carry more than one person (§1103).

**17) Bicycles and Moving Vehicles**

A cyclist may never be attached to a moving motorized vehicle (§1104).

**18) Parking Bicycles**

- a) A person may park his/her bicycle on a sidewalk as long as it is not prohibited by a traffic-control device and does not impede normal flow of pedestrian traffic.
- b) A person may park his/her bicycle in the roadway anywhere parking is allowed as long as it is parked within 12 inches of the curb and does not block any other legally parked vehicles (§§1107, 1402).

**19) Reflectors and Lights**

Bicycles are required to be equipped with a white headlight, a red taillight or reflector, and side reflectors, all visible from 500 feet. Lights must be on a half hour after sunset till a half hour before sunrise (§§1114, 1603).

**20) Whistles and Sirens**

Bicycles may not be equipped with a whistle or a siren (§1113).

**21) Brakes**

Bicycles must have proper, functioning brakes. The brakes must have the capacity to stop the bicycle within 25 feet from a speed of 10 miles per hour (§1113).

## *Chapter Two: Insurance*

If you actively ride bicycles on our Utah roadways, it is extremely important to have proper car insurance coverage before going on a ride. That's right, car insurance. Most cyclists do not realize that if they are involved in an automobile versus bicycle accident, their car insurance may cover the damages, including lost wages and pain and suffering. All too often, cyclists believe they have full coverage, only to learn later that they could have had better coverage and been fully protected after a tragic accident. Since injuries from car versus bicycle accidents can be catastrophic or even fatal, it is necessary to review your insurance policy and make sure you properly comprehend the coverage you carry.

### **Liability Coverage**

Utah motorists are required to carry liability insurance for their car. This is the insurance which covers any injuries and damages a driver may cause to another person while in an accident that is the driver's fault. If a driver makes a left-hand turn in front of your bicycle while you are crossing through an intersection, the negligent driver's liability insurance will be responsible for paying your damages. However, Utah law only requires drivers to carry a minimum limit of \$25,000 per person and \$65,000 per accident (\$25,000/\$65,000). This means that one person's claim cannot exceed more than \$25,000. If two or more people are injured in the same vehicle,

their combined claims cannot exceed \$65,000. Since the injuries from a bicycle accident can be serious, the at-fault driver's insurance limits may be insufficient to cover all the damages. Once the at-fault driver's policy limits have been exhausted, your personal car insurance policy becomes applicable. In order to financially protect you and your family after a bicycle accident, it is important to have the right amount of car insurance.

### **Personal Injury Protection or No-Fault Insurance**

Personal Injury Protection (PIP) and No-Fault Insurance are the same type of insurance coverage. Under Utah state law, every car is required to have minimum PIP insurance that will cover a portion of medical bills and lost wages after a traffic accident. These benefits are available to you whether or not you are at fault for the accident. This law allows you to receive immediate medical attention after your accident without having to wait for the at-fault driver's insurance company to accept liability. The law requires that every vehicle have at least \$3,000 in PIP coverage, but additional coverage of \$5,000, \$10,000 or even \$100,000 may be purchased.

The insurance company for the driver who causes a car versus bicycle accident will be responsible for the primary PIP benefits listed above. However, once the PIP coverage is exhausted, you can often make a secondary PIP claim under your personal car insurance policy. If this happens, be assured that your premium will not increase.

## **Optional Insurance Coverage\***

\* Although the following coverage is “optional,” it should be considered mandatory for every cyclist in Utah! No cyclist should go for a ride without having this coverage in place.

## **Uninsured Motorist Coverage**

Uninsured motorist coverage (UM) is just as important as liability coverage. It pays for your medical expenses and other damages incurred from an accident where the at-fault driver does not have car insurance. We highly recommend you consider purchasing UM coverage, as it financially protects you and your family from the negligence of uninsured drivers. If you find yourself in any of the following situations, you can only be compensated for your injuries and damages if you have adequate UM coverage:

- You are hit by someone who has allowed the insurance on his/her vehicle to lapse;
- You are involved in a hit-and-run accident; or
- You are forced to lay down your bicycle because of the reckless and inattentive driving of a vehicle that ultimately left the scene of your accident (often known as a “phantom vehicle”).

Once your insurance company compensates you for your damages, your insurance company then can pursue the irresponsible driver for reimbursement. At a minimum, you should consider purchasing \$100,000/\$300,000 uninsured motorist coverage. The cost of purchasing this larger amount of coverage

is relatively inexpensive and is essential because it provides you with added protection from uninsured drivers. If you sustain serious injuries as a result of an uninsured driver, you want the most coverage available to compensate you for medical expenses, lost wages, pain and suffering, and other damages you may sustain in an accident.

*Case Study: A cyclist recently contacted us who was seriously injured while crossing through an intersection on a green traffic signal. A car traveling the opposite direction failed to yield the right-of-way and made a left-hand turn in front of him. The cyclist sustained serious injuries and incurred more than \$20,000 in medical bills. However, the driver of the car who caused the accident did not have car insurance. The cyclist would have been able to make a claim for his full injuries and damages under the uninsured motorist coverage of his personal automobile insurance policy, but sadly, he declined this coverage when he purchased his car insurance policy. As a result, the cyclist ended up paying more than \$20,000 for medical bills and other expenses that were the direct result of someone else's carelessness.*

## **Underinsured Motorist Coverage**

Uninsured motorist coverage (UIM) is another type of insurance coverage available under your personal car insurance policy. It applies when you are in an accident, and the at-fault driver's insurance policy limits have been exhausted, but are insufficient

to fully compensate you for all injuries and damages sustained. This insurance is available when a cyclist is involved in an accident with an insured car or truck, but the insurance coverage is minimal or simply does not reflect the value of the damages sustained by the cyclist.

This coverage is essential because it protects you from situations where you are seriously injured, but the at-fault driver's insurance limits are less than the full value of your case or are insufficient to cover all your damages.

*Case Study: Jack runs a red light, and t-bones Jane while on her bicycle. Jane is injured and undergoes neck fusion surgery. Jane's medical bills total \$45,000, while Jack's policy limits are \$25,000. After obtaining the \$25,000 from Jack's liability insurance, Jane then makes a claim with her underinsured motorist policy for the remaining damages, including pain and suffering, lost wages, and the additional \$20,000 in medical bills. If Jane did not have UIM coverage on her car (or her parents' car if she was still living with them), she would only recover the \$25,000 from the at-fault driver's insurance company. She would be left paying out of pocket for the remaining medical bills and damages, even though she did nothing wrong.*

**Note:** We strongly urge every cyclist to have at least \$100,000 in uninsured motorist (UM) and underinsured motorist (UIM) coverage before getting on a bicycle. If they can afford higher coverage,

**they should purchase \$250,000 in coverage. Increasing the coverage to \$250,000 could cost less than an additional \$8 each month!**

## **Bicycle Theft Insurance**

Many people know that homeowner's or renter's insurance should sufficiently cover most bicycles in the case of a home break-in and theft. But what should you do to insure your bicycle if it is stolen outside of your home? What if the bicycle is stolen from the top of your car rack, and the car is not parked in your garage? What if your stolen bicycle is worth an amount more than what your standard homeowner's insurance policy is liable to cover? In all of these cases, you need additional coverage to insure your bicycle and ensure your position with the insurance company.

Some homeowner's policies cover the cost of your bicycle, regardless of its location when it is stolen. However, many policies require you to purchase a rider, or extension of your homeowner's or renter's insurance. This rider is often referred to as Special Personal Property Insurance (your insurance company may use different terminology, but the idea is the same). Many of the lower-value items in your home are covered under your standard homeowner's or renter's insurance. However, for items of higher value, such as expensive jewelry or a \$10,000 bicycle, an extension is often necessary to protect yourself in case of the theft of that item. With this kind of insurance, you must itemize each piece of property you would like to insure and include the current value



of the property. The value is determined by either a proof-of-purchase or an appraisal. Extending your policy and giving the necessary information to your insurance company will insure your piece of property against theft whether the item is stolen inside or outside of your home. There are no guaranties that the value of a bicycle taken from outside a local grocery store or off your bicycle rack will be returned to you if it has not been adequately insured.

## *Chapter Three: Wearing Helmets and Other Safety Tips*

An increasing number of people regularly ride bicycles in the United States as a form of transportation and simple outdoor recreation.<sup>1</sup> The United States does not have a federal law mandating that cyclists wear protective safety helmets, though many state and local governments have enacted laws to enforce the use of bicycle helmets. Nationwide, thirty-six states have enacted laws requiring the use of helmets. Utah is one of the remaining fourteen states which do not require helmet usage. It is within the legal rights of all Utah cyclists, regardless of age, to choose to wear a helmet or not.

However, statistics show that helmets substantially help prevent serious injuries and death. The following is a summary of research and statistics compiled by the Bicycle Helmet Safety Institute. It is our hope that these statistics will reinforce the legitimacy of helmets for those who do not currently wear them.

