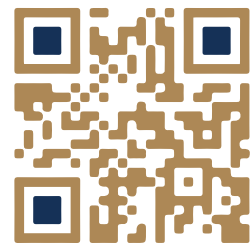


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JANUARY 2024
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FEAUTURED ARTICLE

How Helmet Use Impacts Motorcycle Accident Claims



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The Legal Scoop

An Exclusive Publication From Yosha Law

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98%

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BEATING AN INSURER'S
FINAL OFFER

4x

AVERAGE WE BEAT THE
INSURER'S FINAL OFFER

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Of Personal Injury Lawyers.

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Choice.

Option 1
Your personal injury attorney is competent
enough to get the job done – but they don’t
always see your value as a human being.
They see you as a way to pay for more
daytime television spots or purchasing a
new billboard ad next to the airport. You
might get a quick settlement check with
this type of lawyer, but you will be seen the
same way an insurance company sees you,
as another case number or file. Your pain
and your suffering will continue as well as
your lost earning capacity. And your lawyer
will move right along to the next case
number.

or....

Option 2
You partner with a legal team who fight
tirelessly on your behalf to obtain the
future you deserve. You can finally move on
with your life and rest assured you have a
lawyer who will go the distance for you, if
necessary. You have an advocate for justice
and can move forward with confidence
because your attorney doesn’t just care
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They Think Again When They See Us
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How Helmet Use Impacts Motorcycle
Accident Claims

According to the National Highway Traffic Safety Administration (NHTSA), motorcycle helmets play a significant role in protecting motorcyclists from serious injuries and death. Between 2002 and 2017, more than 25,000 lives were saved because of helmets.

The NHTSA also estimates that motorcycle helmets are 37% effective in the prevention of fatal injuries to motorcycle drivers, and 41% effective at preventing fatal injuries to their passengers.

Looking at these numbers, you can see why wearing a helmet is so important. However, what happens if you were in an accident that was caused by someone else’s negligence, but you were not wearing a helmet? Are you out of luck when it comes to getting compensation for your injuries?

Wearing a helmet does impact liability and compensation in a motorcycle accident claim. However, working with an experienced and knowledgeable motorcycle accident attorney can ensure that you receive as much as possible, even with any reduction due to your share of responsibility.

Determining Liability in a Motorcycle Accident

Determining liability after a motorcycle accident involves investigating the circumstances and details surrounding the crash.

Insurance companies will look at police reports, conduct interviews with those involved, and review factors like weather conditions, speed, traffic violations, impairment, helmet usage, and more. They will use this information to assign a percentage of fault to each party involved.

Indiana follows a comparative fault statute, also called comparative negligence. It means that multiple parties can be held liable for an accident. As long as you were less than 50% responsible for the accident, you can sue the other parties for damages. However, if you bore anywhere from 1-49% of the responsibility, your total compensation can be reduced by that same amount.

For example, if a car turned left into an oncoming motorcyclist, the insurance company may find the driver 80% at fault and the motorcyclist 20% at fault for not wearing a helmet. Even if the motorcyclist acted lawfully, an insurer or jury may still assign partial liability if the rider wasn’t wearing a DOT-approved helmet, as required by law.

The rationale is that helmets protect against major injuries in crashes, so part of the harm was “self-inflicted.”

Liability determination directly impacts the settlement or compensation amount a motorcyclist receives.

Additional Factors that Contribute to
Assigning Fault

Insurance companies, judges, and juries also consider the following factors:

- The drivers’ rates of speed
- Weather conditions
- Any impairment issues
- Failure of any party to abide by posted traffic signs or laws
- Distracted or drowsy driving of any party
- Recklessness on the road
- Disregard for other vehicles

How can an attorney help to dispute liability
claims from an insurance provider?

Sometimes, an insurance company will attempt to deny an entire claim because of something like your failure to wear a helmet. Or, they will offer a very small amount of monetary compensation, claiming that you were responsible for your own injuries because you did not protect yourself with a helmet.

Although it’s true that you likely bear some responsibility for your injuries for disregarding Indiana’s helmet law, that doesn’t mean that another individual isn’t more than 50% responsible for your injuries!

The fact that you were not wearing a helmet doesn’t change the fact that another driver may have been reckless on the road, intoxicated, distracted, speeding, or breaking the law.



Read more at:
<https://yoshalawfirm.com/blog/>

Our Success Stories

\$5 Million Verdict

Motor Vehicle Accident. A passenger in a vehicle driven by a friend who wanted to demonstrate the speed of his new car. The driver hit a curb, and the passenger suffered a traumatic brain injury.

\$6.2 Million Verdict

\$6,200,000 settlement in a Motor Vehicle Crash causing the wrongful death of a three-year old child who was sitting in the backseat of her mother’s car that stalled on the interstate.

\$7.5 Million Verdict

Slip and Fall case against National Car Rental Company. Verdict Amount \$7.5 Million Dollars, includes \$2.5 Million in loss of services for the plaintiff’s spouse. Plaintiff required a total hip replacement.

How to Deal with a Denied Car Accident
Claim

Recovering from a car accident is already stressful and difficult, but it gets even worse when your insurance claim is denied.

Although denied claims are commonplace, you don’t have to assume that a denial means the end of your chances of receiving appropriate compensation. There are actions you can take after your denial, especially if you work with an experienced car accident attorney.

When you hire a personal injury attorney, you increase your chances of a meaningful payout. Instead of trying to do it on your own, get someone on your side who holds negligent drivers liable for their actions every day.

Let’s look at the common reasons for denial and how an attorney can help you.

Understanding Common Reasons for Denied Car Accident
Claims

Insurance companies will find any possible reason to avoid paying out a claim. Some of the most common denial explanations include the following:

Lack of evidence or proof

If you expect the insurance company to trust your word without any evidence, you are going to be disappointed. Claims that are submitted without evidence such as police reports, medical records, and photos of the accident can be dismissed pretty easily by an insurance company, saying there’s just not enough evidence to prove who was responsible.

A car accident attorney can help you collect evidence for an appeal, including:

- Photo and video evidence from the scene
- Eyewitness testimonies
- Expert testimonies
- Police reports
- Medical records and bills

Read more at:
<https://yoshalawfirm.com/blog/>