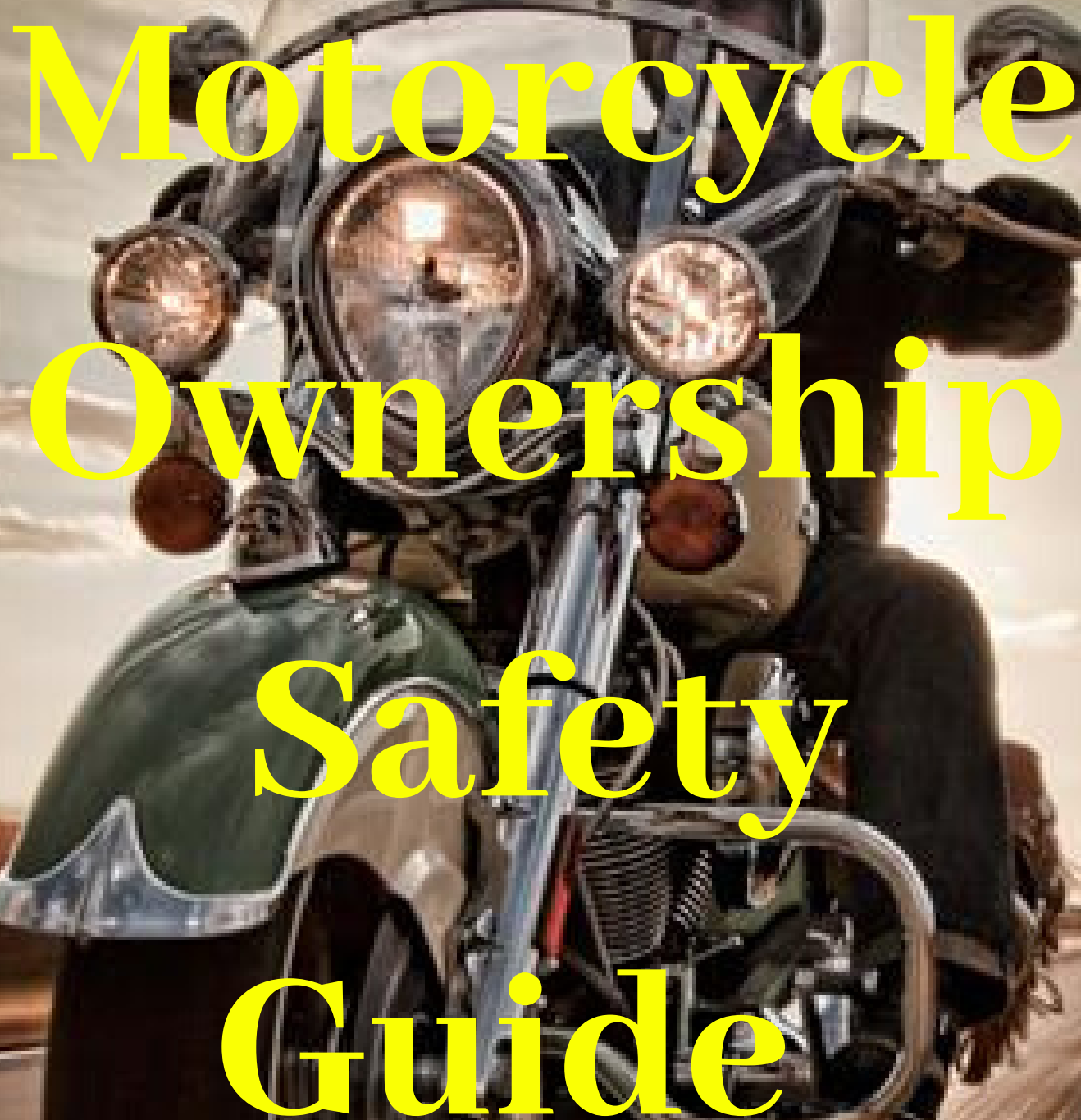




DUNAHOE
— LAW FIRM —
INJURY LAWYERS



Motorcycle Ownership Safety Guide



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Introduction

Firstly, we at Dunahoe Law Firm would like to thank you for downloading our “Motorcycle Owner’s Safety Guide”. We have painstakingly put this free resource together in response to the lack of support, knowledge, and advocacy for motorcycle owners in the North Louisiana area. Several cases have come into our firm that highlighted for us just how devastating motorcycle accidents can be and how little awareness and protection is offered to motorcycle riders by the law and by drivers of more common four wheeled vehicles. Motorcycle riders need advocates on their side and we are prepared to be that advocate.

We understand though, that accidents and bad tempered drivers on four wheels are only one part of being a motorcycle owner, and that for you to trust us, you need more from us than just being here if you have an accident. That’s where this guide comes in. In these pages you’ll find gear suggestions, great reasons to own a motorcycle (so you can brag to your friends) as well as advice to catch unsafe behaviors you may have, and to watch out for and avoid in other drivers. This guide will also go into why the bias among drivers and the legal community against motorcycle owners exists, and what you can do to protect your rights and change that perception.

It is our hope that this guide is one of the most useful tools you could have in your arsenal and that you refer to it often. For more information, we encourage you to like us on Facebook at <https://www.facebook.com/DunahoeLawFirm/> and join our “North Louisiana Motorcyclist’s Advocates” Facebook group. In both of these places you’ll have access to the latest in safety gear updates, potential legal developments, motorcycle related product recalls, and advocacy opportunities. Choosing to own and ride a motorcycle has given you the opportunity to experience great freedom, but also bears a burden of responsibility. We are here to help you bear that burden and we hope that you will allow us to be your companions on your journey of motorcycle ownership.



5 Reasons to Choose a Motorcycle As Your Primary Vehicle

