



Sinas Dramis Law Firm

VIDEO TRANSCRIPT



George T. Sinas: Motorcycle Accidents

Motorcycle accidents in Michigan are very unique situations that require special attention. A motorcyclist is not required to buy Michigan no-fault auto insurance coverage but if that motorcyclist sustains an injury as a result of an accident with a motor vehicle, such as a car or a truck, that motorcyclist is entitled to recover all of these very comprehensive no-fault PIP benefits that are payable under the Michigan statute, unlimited lifetime medical, three years of wage loss, three years of replacement services, and they recover those benefits, the motorcyclist, from the insurer of the motor vehicle that caused the accident.

Now, if the motorcyclist is injured in an accident that does not involve a motor vehicle, such as the motorcyclist collides with another motorcyclist or with a roadside object, these no-fault benefits are not payable. Now, if the benefits are payable the motorcyclist recovers them, as I indicated, from the insurer of the striking vehicle but the motorcyclist may also have a liability claim against that insurer if the accident is caused by the negligence of that striking vehicle. And here is where the motorcyclist has to be very careful because the insurer that is paying the no-fault benefits to the motorcyclist is also the insurer that will be handling the liability claim and in certain circumstances this creates something akin to a conflict of interest. You are dealing with the same insurer on both claims so motorcyclists have to be very, very careful.

A motorcyclist can make a liability claim in a motor vehicle accident by following the same rules that any victim would follow in a motor vehicle liability situation. In other words, you have to prove negligence on the part of the motor vehicle and you have to prove that your injury is a threshold injury if you are seeking recovery of these non-economic damages, such as pain and suffering, disability, loss of function, et cetera. Motorcyclists frequently do not understand that they are covered by the no-fault system and this is a, a problem that we have seen.

We handle a large number of motorcycle claims all over the state of Michigan and it's a bit distressing to see many folks who are involved in these accidents not realize the full benefits that they have payable under the Michigan no-fault system.

Running Time: 02:34
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