In 2009, 630 cyclists died on the road, and 90% of those deaths resulted from accidents involving a motor vehicle. The average bicycle fatality involved a male cyclist over the age of 16 riding in an urban area without a safety helmet. Furthermore, over 63% of these fatalities resulted from traumatic brain injuries. In addition to these fatalities, 67,000 cyclists suffered serious head injuries, many of which could have been

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<sup>1</sup> <http://www.bikeleague.org/media/facts/>

avoided by using a safety helmet. In fact, helmets reduce the risk of head injuries by 85%.<sup>2</sup>

Helmets greatly reduce your chances of dying in the event of an accident. In 2008, 91% of the cyclists who died in traffic accidents were **not** wearing helmets. Safety advocacy groups have increased public-safety campaigns to promote helmet use, yet less than 40% of adult cyclists wear them on a regular basis.<sup>3</sup> The decision to avoid wearing a helmet is simply incongruent with the fact that they prevent injuries and save lives.

The Utah Department of Health conducted a ten-year, in-state study (1994 – 2003) that examined the correlation between bicycle injuries, fatalities, and helmet usage. According to the research, an average of 940 Utah cyclists are injured in traffic accidents every year. In addition, an average of seven cyclists are killed in accidents with motor vehicles each year. The study also found that over the course of ten years, helmet usage in all age groups increased. However, too many cyclists still fail to protect themselves with helmets. In 2003, only 19% of Utah citizens were consistently wearing helmets while riding. In light of the fact that Utah has the tenth-highest rate of bicycle fatalities in the nation, we can easily see the necessity for safety helmets.<sup>4</sup>

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2 <http://www.bhsi.org/stats.htm>

3 *Ibid.*

4 <http://utah.ptfs.com/awweb/main.jsp?flag=browse&smd=1&awdid=4>

Although Utah law does not require you to wear a helmet, we strongly encourage you to use one whenever you ride your bicycle. This one simple act could save your life.

## Safety Tips

Because of all the risks associated with cycling, it is beneficial to know some basic safety guidelines before you venture out on your bicycle. Those who cycle in urban areas are especially susceptible to injury and should take extra precautions. While you can never completely prevent a negligent motorist from crashing into you as you ride, you can reduce your chances of being severely injured in a bicycle accident by following some basic guidelines:

- **Follow the rules of the road\*** – Bicycles are considered moving vehicles in the State of Utah. As such, cyclists are required to obey all traffic signs and lane markers. Follow all traffic laws and ride in a designated bicycle lane where available.
- **Always ride with traffic\*** – Never ride against the flow of traffic, as motorists don't expect to see you coming towards them. Instead, cycle on the right-hand side of the road.
- **Be cautious when passing on the right** – Utah law was recently amended to allow cyclists to utilize the shoulder to pass on the right ... as long as they can do so safely! Be aware that when passing on the right, you will often be in the motorist's blind spot. Because this is a

brand new law, a motorist will not expect you to pass on the right side of the car, and this puts you in a dangerous position.

- **Don't use headphones while cycling** – As nice as it is to listen to your music while cycling, you need to be able to hear what is going on around you. Avoid listening to your iPod or radio player as it can compromise your safety, especially if you are bicycling in an urban area with heavy traffic. If you must wear headphones, always keep one ear free so you can hear ambient noises.
- **Dress to be seen** – When you're cycling, wear brightly-colored clothing so motorists can easily see you. Never wear dark clothes at night. You can purchase reflective clothing from most outdoor recreation stores to wear at night.
- **Use lights at night\*** – When cycling during the night, make sure your bicycle is equipped with a headlight on the front and a rear red reflector on the back. Motorists have a difficult time spotting cyclists at night, and using lights and reflective gear will increase your visibility.
- **Use hand signals\*** – Hand signals are your way of communicating your intentions to motorists. Protect yourself by using appropriate and timely signals.

\* = Required by Utah law

## 4 Most Important Hand Signals For a Cyclist



## 4 Most Important Hand Signals For a Cyclist



## *Chapter Four: Teaching Your Child to Ride*

Some of the most avid cyclists are children. In fact, more than 70% of children ages 5 to 14 ride bicycles on a regular basis. That is well over 27 million children in this age group alone. Children ride twice as much as average cyclists. Unfortunately, this also results in more injuries and fatalities. This age group also accounts for 24% of all bicycle-related deaths and 50% of all bicycle injuries. Since children are at such a high risk of injury or death, it is important for parents to teach them safe bicycle-riding procedures.<sup>1</sup>

First things first: your child should always wear a helmet. As we previously noted, there is no Utah state law requiring children to wear helmets, but helmets greatly reduce the risk of head injuries and are strongly encouraged. Teach your child from the very beginning that helmets are important for safety. Do not budge on this issue. Let your child know that a helmet is never optional.

Take your child to your local bicycle shop and have him/her try on several helmets. Bring the helmet level over your child's forehead and adjust the chin strap so that it fits snugly, but comfortably. The helmet should not slip forward or backward, and it should sit two finger widths above the eyebrows. As long as the helmet meets proper safety guidelines, allow your child to pick a helmet that has the design

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<sup>1</sup> [http://www.fayettedcountyhealthdepartment.org/Bicycle\\_Safety.htm](http://www.fayettedcountyhealthdepartment.org/Bicycle_Safety.htm)



or color he/she wants. This is just one way of ensuring that the helmet will actually be used.

Bear in mind that children are less likely to wear helmets if they do not see you using one. Practice what you preach by setting a good example for your kids. The cost of a helmet for every cyclist in your family is far cheaper than the medical expenses that can result from an accident without a helmet.

### **Common Child Bicycle Mistakes**

Accidents can occur at any time in any given situation. Children are susceptible to certain types of maneuvers that can lead to fatal accidents. Warn your children of the following common mistakes, and teach them the proper rules to avoid these hazardous situations. Visit the website address provided below for more information.<sup>2</sup>

- **Driveway ride-outs:** In this scenario, the child rides out of the driveway without stopping to check for traffic and is hit by a motor vehicle. This is perhaps one of the most dangerous mistakes children make when riding bicycles, but it is one that can easily be avoided. These accidents are especially dangerous for children younger than the age of 10, because they account for 8% of all childhood bicycle accidents.

There are two steps you can take to prevent this type of accident. First, make sure your

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<sup>2</sup> [http://www.waba.org/education/documents/bikesafetyPP\\_English\\_WABA.pdf](http://www.waba.org/education/documents/bikesafetyPP_English_WABA.pdf)

driveway does not contain view obstructions such as bushes and trees that line your driveway or cars parked on the street. Obstructions hinder your child's ability to see oncoming vehicles and prevent motorists from seeing your child in the driveway.

Second, teach your child to stop at the end of the driveway before entering the street. He/she should then look to the left and to the right for traffic. If there are no oncoming cars, he/she may proceed onto the road.

- **Failing to stop at stop signs:** Children are generally unaware of traffic laws and signals. Many children become distracted or simply do not stop and are then hit by oncoming vehicles. Teach your children to always stop at stop signs from the moment they begin riding a bicycle. Impress on your children the dangers of failing to stop. Many youngsters will not stop if they do not see a flow of traffic. Emphasize that they must always stop, no matter what is happening. Teach them to look in both directions for traffic and to proceed only when the road is clear of oncoming vehicles.
- **Left-hand turns:** About 10% of all bicycle accidents occur when cyclists make left turns without looking back for traffic. Since cyclists stay to the far right side of the road as they ride with the flow of traffic, a sudden left-hand turn can result in a vehicle hitting a cyclist from behind. Children are more likely to fall victim to this, as they do not fully understand that

a left-hand turn means they need to cross in front of the cars behind them in order to make their turn. Drivers sometimes strike cyclists because they fail to realize that the cyclists intend to make a left-hand turn.

To avoid this type of accident, teach your children not to make sudden left turns on busy streets. Instead, they should walk their bicycles across the street at a proper crosswalk. On residential streets, you can teach your children to make safe left-hand turns by following simple safety procedures. First, teach your children to always look behind them for oncoming vehicles. They should then yield to traffic coming from behind or from the front. After making the proper left-turn hand signal, they may proceed to make the turn if the coast is clear.

## **Common Myths to Avoid**

One of the most dangerous risks to children is their parents' lack of safety knowledge. Children are anxious to learn to ride their bicycles so they can play with their friends and enjoy their evenings after school. Parents should research proper safety guidelines and then teach the guidelines to their children before allowing them to ride on their own. You can ensure your child's safety by teaching him/her to avoid several common myths.<sup>3</sup>

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<sup>3</sup> [http://www.waba.org/education/documents/bikesafetyPP\\_English\\_WABA.pdf](http://www.waba.org/education/documents/bikesafetyPP_English_WABA.pdf)

- ***Myth 1 - Cyclists should ride facing traffic.*** Many novice cyclists believe it is better to ride facing traffic, as they feel safer being able to see oncoming traffic. This is highly dangerous and accounts for 25% of all bicycle accidents. Motorists do not expect cyclists to ride against the flow of traffic and are less aware of cyclists in that situation. In addition, most motorists do not look for oncoming traffic at intersections, creating a dangerous situation if the cyclist is riding against the flow of traffic. Teach your children to always ride on the right-hand side of the road.
- ***Myth 2 - My child is safe to ride at night.*** This could not be further from the truth. Motorists often drive faster at night and are less likely to see cyclists because of limited visibility. One quarter of all bicycle accidents occur after nightfall. Do not allow your children to ride after dark until they are experienced cyclists. Riding at night requires special equipment (including lights!) and skills that most children do not have yet.
- ***Myth 3 - Children need bicycles they can grow into.*** This is another misconception that can lead to a serious accident. Kids have less control of bicycles that are too big for them. They are more likely to wobble and swerve, and these actions can lead to a crash. Your children should have bicycles that fit them. A basic rule for the right size bicycle is to find one that your child is able to stand over with both feet flat on the ground.