Any vehicle has pros and cons to choosing it as your primary mode of transportation, but for many people, the pros of motorcycle ownership and use are rarely if ever discussed. In this document we will attempt to rectify that by sharing with you some unexpected positives of motorcycle use!

- 1. Fuel efficiency-** The benchmark for a very fuel efficient gasoline engine car is at or a little above 30 miles per gallon. The average fuel efficiency of a motorcycle is between 35-45 miles per gallon. Yes the fuel tank is generally smaller, but dollar for dollar you're getting more miles for less money.
- 2. It Counts as Exercise –** Riding a motorcycle burns calories. It takes legitimate physical effort to hold a bike steady and upright and maneuver through turns and around obstructions. It's not preparing you for a marathon, but you're doing a lot more than someone driving a car.
- 3. Joint Health-** We all know that long car rides do absolutely no favors for your knees. However, riders with weak knees have been shown to gain range of motion, flexibility, and increased lubrication of the knee joints as a result of regular riding.

Father Time is undefeated but you can definitely stay limber for longer on a motorcycle!

- 4. Resale Value** – Generally, automobiles lose around 50% of their value in the first 5 years after they're sold. Even top value retainers like the Jeep Wrangler only retain about 73% of their original value. By comparison, certain Ducati and Harley-Davidson motorcycles over the same span had retained values of up over 80% and it's not uncommon for motorcycles to retain better than 60% of their value in the first 5 years after purchase. Motorcycles then are a statistically more stable investment.
- 5. Smaller Carbon Footprint-** In general, motorcycles require fewer nonrenewable materials for production, maintenance, customization, fueling, and repair than cars and trucks, making them significantly more eco-friendly. Your pocketbook and your planet will both thank you for choosing a motorcycle over a traditional automobile.

Motorcycles continue to suffer for the “bad boy” perception around them, but there are many fiscally and personally responsible reasons to seriously consider motorcycle ownership. Freedom and the thrill of the ride are really just the tip of the iceberg when it comes to the pros of motorcycle ownership. Share this list with someone who has negative things to say about motorcycle ownership.



