

LAS VEGAS  
BICYCLE  
ACCIDENT  
GUIDE

ATTORNEY CRAIG MURPHY

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Maybe you ride your bike to get exercise, maybe it's for the planet, or maybe you ride your bike because you're not quite old enough to drive yet. Riding can be very enjoyable on a nice warm day. However, when you get into something as horrifying as a bicycle accident, you may never enjoy riding again. These accidents can be truly devastating and change your life forever. A Las Vegas personal injury attorney will be able to help you get the compensation that you deserve.

May is "National Bike Month" in the United States. The celebration serves both to encourage bicycle use and to raise awareness of bicycle safety. Opting for a bicycle over a car vastly reduces a rider's carbon footprint and provides a wealth of health benefits. But, Las Vegas is not a very "bike friendly" town. Las Vegas has warm weather almost all year long, and while that may make Clark County seem to be a haven for bicyclists, statistics tell a different story. Additionally, there are very few bike paths and bike lanes that are segregated from heavy traffic, making bicycling more dangerous in Las Vegas.

The Nevada Department of Transportation tracks all bicycle accidents that occur in Nevada. The Nevada Department of Transportation has found that no year within the past decade has been accident free. Despite the state government's measures to keep Las Vegas and all of Nevada as safe as possible for bicyclists, the Silver State is still the home of at least a dozen bicycle accidents each year that result in serious injury or death.

Even though bicycle accidents are an all too common occurrence, they are not excusable. If you or your loved one was injured in a bicycle accident, you have the right to pursue legal action against the person responsible for the tragedy. If you have any questions about how to begin the process of filing a personal injury claim, our experienced Las Vegas bicycle accident attorneys will gladly help you.

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# HOW COMMON ARE BICYCLE ACCIDENT IN LAS VEGAS?

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In the five-year period from 2010 to 2014 there were 28 bicycle accidents that ended in deaths. The total number of bicycle accidents from 2011 to 2015 that resulted in serious injuries was almost twice the fatality rate, at 65 accidents. Clark County, home to Las Vegas and Henderson, was the county with the most bicycle accident fatalities due to its higher population and urban sprawl. In 2015 alone, eight of Nevada's 10 bicycle accident related deaths happened in the Las Vegas area.

The number of bicycle accident fatalities across Nevada varies from year to year, most recently from a minimum of three deaths in 2012 to a high of 10 deaths in 2015. Fatal and nonfatal bicycle accidents affect individuals of all demographics in Nevada. Male bicyclists are far likelier than female cyclist to die in bicycle accidents. Riders who are children, young teenagers, or middle-aged account for the majority of fatalities. Proportionately, August is the deadliest month for cyclists in Nevada.



## WHY DO BICYCLE ACCIDENTS HAPPEN?

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The Nevada Department of Transportation has found that the most frequent cause of bicycle accidents is improper crossing, where bicyclists do not observe the standard safety rules when riding across a lane of traffic or an intersection. The second greatest cause is failure to yield, that is, when either the bicyclist or the driver of a car neglects to let the other vehicle pass. Though it may seem safer, riding a bicycle on the sidewalk is often riskier than cycling in a roadway. Bicycle accidents regularly happen when

a cyclist on a sidewalk swerves to avoid a pedestrian or object and suddenly darts into traffic.

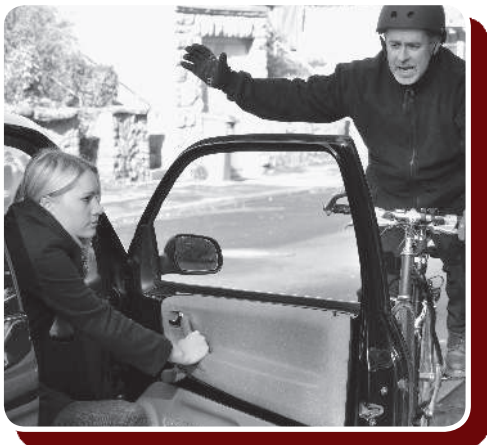
Many bicycle accidents were not the fault of the cyclist, but that does not mean that bicyclists never contribute to these accidents. In fact, the Nevada Department of Transportation reported that a majority of cyclists who seek medical attention after bicycle accidents are intoxicated, having consumed alcohol or taking drugs in the hours before taking to the road. It is cases such as these that weaken cyclists' legal claims; if a bicycle accident attorney is pressured to admit that his or her client was under the influence at the time of the accident, the cyclist may be unable to recover most or all damages. For this reason, it is critical that the survivors of Las Vegas bicycle accidents communicate with their attorneys as soon as possible and discuss any elements that may weaken their cases.

## HAS THE NEVADA DEPARTMENT OF TRANSPORTATION DONE ANYTHING TO PREVENT BICYCLE ACCIDENTS?

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The Nevada Department of Transportation has striven for years to put measures in place that limit the incidence of minor and severe bicycle accidents. One of its best-known tactics has been the creation of bike lanes, which are reserved almost exclusively for bicyclists. Motor vehicle drivers are prohibited from stopping in, crossing, or driving in bike lanes unless the drivers are entering or exiting a driveway, ordered by a police officer to do so, or facing an imminent emergency. A fair share of bicycle accidents stemmed from motor vehicle drivers failing to observe this rule or to yield to bicyclists, who have the right-of-way in intersections just as pedestrians do. Additionally, failure to properly maintain the bike lanes and roads are major causes of bike accidents.