- *Myth 4 - My child can handle a 10-speed bicycle.* This is probably not the case. Young children and novice riders do not need complicated bicycles. Most youngsters do not have large enough hands to properly control hand-brakes, and they can easily be confused by shifting procedures. Your child's first bicycle should be a standard one-speed bicycle with pedal brakes. Once he/she is older and a more experienced rider, you can bring out the high-tech bicycles.
- *Myth 5 - My neighborhood is safe.* Complacency can lead to disaster. Yes, residential and neighborhood roads are far safer than busy commuter streets, but they still pose a serious threat to your child. Despite the reduced traffic flow, quiet neighborhoods can be the scene of a tragic accident. Residential streets with 25 miles-per-hour speed limits are the site of many accidents, primarily because this is where most children ride their bicycles. Be sure to teach your children to obey all traffic laws and to be on guard no matter how busy – or quiet – the street might be.

## **Teach Your Child Bicycle Skills**

You are the key to your child's bicycle safety. Kids often want to jump on their bicycles and ride with their friends without the oversight of mom and dad. Allowing them to ride their bicycles unsupervised before they are ready is a risky move. Make sure your children are properly trained and skilled enough to

handle a bicycle before allowing them complete freedom. Here are a few skills and safety tips you should teach your children.<sup>4</sup>

- ***Riding in a straight line:*** This seems common-sense, but too often children are allowed to ride on streets without having the ability to ride in a straight line. Take your child to a quiet park or empty parking lot to practice this skill. Stand straight ahead of your child several yards away and have him/her practice riding straight to you. Even better, if you are in an empty parking lot, have your child practice riding on the striped parking lines.
- ***Turning:*** This is another basic skill many children lack. Turning can be difficult for beginners. You want your child to master turning maneuvers before heading into the road. Without this skill, children risk losing control on a turn and ending up with injuries. Take your child to an empty parking lot or cul-de-sac and have him/her practice riding in “figure eights.” In the beginning, have your child ride in large figure eights. As the turning skills improve, have him/her ride in smaller formations.
- ***Looking back without swerving:*** Once your child possesses basic cycling skills, it is time to teach more advanced riding maneuvers. As mentioned before, cyclists must look behind

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<sup>4</sup> [http://www.waba.org/education/documents/bikesafetyPP\\_English\\_WABA.pdf](http://www.waba.org/education/documents/bikesafetyPP_English_WABA.pdf)

them before making left turns. Therefore, it is important that your child have the ability to look back while continuing to ride in a straight line. You can practice this with your child using a simple game developed by the Active Living Resource Center. Take your child to an empty lot or park and have him/her ride past you. As he/she rides passed you, either hold up a picture of a car or hide it behind your back. Shout “look!” and have your child look back and tell you if there is a car.

- ***Braking control:*** Many injuries occur from kids’ inability to brake. They are often unable to properly judge the distance to an obstacle and do not brake in time. Others brake too quickly and begin to skid and lose control of the bicycle. Draw a line on your driveway or in an empty parking lot with sidewalk chalk and have your child practice riding toward the line and braking right in front of it. Have him/her start at slow speeds and gradually work up to faster speeds. Make sure your child brakes in a fluid manner, as sudden braking can lead to skidding and loss of control.





# SECTION TWO

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## At the Scene of a Bicycle Accident

## *Chapter Five: Medical Tips at the Scene of an Accident*

Even minor bicycle accidents can result in very serious injuries, so knowing what to do after an accident may save a life. Although useful, the following guidelines are not meant to replace professional medical and first responder training courses. Saving a life is worth the effort of obtaining the proper training.

There are two situational guidelines that can be followed to ensure the best possible safety and care for everyone involved. The first guideline is to assess the scene of the accident after checking yourself. The second is to assess the other individual involved. If there are injuries, first aid may need to be performed until the professionals arrive.

After checking yourself for injuries and ascertaining your overall physical stability and mental status, you must assess the scene of the accident in order to prevent further injuries from occurring. The guidelines for assessing the scene include the following:

- If in traffic, make sure emergency lights are flashing, flares are burning, reflective triangles are on the road, or orange flags are waving. Stop all traffic if the safety of those involved would be jeopardized if traffic continued to flow;
- Look for chemical and electrical hazards such as gasoline, oil, and power lines; and

- Take care to eliminate any hazard that could further endanger those involved or those who could become involved.

Once you have ensured that the scene of the accident is safe, check each individual involved for bodily injuries and mental status. Leave the less injured for last and attend to the seriously injured first. If a victim is conscious, introduce yourself and ask his/her permission to administer to him/her, then follow the applicable guidelines while posing simple questions to keep the victim conscious and coherent. If the victim is unconscious, a more thorough examination is necessary. In either case, follow these ABCDE guidelines:<sup>1</sup>

- A. Airway**—*mouth and nose*: the “head tilt—chin lift” technique is used first. Gently raise the chin upwards by placing a few fingers below the chin and lifting; at the same time, stabilize the forehead with the other hand. With the chin slightly raised, open and look into the mouth. If objects are found in the mouth, use a sweeping action with the forefinger and middle finger, from one side of the mouth to the other, scooping foreign objects up and out.
- B. Breathing**—*chest and lungs*: place your ear near the victim’s mouth and nose while also looking toward his/her chest to see if the lungs/chest are expanding and contracting.

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<sup>1</sup> <http://www.emergencymedicalparamedic.com/how-to-assess-abcde/>

If you feel no air hitting your cheek and ear, and you do not see the chest rise and fall, then CPR (cardiopulmonary resuscitation) should be considered.

- C. **Circulation**—*blood flow*: look for visible signs of blood. If large pools of blood are at a specific location, start there. The rule is: major wounds first, minor wounds second. If no blood is visible, check the victim's pulse by placing the forefinger and middle finger on the inside of wrist or neck. If there is no pulse and no breathing, CPR is necessary.
- D. **Disability**—*head and neck*—*spinal cord injury*: spinal cord injuries can be very hard to detect and should be revealed by using the most delicate of techniques. While leaving the victim stable and secure, lightly run the fingertips along the spine, starting from below the skull, following it to the tail bone. If any vertebra are out of place or protrude in an abnormal way, DO NOT MOVE THE BODY; stabilize the body until medical professionals arrive.
- E. **Exposure and Environment**—*elements—water, heat, cold, wind, sharp objects, etc.*: urban and wilderness environments should be addressed according to their respective conditions, but in general, victims should be protected from any condition that would threaten their life if left unattended; it is usually the case with multiple victims that a quick assessment of each individual is done, leaving each one unattended for a period of time. Each victim

needs to be protected from the elements while the others are looked after and until medical professionals arrive.

As stated above, these guidelines are in no way meant to be an exhaustive list or a summary of the first aid and first responder training and medical attention that should be given at the scene of an accident. More in-depth knowledge should be sought in order to adequately prepare yourself in the event of a bicycle accident or any similar unfortunate situation in which you may find yourself.

## *Chapter Six: 7 Must Do's To Protect Your Insurance Claim*

If you have been in a bicycle accident as a result of someone else's carelessness, there are certain things you must do if you wish to seek compensation. Often times, victims of bicycle accidents commit small errors that hinder their chances for full compensation. It is important to follow the seven steps that we have provided below. A bicycle accident attorney will help you with the case, but it is up to you to gather information at the scene of the accident or it may be lost. Be proactive!

- 1) **Remain Calm** – Make sure you are clear of any further danger by remaining calm and looking at your surroundings. Take a deep breath. Assess the situation. Get out of harm's way if needed. Remaining calm will help you think clearly, which will ultimately be to your advantage while following the next few steps.
- 2) **Do Not Admit Fault** – It is a huge mistake to immediately assume fault or even to apologize. There may be certain factors regarding the accident of which you are not aware. Again, assess the situation with objectivity and do not readily admit guilt. Get the facts first.

- 3) **Call 911** – If you are hurt, call an ambulance. Get the medical attention you need. Do not hesitate to be treated for aches and pains. The pain from injuries is often masked by adrenaline for quite a while after the accident. Do not wait to be treated by medical professionals. They might identify an injury you missed.

In addition to medical professionals, the police can often be your best advocate. They will report any and all information given. Their professional eye for details may become important to your case later. Be accurate when giving information to the police.

Even if you don't think you're injured, always call the police so a record of the accident is made. A driver may admit fault at the scene of the accident, but unless the statement is recorded by police, the driver's story might change once he/she leaves the scene and speaks to his/her insurance company.

- 4) **Find Eye Witnesses** – It is vital to any case to have reliable eye witnesses who are capable of sharing what they saw in accurate detail. Get names and contact information from anyone who may have seen what happened.
- 5) **Take Pictures** – Documenting the scene is one of the best things you can do as a victim. Take pictures of your bicycle and the at-fault party's car. Photograph any injuries you sustained. Take pictures of skid marks, broken glass, damage to

any vegetation, roads, and anything else that is pertinent to the accident. Any photo documentation can boost your chances of succeeding with your insurance claim.