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5 Pieces of Gear Every Motorcycle Rider Needs

For the Road

At some point, every seasoned motorcyclist climbed on their first motorcycle for the very first time. Depending on the era, that may or may not have been a safe experience but we are committed to helping new and experienced riders alike have safe riding experiences. Here are 5 gear types (with product suggestions) that we believe every rider should have before going out to ride.

- 1. Reflective gear vests and gear patches-** in low light or in dark conditions, gear that reflects light, not just florescent colored gear, is a safety must. We suggest a **GMAX** helmet and a **Vega Mesh Safety Vest** in addition to your chosen pants, boots, jacket and gloves.
- 2. Airbag jacket or vest-** Same idea as vehicle airbags, these jackets deploy small airbags on impact to protect the collarbone, chest and lower torso. Our suggestions are the **Helite Turtle 2 Airbag Vest in Hi-Viz Yellow** or the **Helite Free-Air Vented Airbag Jacket in Hi-Viz Yellow**.

- 3. Smart Brake Module-** this modification will cause your brake light to flash when engine braking, when the throttle is released. Motorcycles decelerate more rapidly than cars when the throttle is released. A modification that triggers your brake light during this process makes drivers around you more aware of the change increasing your visibility and safety. We suggest the **Safer Turn Smart Brake Module System.**
- 4. Multi-Tool Kit-** Maintenance is a fact of life for motorcycle riders. Having a kit compact enough to keep on your motorcycle means you could do some of that yourself and save on shop bills. Regular upkeep can keep you from needing to call the nearest shop with a flatbed from the side of the interstate one day. We suggest the **CruzTools Outback'r** series mini-tool kit.
- 5. Motorcycle tire inflator-** One of the truths of life is that you will never regret being prepared. A low tire could be a major hazard, especially on longer trips. Having a way to air one up quickly keeps you from being stranded for long periods of time. We suggest the **Slime 40001 motorcycle tire inflator** which can use any 12 volt power source.



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5 Mistakes Every Motorcycle Rider Must Stop

Making

Whether because of poor training, or personal preference, or old biker folk tales, even the most competent and capable riders can fall into bad habits and dangerous mistakes when it comes to their ride. So whether you just got your first bike, or you've been riding for decades, here are five things you'll be much safer if you stop doing.

- 1. Dragging your feet at low speeds-** Many new riders, and more than a few who ought to know better, drag their feet along the ground at low speeds. We get it, the bike may feel unsteady and you don't want to fall, but you're not actually helping your stability, you're just eating up your shoe leather and leaving yourself even more unstable.
- 2. Using just your rear brake-** While judicious use of the rear brake can help stability on uneven roadways, for nearly every model of bike in production, 70 percent of the stopping power of the machine is in the front brake. Not using it is like having a chainsaw and trying to use a hatchet to chop down a tree. It might work, but you're not being as safe or efficient as you should be.

- 3. Riding with your heels on the foot pegs** – while there are maneuvers that require momentary repositioning of the foot, as a general rule, the heel of the foot should spend little to no time resting on your foot pegs. This habit, which is more common on longer rides, exposes the toes of the foot to potentially drag on the road surface. This is a needless risk of instability in balance and of potential injury. If you need to stretch your legs, pull over and dismount for a few minutes rather than take this risk.
- 4. Gripping handlebars too tightly**- Especially for new riders, the temptation to death-grip for dear life is almost instinctive. However, on a motorcycle, every bump and turn in the road is sending major vibration up the front tire, through the handlebars, and into your arms and chest. If you're gripping too tightly, you will feel this even more intensely and it can cause soreness and numbness in your hands, arms, and chest that will slow your reactions and make your ride uncomfortable.
- 5. Following too closely** – One of the freedoms of a motorcycle is increased maneuverability. Many riders try to take advantage of being able to pass quickly by tailgating automobiles. Remember a few things though. This is just as illegal as when automobiles do it, cars have blind spots and you're likely to be in them from this position, and non-bike vehicles cannot maneuver as easily as a motorcycle. You put yourself in danger of being a rear bumper decoration with serious injuries by following too closely.



