



# FLORIDA MOTORCYCLE ACCIDENT INJURY GUIDE

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



If you have been involved in a motorcycle accident, you are probably worried about your health and your finances. We understand how frustrating and scary this whole situation is and we want to help you through this and get you the compensation that you deserve.

## ACT QUICKLY

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One of the key ways to ensure you will have a successful case is to adhere to the statute of limitations. You have, in the state of Florida, four years from the date of the accident to either bring your claim or settle your case. If you wait past this four year mark, you will no longer be eligible for compensation. This time limit may be shorter if you were involved in an accident with a government vehicle or if you are bringing a claim against a government entity. You would be doing that if your accident was caused by a defect in the road like a pothole or something of that nature.

Other than having your case thrown out, a huge disadvantage of waiting to talk to an attorney about your case is that the evidence might disappear. Accidents like these rely on witness statements, and evidence from the scene including photos and videos of the crash impact sites, tire marks, etc. Even after a just few weeks, the witnesses might forget important details about the case, and you do not want that to happen. It will weaken your case considerably.

## DO NOT GIVE RECORDED STATEMENTS

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When you are recovering from the accident, sometimes even when you're still in the hospital, the insurance company adjuster will call you asking for a recorded statement. You are in no way obligated to talk to them. You could tell them that it was indeed you who was in the accident, but after that, you don't want to answer their questions. They will not give you fair questions to answer. Everything they ask you will be geared towards their own goals. They want to be

able to drop your case or reduce the compensation they give you and they will twist your words to accomplish that. When they call you, you can refer them to your attorney.

## ADVICE FOR THE SCENE OF THE ACCIDENT

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After a crash, you are probably in a world of pain. Due to the nature of these accidents and the lack of protection from your motorcycle, the injuries you suffer are most likely worse than that of a driver of a car or truck. You don't have metal framework, a seatbelt, or airbags to take the brunt of the impact for you. You are at even more of a disadvantage because you may have been thrown from your bike. You need to hire a Tampa Bay motorcycle accident lawyer who understands the uniqueness and severity of these accidents and the injuries they cause. The injuries you may be suffering from include but are certainly not limited to:

- » Road burn
- » Broken bones
- » Fractures
- » Cuts and lacerations
- » Scarring and disfigurement
- » Concussion
- » Spinal cord damage
- » Internal organ damage
- » Traumatic brain injury

### *Paralysis*



As you may know, the risk of serious and permanent injury is increased for motorcycle accidents. The very first thing you should be doing after the accident is getting medical attention. Your health is paramount to anything else. If you are in dire need of a doctor, don't worry about collecting photos and videos of the scene, witness' statements, contact information, or insurance information from the other driver. You can have someone else do this for you such as a police officer, a friend you call upon for help, or even an attorney you contact right away to get there and investigate. More often than not, the police officer responding to the accident will make out an accident report with all the insurance information you will need to file a claim anyway. You can even call us as soon as possible after the accident and we can get on the scene and do all of the evidence collection for you if need be. We don't want you hanging around taking photos if it's going to make your condition worse. Whether you accept an ambulance ride, go to an urgent care, or go to see your primary physician, you absolutely must get your injuries check out and start treatment for them as soon as possible if you need it.

## *Scooter Accidents*

Recent tragic collisions involving scooters on the roadways of Pinellas, Pasco, and Hillsborough counties have drawn increasing attention to the need for greater safety awareness and education involving motorized scooters and mopeds. In fact, mopeds, Vespas, and other motorized scooters can be just as dangerous and prone to accidents as motorcycles, cars, SUVs, and other motor vehicles. Numerous operators of scooters and mopeds that have been involved in accidents in the Tampa Bay area have suffered serious personal injuries.

- » Pain & suffering
- » Medical expenses
- » Lost wages
- » Loss of earning ability
- » Mental anguish
- » Loss of companionship, support, or consortium

# HOW TO GET FULL COMPENSATION

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The amount you should be compensated won't be clear to us for a little while. We need to get a good idea what your treatment is, was, and will be in relation to the accident. Obviously if you need surgery or permanent medical assistance, your compensation will go up.