- 6) **Gather Information** – Information including the license plate number, VIN number, make, model, and color of the car will help your case. Be sure to obtain the driver's insurance information and note the driver's physical characteristics and demeanor. Do not scrimp on the details about the other people involved.
- 7) **Record All Details** – Be as detailed as possible when it comes to the damages that resulted from the accident. This includes written descriptions of photos, the location of the accident, the details surrounding the accident, and the injuries you sustained. Drawing out a diagram helps tremendously.

## **Summary**

Remember, gathering accurate and pertinent information is best done while staying calm and thinking clearly. Writing things down in the moments directly following the accident will empower you with information in the future. Often times, the outcome of a claim depends on basic information that would have otherwise been lost or forgotten had it not been written down right away.



## *Chapter Seven: Hit-and-Run Accidents*

What do you do if you have been forced to lay down your bicycle due to a car's proximity, but the car does not stop or even acknowledge your condition? What if you are seriously hurt and forced to seek medical aid, and then end up with overwhelming bills and life-long injuries? What if the culprit is never found? Who pays for your medical bills, lost wages, and other out-of-pocket expenses? The answers lie within your own car insurance policy and with a bicycle accident lawyer.

Before discussing insurance and what an attorney can do for you, it is important to understand the different types of accidents in which guilty parties leave the scene. There are two scenarios that can occur: first, an accident caused by someone who makes contact with the victim (hit-and-run); and second, an accident that is caused without any contact between the at-fault vehicle and the victim (phantom vehicle).

### **Hit-and-Run**

Hit-and-run accidents occur when a party responsible for a collision leaves the scene of the accident. These accidents can involve motorists, bicycles, motorcycles and pedestrians. Though blatantly criminal in nature, hit-and-run accidents have been steadily increasing since 2003. According to the National Highway Traffic Safety Administration,

one in five pedestrians killed are victims of hit-and-run accidents.<sup>1</sup>

The increasing numbers can be attributed to many factors. A recent study suggests that the surge of hit-and-run accidents is likely due to an increased number of unlicensed drivers on the road, as well as drivers who are under the influence<sup>2</sup> – many of these drivers seem more concerned about the possibility of charges for their actions than the well-being of any individuals that may have suffered injuries as a result of their carelessness.

## **Phantom Vehicles**

Phantom vehicles are unidentified vehicles that leave the scene of an accident in which they were involved. A phantom vehicle does not need to make contact with another vehicle for the driver to be held responsible for careless actions. However, the phantom vehicle driver's actions must be corroborated by something other than the victim's account. Evidence left at the scene by the phantom vehicle or eye witness testimony can be used to support the victim's claims.

These accidents fall under the same coverage as hit-and-run accidents and are treated as such. Phantom vehicle drivers may not be as nefarious as hit-and-run drivers; in fact, they may simply not notice what their actions have caused. This, however, does not excuse their carelessness. If the driver of a phantom vehicle is identified and found, he/she may still

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1 <http://www-nrd.nhtsa.dot.gov/Pubs/810968.pdf>

2 *Ibid.*

be charged with negligent driving and will be held responsible for his/her actions.

In the case of either a hit-and-run or a phantom vehicle accident, the police and insurance company representatives will try to identify the responsible parties. However, if the at-fault driver is never discovered, the driver will be treated as an “uninsured motorist” and, as discussed in Chapter Two above, you will be able to make a claim for damages under the UM coverage of your own automobile policy – even if you were on your bike when the accident took place. With hit-and-run collisions and phantom vehicle incidents on the rise, it is more important than ever that cyclists carry adequate levels of UM coverage.

*Case Study: A poignant example of a hit-and-run bicycle accident happened in Salt Lake City last year. While riding a bicycle on a busy road, a female cyclist was cut off by a car that made a quick right turn in front of her, leaving the cyclist no warning and the victim of a collision. After the motorist realized what had happened, he/she fled the scene, leaving the injured woman on the road. The injuries suffered by the victim included broken vertebra in the neck, a broken clavicle, and a concussion. Due to the extensive injuries, the cyclist lost eight weeks of wages from work. The driver of the car was never identified or brought to justice. Luckily, the cyclist had UM coverage, which paid her medical bills and lost wages. Had she waived this coverage, the bills would have been placed squarely on her shoulders and her time lost from work would not have been recoverable.*

## Hit-and-Run Reward Program

With moral integrity apparently on the decline, bystanders and passers-by are increasingly important in ensuring that guilty parties do not go unpunished. In order to encourage eye witnesses to report these wrongful actions, our firm helped create the Hit-and-Run Reward Program. This program allows witnesses to call the “We Tip” crime hotline at 1-800-644-8678 and report what they saw while retaining their anonymity. As an added incentive, Christensen & Hymas offers up to \$1,000 for any information leading to the arrest and felony convictions of hit-and-run drivers.







# SECTION THREE

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## After the Accident

## *Chapter Eight: Bicycle Accident Claims*

Once your immediate medical needs have been addressed, you will need to open a claim with the automobile insurance company of the vehicle that caused the accident. As with anything involving insurance companies, bicycle accident claims can quickly become complicated. Having some basic knowledge about bicycle accident claims can help you navigate the rough waters and help you determine whether you need legal representation. Keep in mind that every accident case is different. The following information might pertain to your case, but keep in mind that some of it may not. The only way to know specifically what is relevant to your claim is to contact an attorney.

### **What is a Bicycle Accident Claim?**

A bicycle accident claim is initiated when you contact the at-fault automobile insurance company in order to be compensated for injuries or damage to you and/or your bicycle following an accident. The insurance company will open a file on your behalf and gather the necessary information concerning your accident. The purpose of the accident claim is to compensate you for any injuries and other damages you may have suffered in the collision. Unfortunately, insurance companies often undervalue cyclists' injuries and damage to their bicycles when determining how much financial compensation the cyclists should



receive. Remember, insurance companies are for-profit businesses, and they make a significant portion of their profits by paying out as little as possible on accident claims.

### **Who Will Pay My Medical Bills After The Accident?**

As mentioned in Chapter Two, every car insurance policy issued in Utah is required to have Personal Injury Protection (PIP). This portion of the insurance policy has a minimum of \$3,000 to pay for the medical treatment of persons injured in an accident. PIP coverage is immediately available to the driver or passengers of the car, as well as any pedestrian or cyclist with whom the car comes in contact. In addition, if you carry your own automobile insurance and your medical expenses exceed \$3,000, you should check to see if your car insurance policy contains any additional or secondary PIP medical coverage. The availability of secondary PIP coverage depends on the language in your auto policy. Use of your own secondary PIP coverage (if available) will not affect your insurance rates, as your insurance company will ultimately be reimbursed by the insurance company of the driver that caused the accident.

### **What Happens After The PIP Coverage Is Exhausted?**

Once the PIP coverage is exhausted, the at-fault driver's insurance company will not make any other payments "along the way" for the additional medical bills and other expenses that are incurred. Instead, at the time of settlement, they will pay you one

settlement check for all your damages and losses. What this means is that you – the accident victim – have to find a way to cover payment of those medical expenses until your case settles. It can be extremely frustrating having to pay for unwanted expenses after an accident ... particularly when the accident wasn't your fault! But there are some options available to you:

- 1) **Health insurance:** If you have health insurance coverage, it is best to have the medical provider forward your bills to the health insurance company for payment.
  - a) **Pros:** Even though the medical bills are accident-related, the health insurance company will pay the bills and keep them from being sent to a collection company and affecting your credit.
  - b) **Cons:** Some policies require payment of co-pays and deductibles, and they often only cover 80% of the medical expenses, leaving you responsible for the other 20%. You may have to pay these co-pays and deductibles to ensure they are not sent to collections. However, you are entitled to reimbursement at the time of settlement for every expense paid out-of-pocket.
  
- 2) **Set up a lien with the medical provider:** A lien is an agreement that is often available in cases where an attorney represents you for your injuries. It is a written, binding agreement between the client/patient, medical provider, and attorney,

and specifically indicates that the medical provider will wait for payment until the case settles. The attorney agrees to pay the medical provider before releasing any funds to the client, and the client agrees that no matter what the outcome of the case might be, the bills will eventually be paid by the client.

- a) **Pros:** If your attorney is able to set up a lien with your medical providers, you will not have to worry about paying the medical bills until your case settles.
  - b) **Cons:** Some medical providers refuse to accept liens or wait for payment until the time of settlement.
- 3) **Pay cash / monthly payments:**
- a) **Pros:** If you pay all of your medical expenses up front with cash, you can typically receive a cash payment discount. If you are unable to pay the whole bill at once, but instead make minimum monthly payments, you can often keep the account current and avoid having the bill sent to collections and affecting your credit.
  - b) **Cons:** Not everyone has the ability to pay cash for unanticipated medical expenses.
- 4) **Let the bill go to collections and then try and set up a lien with the collection company:**
- a) **Pros:** Some collection companies will accept liens, even if the medical provider they represent will not.

- b) **Cons:** Some collection companies that accept liens will still record the overdue payment on your credit report.

We recognize that none of the options above are very attractive, particularly for people who don't have health insurance. Just remember that the at-fault insurance company doesn't get off the hook. They are responsible for all accident-related treatment at the time of settlement, and you'll be entitled to reimbursement of all your out-of-pocket expenses at that time.