5 Biggest Dangers to Motorcycle Riders on the Road

Any vehicle has hazards and dangers that you must cope with if you're going to use them, even your childhood tricycle was potentially dangerous. However, due to the “bad-boy” perception of motorcycle riders and the reaction of some automobile motorists to them, there are a few specific dangers every rider should watch for, whether you've ridden for a decade or you just rolled off the lot yesterday with your first bike.

1. **Cars Waiting to Turn-** Careless left turns are a fact of life. Everyone behind the wheel of a car can't be trusted to look before making these turns at intersections. Motorcyclists all have stories about narrowly avoiding a car pulling out in front of them, and far too many have stories about actually being hit by those cars. Vigilance is an absolute must.
2. **Panic Braking--** Slamming on brakes is always potentially dangerous, but for motorcycles, where 70% of stopping power is in the front brake, slamming on them may potentially lock the wheel and throw the rider. In motorcycles without anti-lock brakes, this can be deadly.

3. **Cars Changing Lanes-** The potential to kill or to be killed is little deterrent, and despite the prevalence of blind spot monitors, it is a regular occurrence for a driver to attempt a lane change without looking. When the lane is occupied with a motorcycle, it is the rider, not the driver, who pays for the mistake every time.
4. **Drivers Behind You-** All the same dangers of drivers making left turns and drivers making lane changes are present when a driver is behind you, particularly when traffic is slowed to a crawl or you are at an intersection. It takes a split second of inattentiveness for a driver to cause a "fender bender." When that driver hits a rider though, that "fender bender" can instead cause major motorcycle damage and traumatic physical injury.
5. **Opening Car Doors-** More a problem in stopped traffic and narrow city areas, being clipped by an opening door can separate rider from motorcycle. In areas where lane-splitting is legal, drivers who either believe it illegal or disagree with its legality will sometimes open their doors in traffic to prevent lane-splits by riders, potentially causing traumatic injury.

Sadly, the biggest danger to motorcycle riders continues to be drivers of traditional automobiles. We encourage you to join us and advocate for laws to protect motorcycle riders, but changing perceptions and laws takes time, and awareness of dangers and vigilance against them is your best opportunity for safety.



5 Questions Motorcycle Riders Will Have After An Accident And The Answers You Need

It is the hope of everyone who climbs on a motorcycle or behind the wheel of a car that they never get into an accident. However, statistically it is likely to happen at some point, and especially for motorcyclists, there are mistakes you can make and things you do not know that can seriously damage your ability to recover the damages you are owed if you are a victim in an accident. Here are 5 questions we expect you to ask, and their answers.

- 1. I Was In An Accident, What Should I Do First?** - The first two things you should do, before anything else is 1. Make sure the police are called; and 2. Get medical attention. A completed police report is important because it is necessary to collect pertinent information from all witnesses and parties as soon as possible. The at fault party may be sympathetic and apologetic at the scene, but they often become less cooperative when their insurance carrier is facing losses they are responsible for. This immediate statement to police is insurance against a change in their story later. Even more important is the need for immediate medical attention. Due to the lack of protection from collision offered by motorcycles, bike accidents can be especially

traumatic. Even if you feel fine, adrenaline may be masking the pain of serious injuries, especially to the head and neck. Documenting that you were concerned enough to seek medical attention is also important to your case.