Florida follows pure comparative negligence rules. This really is fortunate for you if you're worried about your role in the accident. In Florida, even if you are 99% at fault, you can still be compensated. A situation that demonstrates the pure comparative negligence rules would be if you were speeding on your motorcycle, but your accident was mostly caused when someone merged into your lane without putting a signal on. Let's say you are deemed 10% at fault in the scenario. If you are awarded \$100,000 in compensation, 10% of it will be kept from you and you will be allowed to collect \$90,000. We will work hard to protect you from the insurance company and keep you from being blamed for the accident so that your compensatory reward is not reduced.



## FREQUENTLY ASKED MOTORCYCLE ACCIDENT QUESTIONS

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### *What Do I Do After a Motorcycle Accident?*

You may be wondering, "What's the most important thing that I can do after a motorcycle accident?" The most important thing you can do is to get medical attention. If you can, call 9-1-1 or have someone else call 9-1-1 for you. It's critically important that you seek medical attention.

The next thing you need to do is to have somebody contact an attorney who can help you navigate all the intricacies of your case. Motorcycle accidents tend to

be much more serious than car accidents. It's important that you find the right attorney who's willing to take the case all the way to the end of a trial.

## *How Do I Know I Have the Right Attorney?*

You may be asking yourself, "What are the most important things that I can do to make sure that I've hired the right attorney for my motorcycle accident claim here in Florida?" The attorney that you choose is perhaps the most significant decision that you're going to make in terms of your case and its final outcome. It's important that you hire an attorney with experience and who isn't afraid to take the case all the way to the conclusion of a trial. We have experience doing that very thing.

The insurance companies know which attorneys take cases to trial and which attorneys only settle cases without filing a lawsuit. The attorneys that do go to trial historically have the absolute best outcomes for their clients. It's a very important decision, so make sure you hire the right attorney.

## *What Mistakes Should I Avoid?*

Are you wondering what the common mistakes are that a person might make if they've been involved in a motorcycle accident? Don't make the mistake of delaying medical care and treatment. If your injuries warrant hospitalization and emergency room treatment, get to the hospital by either ambulance or another means right away. Make sure that you're getting good, solid medical care and treatment. Many times, people that are involved in motorcycle accidents have concerns about insurance. Don't make the mistake of waiting to see what the insurance is, because you need to get your medical care and treatment and make sure that your injuries are being documented from the very beginning of the case.

Another common mistake is not hiring a lawyer quickly after an accident. If you delay in hiring a lawyer, that's a mistake. If you hire our firm, we're going to begin an investigation on the case right away, and that's very important for you. Plus, you need to know certain valuable information about how you should be handling your part of the case. You don't want to make the mistake of giving a recorded interview on such a case, especially without representation.

Hire an experienced lawyer. Make sure that you don't make the mistake of hiring a lawyer or a law firm that doesn't concentrate in motorcycle injury cases. Motorcycle injury cases are unique, and the insurance is different. You need to make sure that you have an experienced law firm that handles motorcycle injury cases.

## *How Much is My Case Worth?*

I determine how much a case is worth, we're going to have to understand the insurance situation first. We want to be able to find a basis of recovery for your injuries, and depending on what we find in terms of the ability to pay for your injuries, we're going to have to work up the way in which this accident has affected you. You probably want to get your bike fixed and get back on the road, and that's understandable, but before we do that, we want to get you healthy first.

Unfortunately, because of the forces that are at play in a motor vehicle versus a motorcycle, people can be pretty severely hurt. They can have traumatic brain injury and all kinds of injury to their spine, from their neck all the way down their back and, of course, every other part of their body. When we figure that out, that's going to tell us what the value of the claim is. We want to get value for payment of all your medical bills, payment for all your future medical care, and compensation for any way in which this accident has limited you in the future, including emotional pain and suffering, and lost wages. All those are going to be factors that we examine to determine the value of your motorcycle injury claim.

## *What is the Difference Between Car and Motorcycle Accident Cases?*

You may be wondering about the differences between a motorcycle accident and a car accident. The biggest difference, by and large, is the severity of the injury. When all the same forces are involved, motorcycle versus car, the person that's on the motorcycle is going to have a much more severe injury without exception. There's just not as much protection around the motorcyclist.

The other big difference has to do with the prejudice out there in the community that the motorcyclist is somehow at fault when there's an accident. It's crazy that people, even in today's world, would carry such a prejudice, but they do, and they bring it right into the jury box. It's important that you have an attorney who has experience overcoming these prejudices, and presenting the client in the best light to make the absolute best recovery for the client.