### **Do I Ever Have to Pay Back the Medical Bills That Were Paid by My Own Health Insurance Company?**

Believe it or not, the answer is often yes. There are state and federal laws that may require you to reimburse your own health insurance company or your employer's health plan from any money you recover in a personal injury settlement. It is important that you review the terms of your health insurance policy with your attorney to see if you're required to repay any of these costs. Your insurance company's right to be reimbursed for medical bills from your settlement or verdict is known as "subrogation." This is a complicated area of the law; you should discuss this issue with your attorney as soon as possible after your accident.

At Christensen & Hymas, we are generally successful in reducing the health insurance company's subrogation claim, which we give back to you as our client. For example, if you have \$15,000 in medical

expenses paid by your health insurance plan, we can often negotiate with your health insurance company to accept a reduced amount of \$10,000 as payment in full. The additional \$5,000 goes to you.

### **At What Point Do I Need a Lawyer?**

There are several indicators that may lead to your need to hire an attorney. They are as follows:

- When you realize that your medical bills are going to be more than the insurance company is willing to pay (including future medical costs);
- When you feel pressured by the insurance adjustor to give a recorded statement or sign an authorization allowing the adjustor to review your medical records;
- When you feel like the insurance company is not being forthright with your claim or is giving you the run around;
- When you feel that you are being pressured by the insurance company to settle, and you are not feeling comfortable with the amount offered;
- When you do not feel the insurance company's offer is sufficient to cover the amount of pain and suffering you have been through (even though it may cover your current medical bills); or
- When you feel you will continue to require ongoing medical care, and that an attorney

may be able to help you prove the need for, and costs associated with, this future treatment to the insurance company.

If any of the indicators above are present in your bicycle accident case, or if you simply feel you need the advice of someone with experience other than the insurance adjuster assigned to your case, you should consider meeting with legal counsel. A discussion on finding the right attorney for you is included in Chapter Ten of this book.

## **Other Considerations for Your Bicycle Accident Claim**

Statute of Limitations: The statute of limitations is an important timeline that designates your window of opportunity to file a lawsuit against the responsible party. If the statute of limitations expires, you can no longer bring a case to court. The statute of limitations for bicycle accident claims in Utah is generally four years, although it can be as little as one year if the at-fault party is a government agency. If you are unable to resolve your accident claim with the insurance company and desire to pursue legal action, be aware of the time frame in which you need to file suit. Waiting too long can wipe out your claim.

*Case Study: We recently encountered a sad situation when a woman came into our office seeking legal advice about \$16,000 she owed in outstanding medical bills. These costs were accrued after being injured in a car accident which was caused by someone else's carelessness.*

*Unfortunately, there was nothing we could do for her as she came into the office eight days after the statute of limitations expired, making any claim she had against the at-fault driver untimely and invalid.*

*She said she didn't want to file a lawsuit earlier because the insurance adjustor was so nice and that he continued to tell her that he would take care of her. The adjustor failed to mention to her that the statute of limitations was about to pass, and her option to file a lawsuit would be extinguished.*

Again, remember that you must be aware of the applicable statute of limitations and file the claim before this date. Otherwise, you may find yourself in a situation similar to the woman above.

Parties from whom you can receive compensation:

Most bicycle accidents are caused by the negligence of a motorist. In this type of accident, you can recover damages from the drivers of automobiles, buses, trucks, or motorcycles. However, a common misconception concerning bicycle accidents is that the claim is only legitimate or worthwhile if the accident involved a motor vehicle. While it is true that most bicycle accident claims involve bicycle versus car collisions, there are several other causes of bicycle accidents for which victims can file suit and receive compensation.

For example, if you sustain injuries resulting from a bicycle defect or malfunction, you may be able to claim damages from the manufacturer or retailer of

the bicycle. If you are involved in a cycling accident resulting from unsafe roadways or improper maintenance of a street, you may be able to recover damages from the city, county or state. Likewise, if the accident is caused by negligent upkeep of private property, you may be entitled to seek damages from the owner. Again, every case is different, and the best way to determine if you have a legitimate claim is to contact an attorney to discuss the specifics of your claim.

Types of compensation: Another common misconception in bicycle accident cases is that the injured person may only receive monetary reimbursement for medical expenses. However, medical expenses account for only a portion of the damages you may legally recover. Depending on the details of your case, you may be entitled to compensation for a multitude of other types of damages you receive in the accident. Here is a brief summary of some of the types of compensation to which you may be entitled:

- **Medical Expenses:** If you have been in a bicycle accident, chances are you suffered an injury. Most, if not all, medical bills related to your case should be covered by the responsible party. Medical bills include hospital and doctor bills, physical therapy bills, prescriptions and medications, ambulance bills, transportation expenses, and medical equipment such as crutches or a wheelchair. The insurance company of the at-fault party is ultimately responsible for all of your medical expenses.

Following a bicycle accident, we suggest two things. First, if you believe you may have been



injured in an accident, do not hesitate to see your primary care physician or get checked out at an instacare or emergency room. Some injuries can manifest themselves without showing immediate visible symptoms. This is especially common with head injuries. Promptly receiving proper medical treatment could prevent serious repercussions. Second, be sure to keep a complete record of your medical bills. We recommend creating a folder for storing your records and bills. File everything in this folder. If you are not sure whether you need to save a document, keep it anyway. You never know what records and bills you will need to have on hand, especially if you are later required to file a lawsuit to recover your damages.

- **Wage and income loss:** Loss of earnings compensation comes in many different types and sizes. For example, if you sustain injuries that prevent you from returning to work for one month, you are entitled to be reimbursed for your lost wages. In such a case, your compensation will include your normal wages, commissions, bonuses, and other fringe benefits.

Some injuries, however, can result in life-long debilitation. In these types of cases, the victim may be unable to work or may have to find a new job in a different vocation with less income. In this situation, the victim may recover damages for the value of reduction in earning capacity which will occur in the future. This includes compensation for salary, bonuses, commissions, and other benefits.

- **Disfigurement:** Some bicycle accidents may result in permanent scarring or disfigurement. This can psychologically impact a victim's self-image. If you have suffered this type of injury, you may receive compensation not only for the medical expenses incurred, but for psychological damages as well.

This especially applies to children who suffer disfigurement from bicycle accidents. For safety reasons, many surgeons will refrain from performing surgical revisions until the child is more fully grown. While the victim may be able to receive plastic surgery later in life, he/she must go through the difficult years of adolescence with the scar or disfigurement, leading to embarrassment and humiliation that can severely affect the child emotionally. In many bicycle accident claims involving a child, such emotional and psychological damages will be taken into consideration with the help of a skilled bicycle accident attorney.

- **Pain and Suffering:** Apart from the previously-discussed types of compensation, you may also have the right to receive compensation for pain and suffering. It is very common for an injured cyclist to obtain some recovery for the physical pain that he/she experiences following an accident. The amount of the compensation will vary depending upon the extent of the injuries and the time it takes to recover from those injuries. However, this category is not limited only to physical pain, but also

includes psychological and emotional difficulties. Some bicycle accident victims suffer from post-traumatic stress disorder after a serious accident. This can be highly debilitating, causing the victim to refrain from social activities, driving, or returning to bicycling. This and other psychological pain and symptoms may result in monetary compensation.

- **Incapacity to perform previously enjoyed activities:** If an accident leaves you incapable of doing activities that you enjoyed prior to the collision, you deserve to be compensated for these injuries.

*Case Study: Recently we had a client come in who had been involved in an accident. His injuries were so extensive that he required seven surgeries to recover from his accident. As a direct result of his injuries, he was no longer able to perform many of the activities that he enjoyed before his accident such as running, snowboarding, and rock climbing. Each of these activities required leg functionality which he lost in the accident. When we settled his claim, we were able to recover not only for the physical pain he suffered, but also for his inability to participate in the outdoor activities he previously enjoyed.*

- **Survivor claim / wrongful death claim:** If a loved one dies in a bicycle accident, there are several types of compensation that may

be available for the tragic loss you have suffered. First, you may be eligible to receive reimbursement for medical bills and funeral costs incurred by the death of your loved one. Further, if the person who passed away was employed as the primary or secondary earner of your household income, you may receive compensation for the loss of anticipated earnings, including wages, health insurance benefits, and pension benefits.

Of course, the psychological and emotional losses accompanying the death of a close family member far outweigh any material loss. As such, you are entitled to receive monetary compensation for the mental/emotional pain and anguish associated with your loved one's passing. Furthermore, you may be able to receive damages for the suffering connected to the loss of companionship, care, and protection. Additional information regarding the legal issues surrounding a wrongful death case are discussed in more detail in the next chapter of this book.

Property Damage Claims: Working with insurance companies after a bicycle accident can be a complicated and frustrating process. Of course, if the damage to your bicycle can be repaired, the insurance company has an obligation to pay for those repairs. However, more often than not, the damage to a bicycle following a collision with an automobile is irreparable, and the bicycle has to be replaced (this is

especially the case when the bicycle's frame is made of carbon fiber). If the damage to the bike cannot be repaired, the insurance company must pay you the value of a replacement bicycle. Insurance adjustors will often try to settle on a replacement value that the accident victim feels is unfair.