- 2. What Should I Do Next?** – As a general rule, you should keep any torn clothing, damaged protective gear, and anything else related to your collision as evidence. If you cannot keep the actual items, get as many date-of-accident photographs as possible. Furthermore, never give a statement to insurance agents or investigators without speaking to a lawyer first. Only speak about your accident to family and your doctors, and be sure to avoid and remove posts about your accident on social media, even from concerned family and friends. You should keep a personal daily journal about changes in your routine, feelings, and ability levels that may be related to your accident.
- 3. Do I Really Need A Lawyer?** – In the state of Louisiana the law is generally not on the side of the motorcycle rider. Hollywood’s “bad boy” image for motorcyclists, coupled with multiple instances of police bias against riders as well as the perception by district attorneys that motorcycle cases are difficult to win means that motorcycle riders will need an advocate. Making sure that your case is evaluated fairly and giving you the best chance at a fair recovery is a job best suited to an experienced motorcycle attorney and legal team.
- 4. Do I Have A Case Even Without Motorcycle Insurance or a Motorcycle License?**
 - Generally, the answer is yes. However, without these things, you might be issued a citation or have a reduction in the possible amount of recovery you can receive. However, lacking these things does not mean you are the at-fault party in your

accident or that you were being negligent. Accordingly, you absolutely may have a valid case despite not having proper endorsement or insurance. However, in order to protect yourself and your recovery, you should do everything you can to have adequate insurance coverage and the proper endorsement to operate a motorcycle.

5. Will I Really Have To Go To Trial? – The vast majority of personal injury cases for our firm and for most Louisiana attorneys end in a settlement before going all the way to trial. Our research and discovery process and that of every experienced attorney is designed to find and present the facts in such a way that the insurance company has no choice but to make a fair settlement offer.

The goal is your recovery though, and if we must go to trial to hold the at-fault party and their insurance carrier responsible for that recovery, we want to be as prepared as possible. Every qualified attorney should always be prepared, and always prepare their client, to go to trial if necessary. Our goal is not the path of least resistance, it is recovering you as much of the compensation you need to recover from your accident as it is humanly possible to recover.



Why There is Bias Against Motorcyclists in Accidents and What You Can Do About It

The bias against motorcyclists is evident to anyone who has ever been a victim in a motorcycle accident. Often, motorcyclists are assumed at fault just because they are on a motorcycle, and treated by trial juries as the assumed guilty party. Why does this bias exist?

There are several reasons:

1. **Only 4% of adults in the US have ever been on a motorcycle-** fear of the unknown is part of the human condition. Having, mostly, never been on a motorcycle, motorists, police, judges, jury, and even lawyers see motorcyclists as partially at fault just for being on a motorcycle. Hollywood has done a great job of connecting motorcycle riding with a “leather clad bad boy” image, a rebel who thinks rules are beneath them. Unfairly, riders are up against this perception
2. **Motorists blame motorcyclists-** because of the above “bad boy” image, motorists blame motorcyclists in accidents. They believe motorcycle accidents directly affect their pocketbooks by directly affecting insurance rate increases and taxpayer burden increases due to medical costs for traumatically injured motorcyclists that they

believe cause Medicare and Medicaid rates to spike. In the mind of the average motorist, you are putting EVERYONE at risk just by being on a motorcycle.

- 3. Police often fail in due diligence-** In Louisiana the law for years has been that in fatal crashes, blood and urine drug testing **MUST** be done on both drivers. In 2019 this law was amended to include drivers in crashes that result in serious injury. What realistically happens is that motorcyclists are always tested but it is common for motorists to not be tested at all, even though in more than 20% of fatal crashes, according to a 2017 NHTSA study, motorists were impaired and taking prescription or nonprescription drugs. Police are required by law to do this testing and yet often do not.
- 4. District Attorneys and Assistant District Attorneys will not try motorcycle cases because they're afraid of losses on their case records-** In part because of the aforementioned jury bias, motorcycle cases are seen as difficult, if not impossible to win. DA's want to be reelected and ADA's want to win the majority of their cases and move on to better positions. The misconception that these cases are unwinnable leaves motorcycle riders without strong allies in the judicial system.
- 5. The law itself does not protect motorcyclists in fatal or serious injury crashes-** felony criminally negligent homicide requires "specific intent" which is the intention to do the act. If this is not present, the law that makes this a felony is not violated. Practically, the motorist saying "I didn't see him" accomplishes this. This causes police and DA's to believe they cannot prosecute the motorist for a felony. The charge from an accident that resulted in the death of a motorcyclist is reduced to a misdemeanor, carrying as small a penalty as \$72 or 7 days in prison in Louisiana.