## *What Should I Know About the Insurance Investigation?*

If you're injured in a motorcycle accident case and you're contacted by the insurance company or by the lawyer representing the other party, and they ask you to give a statement, please don't make the mistake of giving a statement to that person until you are represented by a lawyer. That is a mistake that you will likely regret. As an attorney who's been handling these kinds of cases, we cooperate with the insurance company when we investigate these claims. We're going to make sure that they have all the information necessary to evaluate your case and your claim.



In many instances, we will, in fact, agree to allow you to provide a statement to the claims adjuster or the agent of the at-fault party or their insurance company, but it'll be with us side by side with you to make sure that you understand the kinds of questions that you're going to be asked. Don't give a recorded interview until you're represented by a qualified law firm and an experienced trial attorney.

## *How Long Will My Case Take?*

It is normal to wonder how long your case is going to take. It is going to depend on a lot of things. We want to know what the insurance is and what the ability to get compensation is. That's going to give us the context within which we're going to work. Then we want to understand the medical situation and how that

accident has affected our client, not just today but the rest of their life. Our firm does that.

## *What Do I Do If I'm Seriously Injured?*

You may have a personal injury claim if you've been injured as a passenger on a motorcycle. You may have a claim against the other vehicle that might have caused that motorcycle accident or you may have a claim against the person who is actually operating the motorcycle. You will have a claim if there has been a failure to exercise or use reasonable care and skill and duty in causing that motorcycle accident to occur.

## *What If Poor Road Maintenance Caused My Accident?*

Clients often want to know whether or not they would have a claim if they suffered injury because the roads were poorly maintained. If you run over a pot-hole in a car, it's really a non-event, but if a motorcyclist were to do that, it could be devastating. Typically, that is a claim that we would investigate, where we would look to the agency that's responsible for maintaining those roads and determine whether or not they were on notice of a dangerous condition or a deteriorated condition that could foreseeably result in injury to motorcyclists. Just because it may be a non-event to somebody driving a car or pickup truck, doesn't mean that it's safe for motorcyclists.

The agencies that are responsible for maintaining our roads have to think about motorcyclists as much as anybody else. We can investigate the claim and find out that they were on notice of a dangerous condition or failed to adhere to a policy that was in place for the maintenance of those roads, and that resulted in injury to a motorcyclist, then we can prosecute those claims.

## *What If I'm Run Off the Road?*

You may be wanting to ask an attorney, “Could I have a claim if I’m on a motorcycle and I get forced off the road by another vehicle?” The answer to that question is yes, indeed, you may have a claim. This is a scenario in which we call the phantom vehicle, where the vehicle that causes an accident leaves the scene. Even if there’s not contact between vehicle and motorcycle, you still may have a claim.

The question is going to be determined based on whether or not you have available uninsured motorist coverage that would apply to you, either on that motorcycle or by other vehicles that you own, or other relatives that you reside with that have uninsured motorist coverage. Uninsured motorist coverage in Florida covers the hit and run or phantom vehicle scenario. Let us look at your policy and we’ll make that determination.

## CALL OUR TAMPA OFFICE TODAY

If you are looking for an experienced and dedicated Tampa Bay motorcycle accident lawyer to take on your case, please call our office today to set up a free consultation. We are here to protect your right to full and fair compensation.



## CREATED BY PERENICH THE LAW FIRM

Brothers and founding partners of PERENICH The Law Firm, Greg, Tim, and Terence maintain their mission to continue the legacy their father, Guy Perenich, began decades before. Together, the

brothers reaffirm their connection to the community they’ve always called home, through the vocation of legal advocacy, in service to righting the wrongs of injustice.

PERENICH The Law Firm was built upon a foundation of values and principles Guy Perenich taught his sons. Today Greg, Tim and Terence carry on their father's legacy to bring justice to all members of our Tampa Bay community.

We are a family of trial lawyers at PERENICH The Law Firm with deep ties to Clearwater and communities throughout Tampa Bay. For decades, we have built strong bonds and formed lasting relationships with our clients, continuing a multi-generational commitment to helping those seeking recovery and justice.

Our family is dedicated to protecting your family, just as we would our own. Whether an experienced personal injury attorney is needed to enforce your rights after an auto accident, or you need expert legal representation to protect your home in foreclosure or bankruptcy, the attorneys of PERENICH The Law Firm are committed, experienced, effective, reliable Tampa Bay area bankruptcy and accident injury lawyers.

**PERENICH** the  
law firm  
tampa bay personal injury attorneys