If you have been in an accident and are working with the insurance company, it is important to have proper knowledge of the situation to avoid an unfair property damage settlement. The following tips can help ensure you receive a proper settlement:

- Insurance papers can be extremely technical and confusing. Before you sign any papers, make sure you fully understand the substance of the agreement. Research the terminology or phrases you do not understand. Also, do not be afraid to contact the insurance company and ask any questions you may have pertaining to the documents they want you to sign. If you sign the papers too soon, you may jeopardize your chances of receiving a fair property damage settlement.
- Research the value of your bicycle by taking it to two or three different bike shops that you trust and obtaining estimates from them detailing the replacement value of your bicycle. Insurance companies tend to make low settlement offers on bicycle claims because many of them fail to comprehend how expensive bicycle frames, wheels, and componentry can be. Providing detailed estimates to the insurance company adjustor will educate him/her about

the true value of your bike. You should also browse the Internet and local classifieds to see if you can find any comparable bicycles for sale in your area. The insurance company will give greatest weight to the value of bicycles that are closest to the city in which you live.

- You are not required to accept the adjustor's first settlement offer, especially if you think it is less valuable than your wrecked bicycle. If this happens, simply make a counter-offer with estimates from bike shops or information regarding for-sale bicycles you found in your own research. You can also ask the insurance company to provide documentation with details on how they valued the bicycle. By obtaining this information, you will also be able to verify the adjustor gave you credit for every upgrade or custom feature on your bicycle.
- Know your rights. Utah State law provides detailed rules and guidelines that insurance companies must abide by when handling property damage claims. These rules, established in the Utah Administrative Code, can provide you with necessary support as you work with the adjustor. The Code dictates how the insurance company must value the property damage claim and what rights you have to defend your claim. These rules are available to the public at [www.rules.utah.gov/publicat/code/r590/r590-190.htm](http://www.rules.utah.gov/publicat/code/r590/r590-190.htm).

- Finally, be cautious of the unintended consequences of a small claims action. Many people wonder if they can take their property damage claim to small claims court. While this may be an option, be extremely careful and consult with an attorney before pursuing this course of action, as it has the potential to completely wipe out your ability to make an injury claim if you sustained injuries in the accident.

## *Chapter Nine: Injuries and Death in Cycling Collisions*

As cycling becomes a more popular means of transportation, injuries and deaths are becoming more prevalent. Each year approximately 50,000 cyclists are injured after having been hit by a motor vehicle. In 2011, cycling deaths in the United States jumped to 677 from the 2010 total of 623, an increase of nearly nine percent.<sup>1</sup> In Utah, 680 cyclists were injured and seven were killed in 2010, while in 2011, 747 cyclists were injured and 5 were killed.<sup>2</sup>

Public safety sources estimate that 9 out of 10 bicycle-related deaths involve a collision with a motor vehicle.<sup>3</sup> A cyclist has little protection against the force of a two-ton car or truck, and when a speeding vehicle crashes into a cyclist, the results can be horrifying. Cyclists can suffer from highly debilitating and life-altering injuries and face the possibility of death. Below is a basic summary of three major types of cycling injuries and legal issues pertaining to wrongful death cases.

### **Traumatic Brain Injury**

Along with common injuries such as road rash,

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1 <http://www-nrd.nhtsa.dot.gov/Pubs/811701.pdf>

2 <http://publicsafety.utah.gov/highwaysafety/documents/2011UtahCrashSummary.pdf>

3 [http://www.fayettedepartment.org/Bicycle\\_Safety.htm](http://www.fayettedepartment.org/Bicycle_Safety.htm)



broken bones and sprains, many cyclists also sustain head injuries in collisions with automobiles. As discussed in Chapter Three, cyclists who do not wear safety helmets run a much higher risk of sustaining such an injury. Serious head trauma is often called traumatic brain injury (TBI) and can have long-term or even lifelong effects. According to the Center for Disease Control and Prevention (CDC), an estimated 1.7 million people sustain a TBI each year. 52,000 of these people die, and another 275,000 are hospitalized. The CDC estimates that 5.3 million Americans are living with long-term or lifelong brain injuries that hinder their daily activities, and many of these were caused by bicycle accidents.<sup>4</sup>

Victims of severe TBI can suffer from a range of debilitating symptoms, including minor to severe amnesia, subdural hematomas, brain hemorrhaging, and seizures. Such injuries can permeate many aspects of the victim's life, including potential consequences relating to his/her ability to work. Even minor brain injuries can have painful and life-altering consequences. Victims of minor forms of TBI often suffer from dizziness, short-term memory loss, blurred vision, depression, attention loss, or personality changes.

Of course, the physical implications and symptoms of TBI constitute only a portion of the overall effects of this serious injury. The mental and emotional toll from TBI affects not only the victim, but also loved ones, relatives, and friends. The consequences of TBI

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4 [http://www.cdc.gov/traumaticbraininjury/pdf/blue\\_book.pdf](http://www.cdc.gov/traumaticbraininjury/pdf/blue_book.pdf)

– whether minor or severe – can include emotional repercussions, familial strain, and social stress. Such angst is only exacerbated by the hospital visits and medical expenses that result from such an injury.

The deceiving aspect of TBI is that it can easily go undetected if medical attention is not sought. According to the latest research, for every person who is hospitalized for TBI, roughly three to five people go untreated for this devastating injury.<sup>5</sup> This is especially dangerous due to the potentially life-altering consequences of TBI. For example, if someone is suffering from memory loss, but does not know that TBI is the root cause, he/she may not receive the proper medical treatment that could help ameliorate the symptoms. For this reason, it is best to be checked out by a medical professional if you experience a bicycle accident and sustain a blow to your head.

As noted earlier, bicycle helmets substantially reduce the risk of TBI and other head injuries. However, you may still be at risk of TBI even if you do wear a helmet. Although the helmet may prevent damage such as cuts and bruises to your head, it is still possible to sustain a brain injury. This type of injury can come from internal damage, which can occur if you knock your head hard enough against a solid object (such as the hood of a car or an asphalt road) even while wearing a helmet.

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5 Bernstein, D.M. (1999). *Recovery from mild head injury. Brain Injury*, 13, 151-172; see also Kraus, J.F., & McArthur, D.L. (1996). *Epidemiologic aspects of brain injury. Neuroepidemiology*, 14, 435-450

*Case Study: Recently a prominent Utah figure was involved in a bicycle accident. Though he was wearing a helmet at the time, his helmet was jarred in the accident, leaving his head exposed. He received a head injury, as well as some bleeding on the brain. Ultimately, the injuries he suffered in his bicycle accident led to his untimely death. His death serves as a somber reminder that although helmets can help prevent significant brain injuries, you must wear the helmet appropriately and make sure it has been fitted properly to your head.*

## **Spinal Cord Injury**

Along with head trauma, cyclists are also susceptible to spinal cord injury. Damage done to the spinal cord can be especially harmful and life-altering. The spinal cord consists of a large network of nerve tissue that is the core of the central nervous system. Damaging the vertebral column, the part of the body which protects the spinal cord, can be devastating for accident victims.

Damage to the nerves of the spinal cord can lead to permanent disability or paralysis. The location of the spinal cord injury often dictates the effects. Some injuries may lead to a loss of mobility in the arms and legs known as quadriplegia. Victims may also suffer paralysis of the lower half of their body, or paraplegia.

Victims of spinal cord injuries can suffer different severities of symptoms, depending on the damage incurred to the nerves. Complete spinal cord injury occurs when the spinal cord is severely damaged, and

the condition usually leads to the total loss of feeling below the area of injury. Less severe damage can lead to incomplete spinal cord injury, in which the victim loses some, but not all, motor function and sensation below the injury.

According to the website [www.brainandspinal-cord.org](http://www.brainandspinal-cord.org), roughly 12,000 people each year suffer from a spinal cord injury, 42% of which result from accidents involving a motor vehicle. 45% of all spinal cord injuries are considered complete, meaning that all functions below the injured area are lost, while the remaining 55% are incomplete, where some of the functionality below the injured area is still intact.<sup>6</sup> One-half of these injuries result in quadriplegia.

The costs of spinal cord injuries are astounding. The average hospital stay in a rehabilitation unit for spinal cord injury victims is seventy-nine days, and the average hospital charge is over \$90,000.<sup>7</sup> This does not begin to account for the additional costs incurred from physical therapy, prescriptions, medical equipment, and potential loss of wages or capacity to earn wages in the future. Furthermore, between one-third and one-half of all spinal cord injury victims are readmitted to the hospital every year, adding extra costs to the mix.

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6 <http://www.maclester.edu/academics/psychology/whathap/ubnrp/spinalcord05/primarydamage.html>; see also <http://www.dalemed.com/Portals/0/Products/Clinical%20References/316%20-%20Spinal%20Cord%20Injury.pdf>

7 <http://www.sci-info-pages.com/facts.html>

As you can see, spinal cord injuries are incredibly complex and can result in substantial medical bills. Unlike many injuries which will heal with time, damage to the spinal cord often has substantial long-term effects, leading to reoccurring medical expenses for many years. This is why it is extremely important to make sure you receive a proper settlement if you suffer a spinal cord injury in your bicycle accident. These bills can quickly add up and drown you in debt. Settling for anything other than full compensation, taking into account the long-term nature of spinal cord injuries and treatment, will add the proverbial insult to an already devastating injury.