So What Can You Do to Combat Bias?

- 1. Join your local ABATE Chapter-** ABATE or American Bikers Active Toward Education is a nonprofit group that fights for pro-motorcyclist legislation, motorcyclists' rights, and the education of new drivers in motorcycle awareness.
- 2. Join MRF-** MRF or the Motorcycle Riders' Foundation lobby for motorcyclists' rights at the federal level. They will provide you with form letters you can have autosigned and mailed to your representatives regarding pro-motorcyclist legislation.
- 3. Preserve your equipment-** after an accident, broken gear and damaged bikes are often totaled and sold to third parties as salvage by insurance companies. Where possible, keep these things exactly in their condition post-accident, and where not possible, take exhaustive photos.
- 4. Insist on a computer download of "black box" information in newer automobiles-** many cars and trucks have a "black box" which stores information such as speed, steering, airbag deployment, brake application, seatbelt usage, even engine rpms. This data is vital to an attempt to properly prosecute guilty drivers.
- 5. When you buy or modify your bike, have a certified inspection to prove it is safe-** certain modifications are strictly for racing and will make street bikes unsafe, and reinforce the recklessness of the motorcyclists to police or the jury. Pitfalls from uninspected used bike purchases include unknown aftermarket modifications and worn parts that can make a bike deadly to even the most careful rider. **Know Your Bike.**



5 Most Common Motorcycle Accident Injuries

Riding a motorcycle can be a freeing and enjoyable experience and it is certainly more affordable and fuel-efficient than comparable automobiles, but due to the “exposed” nature of a motorcycle, injury of some kind in the event of an accident is statistically high enough that a rider should understand the potential risks and be prepared. Here are the 5 most common motorcycle accident injuries

- 1. Head Injuries-** From bruising and lacerations to cracked and fractured skulls, outwardly visible head injuries are extremely common and statistically more likely in the absence of a helmet, equipment which is illegal to skip out on wearing in the state of Louisiana.
- 2. Traumatic Brain Injuries –** Perhaps more deadly than immediately visible head injuries, TBI's range from concussions to more severe injuries resulting in the loss of cognitive function, memory, emotional stability and quality of life.
- 3. Broken Bones-** As motorcycle riders can be thrown bodily from their vehicles in the event of collisions; broken bones of varying severity are common. With broken legs being the most common form of breakage, broken bones require reduction or complete removal of some activities from the victim's daily life for the duration of

the healing process, which can take months, require surgery, and heal in such a way that still negatively affects the victim's ability to return fully to pre-accident wellness.

- 4. Road Rash** – Because being thrown from your motorcycle in an accident is likely, road rash, which occurs when sliding or being dragged across pavement, can occur. Depending on how much protection clothing affords the rider, road rash can result in anything from bruising to cuts, scrapes, gashes, burn-like injuries, and nerve damage.
- 5. Neck Injuries**- Usually occurring in conjunction with head injuries, neck injuries can vary from whiplash and collarbone breaks, to severe disc herniation, rupture, or other severe cervical spine injuries, all of which are exceedingly painful, and some of which are potentially permanently debilitating or fatal.

Motorcycles come with a lot of freedom, maneuverability, and affordability, but they also come with a potential for injury that is more present than in four wheeled enclosed vehicles. Part of the motorcycle owner's responsibility is in understanding that risk and being as vigilant as possible when using their motorcycle. The best way to protect yourself in the event of an accident is to avoid them in the first place.