## **Orthopedic Injury**

Injuries to the joints – such as the knee or shoulder – are commonplace in cycling accidents. A recent study found that over 40% of cyclists in accidents with motor vehicles suffered arm injuries, while approximately 25% sustained leg injuries.<sup>8</sup> Injuries to the knees and legs of cyclists have become a primary concern for further research because they are often the first points of contact with the motor vehicle in a collision.<sup>9</sup>

This research is consistent with our own experience over the past several years representing injured cyclists. The cyclist's knee is often at the same level as a vehicle's bumper, often resulting in injury from a

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8 [http://www.rosipa.com/roadsafety/advice/cycling/info/cycling\\_accidents\\_factsheet.pdf](http://www.rosipa.com/roadsafety/advice/cycling/info/cycling_accidents_factsheet.pdf)

9 <http://www-nrd.nhtsa.dot.gov/pdf/esv/esv21/09-0462.pdf>

direct impact with the vehicle. Shoulder, elbow, and wrist injuries commonly occur when the cyclist is thrown over the handlebars and onto the asphalt (or hood of a car), or when he/she tries to break the fall with his/her hand.

Unlike a lot of joints in your body, the shoulder is incredibly mobile. You can twist and move your upper arm in almost any direction. But there's a price for this ease of movement. The shoulder joint is inherently unstable, prone to slipping out of place. In severe cases of dislocated shoulder, the tissue and nerves around the shoulder joint get damaged, often resulting in chronic instability and weakness.<sup>10</sup>

Common knee injuries resulting from cycling accidents include a ligament injury and a torn meniscus. An injury to one of the ligaments in the knee, such as the anterior cruciate ligament (or ACL), often occurs when the knee is required to make a sudden change in direction. Similarly, a tear of the meniscus – which is the rubbery cartilage that serves as a shock absorber between your shinbone and thighbone – frequently takes place if you suddenly twist you knee while bearing weight on it.<sup>11</sup>

Symptoms for knee and shoulder injuries include swelling of the joint, popping, clicking, pain, weakness, and limited range of motion. Emergency room medical care is often limited to x-rays to determine

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<sup>10</sup> <http://www.webmd.com/fitness-exercise/dislocated-separated-shoulder>

<sup>11</sup> <http://www.mayoclinic.com/health/knee-pain/DS00555/DSECTION=causes>

whether any bones have been fractured. If symptoms persist, it is important to see an orthopedic surgeon, as ligament, tendon or cartilage damage might only be detected through examination by a specialist and/or magnetic resonance imaging (MRI). Treatments for joint injuries consist of physical therapy, steroid injections and, in more serious cases, surgical repair.

While these orthopedic injuries are not as life-altering as a TBI or spinal cord injury, they can still affect many activities of everyday life. Individuals who suffer shoulder, elbow, hand, or knee injuries will often have difficulty with many of the tasks others do on a daily basis, such as walking, driving a car, writing, carrying items, bathing, and even sleeping.

## **Wrongful Death**

A “wrongful death” claim arises when a cyclist is killed because of the negligence of another party. Most bicycle wrongful deaths in Utah result from the reckless actions of car and truck drivers. A bicycle offers virtually no protection against the speeding force of a motor vehicle, greatly endangering the life of the cyclist. Unfortunately, as bicycling becomes more popular in Utah, the rate of wrongful deaths involving cyclists is also on the rise.

When a Utah cyclist is killed because of a driver’s negligence, his or her family has a claim against the responsible party. The family of the decedent is entitled to receive compensation for pain and suffering, the loss of love, companionship and affection of their lost family member, as well as medical bills and other damages resulting from their loved one’s untimely

passing. However, there also are some specific legal rules pertaining to fatal bicycle accidents of which you should be aware if you are considering filing a wrongful death claim.

- **Shorter Statute of Limitations:** While the statute of limitations for bicycle accident cases can be as long as four years, the time frame is reduced to two years in a wrongful death claim. You should also be aware that the time frame may be even more limited depending on the details of the case. If a government employee or agency is involved or is the responsible party, the statute of limitations can be as short as one year from the date of the fatal accident. If you are unsure about the length of time allotted for your particular case, it is best to contact an experienced bicycle accident lawyer to discuss the situation.
- **Legal Heirs:** People sometimes face the confusion of understanding which family members are legally entitled to pursue a wrongful death claim against the responsible parties. In Utah, the law states that only the “heirs” of the deceased person are able to file a lawsuit against the at-fault party. The law is also very specific in delineating which family members qualify as “heirs.” They include the spouse and children of the deceased, the natural (or adoptive) parents of the deceased and, in some instances, the deceased’s stepchildren. It is important to note that any heir who commences a wrongful death action has the responsibility to represent



the interests of all the heirs, not just himself or herself. This can give rise to conflict where some of the heirs are estranged from one another and/or don't get along.

## *Chapter Ten: Finding the Right Attorney*

If you have suffered injuries from a bicycle accident, you may have already considered hiring an attorney for legal representation. Fighting the insurance company alone can be challenging and often results in frustration and, unfortunately, many unfair settlements. Having experienced legal counsel in your corner can often make all the difference in your bicycle accident case. However, not all bicycle accidents necessitate hiring an attorney. Whether or not you need an attorney is a complicated question and one we cannot answer broadly in a book without knowing the details of your accident.

Every bicycle accident is different, and the circumstances of your accident will determine whether you need a lawyer to represent you. If your injuries are minimal, or you are uninjured and only your bicycle is damaged, you may be able to handle the claim on your own using the tools provided in this book. However, if your injury is serious and requires several thousands of dollars in current and future medical expenses, you will want to give serious consideration to hiring an attorney. Additionally, if you suffered permanent scarring or disfigurement, a lawyer can help you obtain a substantial settlement, even if the medical costs are low. Hospital and doctor bills can quickly add up, especially when compounded by physical therapy bills, prescriptions costs, and loss of earnings from time off work. If you are facing such

exhaustive expenses, we recommend contacting a lawyer. Most attorneys in Utah offer a free consultation to determine whether you have a legitimate case.

## **Whom Should I Hire?**

Utah is the home to many personal injury attorneys. You see their ads in the Yellow Pages and on television, and some of them promise to make you the next millionaire from your personal injury claim. However, just because a lawyer advertises such promises does not mean he/she is the most qualified candidate to represent your case.

You want to make sure to do your research before choosing an attorney. It is important to find a lawyer who is experienced in bicycle cases and has a proper understanding of state and federal laws pertaining to such claims. Hiring an attorney without the proper legal knowledge and expertise could cause you to lose your case or receive a settlement that is lower than you rightly deserve.

When you are researching personal injury attorneys for your bicycle accident claim, you want to consider how much the attorney knows about the sport of cycling and what cyclists experience when out on the road. An attorney that has actually done some cycling himself/herself will have first-hand experience regarding the dangers that cyclists face, how bicycles handle on the road, how quickly they are able (or unable) to stop, and the mistakes that motorists often make when failing to comply with their obligation to share the road with cyclists. But remember, an attorney's love of cycling, in and of itself, does not

make him/her a good bicycle accident attorney. It is equally important to find a lawyer who is well-versed in the legalities of bicycle accident claims, and who specializes in personal injury and accident claims. The lawyer who drafted your will or helped with your company's merger may not have the expertise in personal injury law needed to win your case.

Here are a few questions you will want to ask the lawyer or law firm representative before you hire the attorney for your case:

- Do you charge for your services if you do not obtain a result?
- What percentage of your practice is dedicated to personal injury and bicycle accident cases?
- Have you ever taken a case to trial and won a verdict for your client?
- Are you experienced in negotiation and out-of-court settlements?
- What results have you achieved for your clients?
- Do you have a website with information on bicycle accident cases?

### **Why Should I Hire Christensen & Hymas?**

At Christensen & Hymas, we do not rely on a high volume of cases, and we don't handle every type of case. Rather than run around trying to manage hundreds of cases at a time, we carefully select the cases we accept at any one time.

There are many attorneys who advertise for

personal injury cases. Unfortunately, some of these attorneys have so many cases in their offices that no case gets their personal attention. Others have no real intention of trying your case themselves, and if the case cannot be settled with the insurance company, they will refer the case out to a new attorney for trial. There are good, experienced attorneys in this field, but it can be very difficult for a consumer to separate the good from the bad.

Proper legal representation is extremely beneficial to accident claims. A good lawyer brings a wide range of useful and necessary services to his/her client. At Christensen & Hymas, we are dedicated to providing quality representation to all of our clients. Here are just a few of the services we provide our clients:

- Conduct an initial interview with the client in which we evaluate the client's claim, educate the client regarding the legal process for personal injury cases, and determine any deadlines that apply
- Analyze the applicable insurance policies to see whether there are any coverages which the client has that may pay all or a portion of the medical bills while the claim is pending
- Gather records and documents that support the claim, including medical charts, police reports, and photographs
- Gather witness statements and perform an investigation of the client's claim
- Confer with the client's medical doctors to fully understand the client's injuries and conditions

- Help client locate resources, such as local, state, and federal assistance programs, that will assist with his/her recovery
- Conduct negotiations with the insurance adjustor to settle the claim
- If the case goes to court, prepare and draft the summons and complaint to file in court
- Prepare the client for deposition
- Hire experts that will support the claim
- Prepare the client and witnesses for trial
- Try the case in court before a judge or jury

This is only a general list of services that we can provide to the client. Of course, there may be additional services required, depending on the case and the needs of the client. Hopefully, this list gives you a general idea of some of the tasks we will perform in pursuit of a successful legal claim.

Clients of Christensen & Hymas receive personal attention because we are very selective of the cases we take. We decline numerous cases each year in order to devote personal, careful attention to those we accept. We take the time to meet with our clients' doctors and discuss with them how they can assist in their cases. (We recently met with a client's doctor and discovered information that wasn't in the medical records that added \$65,000 in value to her case!). If we do not accept your case, we will be glad to provide you with information and refer you to another attorney who may be able to help you.

Rest assured, with our No Fee Guarantee, you pay nothing unless we obtain a positive result for your case. We cover all costs up front so that you can focus on healing. The costs for an ordinary case will typically include obtaining police and medical reports and obtaining expert witness testimonies. When we win your case, our fee is 1/3 of the total settlement we receive for you.

We dedicate 100% of our time and energy to personal injury cases. This focus gives us a keen understanding of those who have been injured by another's negligence. Other firms that practice multiple types of law can easily lose the precision necessary to obtain full compensation for their clients.

As cyclists, we intimately know what it's like to ride a bicycle on busy city streets full of distracted drivers. We know what it feels like to be pitted against vehicles that weigh several thousand pounds. It is because of this knowledge that we dedicate our time to the cycling community by participating in and sponsoring a number of local cycling events and by representing cyclists who have been injured while riding.

We have won numerous cases, many of which were verdicts and judgments in court. Juries, judges, and arbiters alike have awarded our clients with positive verdicts and awards due to our legal expertise. These successful results also apply to our out-of-court settlements. We are trained, experienced negotiators. In fact, we are able to reach successful out-of-court settlements on nearly 90% of all our cases.

These efforts have resulted in millions of dollars of compensation for our clients. We pride ourselves on

taking good care of our clients so medical bills can be paid off, creditors can be called off, and healing can ensue. We understand that in most situations, monetary compensation may never replace or compensate fully for what was lost; but we also know you have to move on with your life, which means paying off all expenses incurred because of an accident. We work hard to ensure our clients receive the highest compensation for their cases.

If you would like to see a representative list of our history of obtaining successful results for our clients, you can visit our website: [www.UtahBicycleLawyers.com](http://www.UtahBicycleLawyers.com). You can also find detailed information regarding our services and read short bios for each of us and descriptions of our practice areas.



## *Testimonials From Past Clients*

“Before I got hit, I rode my bike to work nearly every day. That was the rhythm of my day. I had a great commute that I had done hundreds of times. Last November, I was headed home, and I came to the only place of my route without a shoulder, and I looked around and saw a lot of headlights on the ground in front of me, and the next thing I knew I was in the air. I hit a windshield, hit the ground, and slid to a stop. I was really sore and was in a lot of pain—it was really hard to move around and I had a lot of post-traumatic stress.

“Then I met with Russ, and got taken care of in a professional way. They delivered what they said they would deliver. The thing that really set them apart from any other experience I’ve heard about was knowing that I wasn’t just a case file. I was me, and Russ was actually able to comprehend what I was talking about. He was also able to tell me that this might take a little bit of time, but we’re going to make sure you get taken care of. That’s what I needed, and I got it.”

– *Arthur Morris, Salt Lake City*

“A couple years ago as I was getting ready for my triathlon season, about a week and a half before my first race, I was coming home on my bicycle and as I was passing through a main intersection with a green light, a lady turned left in front of me. My bike was crushed and broken in several pieces, and there was some serious complications with my knee. After receiving some medical treatment and realizing

that things were more complicated than I thought, I spoke with a family friend who was an attorney, and he referred me to Ken at Christensen & Hymas. He was able to get me a lot of help as I went through that process of getting my medical exams and preparing to have surgery. Luckily, with Ken's help, I didn't have to worry about all of the logistics and details of paying bills and dealing with all the complications that arrive in an accident like this. Being a student, there was no way I could cover the costs for surgery and physical therapy, so it was extremely helpful to have something there to take care of all that. After the surgery occurred, I was able to focus on recovering and building back to where I had been before the accident occurred. Christensen & Hymas showed me personal attention throughout the process. They were always willing and able to find those answers for me and get back to me in a timely manner. It was great to be able to deal with such personable people and an attorney that is always willing to talk to you."

– Jameson King, Provo

"I am so grateful Kenneth Christensen was recommended to me. The part that amazed me most was his personal service. I never had to wait for him to respond; anytime I called, he either talked to me right then or called back within minutes. With every problem that came up, he jumped right on it even if it was something he wasn't obligated to do. In a bad situation, Kenneth Christensen made things a lot easier

to deal with and was very thorough in explaining the entire process to me. I would have been lost without him. He did a spectacular job!!”

– Amy Kerbs, South Jordan

“I highly recommend this firm. Their book is full of useful knowledge. Everyone should read it before you are in an accident. I never could have done this without them. It was overwhelming with the bills and insurance companies and adjustors and not knowing if they were looking out for me. Christensen & Hymas took care of everything and made sure I didn’t make a mistake. I got a great settlement that I don’t think I could have done on my own and didn’t have to worry about anything. They followed up on all the details, including my health insurance, and just took the stress away.”

– Jake J., Draper

“I knew that I needed an attorney after my accident, but I hesitated approaching one—I’m not the type of person that sues for anything and everything. That’s why I’m so glad I contacted Christensen & Hymas. They obtained a great settlement for me, without even having to file a lawsuit against the driver that hit me. I was impressed by the quick responses and professionalism shown by everyone at Christensen & Hymas. My experience was much better than I had ever anticipated.”

– Mike S., Eagle Mountain

“I came to Christensen & Hymas on two different cases. I first heard about the law firm through a friend. When I came into the office everyone was very friendly. It was attorney Russ Hymas who was working on my cases. I was always comfortable talking with Russ. Russ also greeted me with a smile and I never had any issues talking to him about my cases. If he was not in there were always friendly people working in the office that would assure that my needs were always taken care of. I would highly recommend Christensen & Hymas.”

– *Misty McGuire, West Jordan*

“I am very skeptical of lawyers. I got taken advantage of by a firm in Nebraska and swore I would not use another attorney again. My own insurance company made it so difficult I finally called these guys when I saw the ad on TV. Best decision I made. They stayed on top of everything, my lost wages, mileage everything. I never had to follow up more than once. They were friendly and efficient and really knew my case and myself as well. They took care of everything. Definitely recommend them.”

– *Anne Hart, Riverton*

## *Directions to Our Offices*

### **Directions to Our Draper Office**

#### **Christensen Building**

11693 South 700 East, Suite 100

Draper, UT 84020

(801) 506-0800

**From the North:** Take Exit 292/11400 South on the I-15 Freeway and go east. Turn south on 700 East. You will see our red two-story brick building on the left.

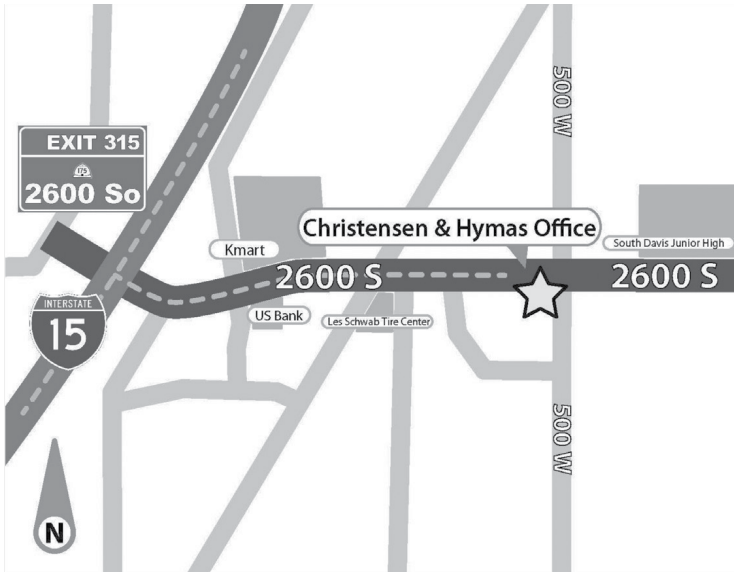
**From the South:** Take Exit 291/12300 South on the I-15 Freeway and go east. Turn north on 700 East. Once you pass Kimballs Lane, our red two-story brick building will be on the right side of the road.



## Directions to Our Bountiful Office

Take Exit 315/2600 South on the I-15 Freeway and travel east to the Square Shopping Center near 500 West on the south side of the road. Our office is in the northeast corner of the shopping center in a large gray building next to Costa Vida Restaurant. Our office is upstairs.

*By Appointment Only*  
 503 West 2600 South  
 Bountiful, Utah 84010  
 (801) 294-9500



## Directions to Our Orem Office

**From the North:** Take Exit 271/Center St on the I-15 Freeway and travel east on Center St. Turn south onto State Street. Our office is located in the Troon Business Park, kitty corner to the Scera Pool.

**From the South:** Take Exit 269/University Parkway and travel east on University Parkway. Turn north onto State Street. Our office is located in the Troon Business Park, kitty-corner to the Scera Pool.

### *By Appointment Only*

574 South State St.  
Orem, UT 84058  
(801) 224-2999