Drivers in the Las Vegas area should also note that the Nevada Department of Transportation’s recommendations, collectively known as “Zero Fatalities,” about how bicyclists and motor vehicle drivers should work together and independently to better ensure road safety. Bicyclists should opt for riding in bicycle lanes or even roadway shoulders if either is available. Even if cyclists ride in bicycle lanes, they are required to equip their bikes with red reflectors and white headlights while riding at night. Reciprocally, cars must maintain a distance of at least 3 feet from cyclists and bike lanes or on shoulders. When neither of these two features is present and cyclist must use the main roadway, drivers should change lanes in order to better share of the limited space. Another frequent cause of bike accidents are drivers who fail to look for bicyclists traveling in their direction when they park. The drivers park and open their car doors right in the path of an oncoming bicycle. These are called “Dooring” accidents and the car drivers are at fault if they open their car door into the path of travel of an oncoming bicycle.



Though Nevada is taking steps to reduce the number of bike accidents, the Las Vegas area remains a hotspot for fatal and nonfatal accidents for bicyclists. If you have been injured in a bicycle accident, insurance companies will typically deny your claim. Often the insurance adjuster will try to blame you for causing the accident. Injuries in bicycle accidents are often severe and last all of your life. You must hire an attorney who has experience in handling

bicycle accident cases. If you or a loved one has been injured in a Las Vegas bicycle accident, call us today.

# FREQUENTLY ASKED BICYCLE ACCIDENT QUESTIONS

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## *The Differences Between Bicycle Accidents and Car Accident Claims*

If you have been injured while riding a bike due to a car hitting you, you may want to know exactly how these types of cases differ from other types of accidents in Las Vegas. If you have been injured because somebody hit you while you were riding your bike, you need to talk to an attorney that routinely handles these types of cases.

Typically, the insurance company is going to try and place some percentage of fault or blame on you. In regular car crash cases, it's very easy to tell if someone ran a red light, or if someone ran a stop sign, and they're at fault. In these types of cases, the insurance companies are always going to say that the person on the bike is somehow at fault. They do this with motorcycle cases, too. They prey on the fact that a lot of drivers will see somebody on a bike and they will automatically think that it's dangerous just to be riding on the side of the road, even if you're in a designated bike lane.

You have to have an attorney who deals with these cases all of the time and has the ability to deal with these excuses, because that's all they are; they are just excuses, and they are used by the insurance companies every day to avoid their responsibility. You need to make sure that your rights are protected. You need to get an attorney who knows what they're doing, who knows how to handle these cases and will go to work for you.

## *Does My Car Insurance Cover by Bicycle Accident Injuries?*

This depends on what the facts of the accident are. Your car insurance will step up and take responsibility as long as you have uninsured/underinsured motorist coverage. That is the coverage that you can get that protects you

from everybody else. If you have uninsured/underinsured coverage on your car, or your parents do, then in those situations, you may get some type of coverage.



We go through your insurance policy with a fine-toothed comb and read all the riders and all the exceptions that are in there to decide of whether you are entitled to coverage while you're riding your bike. Several policies will specifically exclude it, so if it's not a situation where another vehicle has hit you, really what we must do is analyze the policy language of either your auto or your homeowner's insurance, or maybe both, to make that determination.

## *Can I Sue the Driver in a Bicycle Accident?*

You're riding your bike and a car hits you. You've been injured. Maybe you're wondering if you can sue the driver of that car and get compensation for your injuries and damages. Bike riders ask that question all the time. The answer is, more likely than not, you can. The answer also is, and more likely than not, the insurance adjuster is going to deny your claim because they're going to say it was your fault because you weren't riding your bike correctly. Somehow it was your fault, and they know that a certain percentage of people that they tell that to are just going to go away, regardless of whether that is a legitimate excuse or not.

If you've been hit by a car on a bike and you've been injured, you have a potential case. You have a potentially very valid claim, but the only way you're going to know is to talk to an attorney who deals with bicycle accidents. Someone who will get out and investigate it, talk to the witnesses, and make sure that they establish the facts to protect you and show that the driver of the car was at fault and their insurance company is responsible for your injuries.



## *How Do I Choose a Bicycle Accident Attorney in Las Vegas?*

In these cases, unfortunately, oftentimes the injuries can be very significant. They can go into the future or they can be catastrophic. These are very serious cases, and you need to know how to go about finding the best attorney for your case. There are several things you must do, and you've got to do your homework.

You need to call several attorneys and ask what their track record in dealing with these kinds of cases are. Make sure that they have experience. Number two, you can't just go to any attorney. You have to have a board certified personal injury specialist. In addition, your attorney needs to be a trial attorney. One of the ways that you can make sure you've got a real trial attorney is to make sure that your attorney is board certified by the State Bar of Nevada and the Nevada Justice Association.

The third step and most critical step, is that you must have an attorney that you are comfortable with because you are going to have a long-term, working relationship with this lawyer. You are going to be working as partners on this case. On a significant injury case from a bicycle crash, these cases can go on for several years because the insurance companies are going to fight them because the injuries and damages are so significant. You have to know that you have the trust and confidence in that attorney and that the two of you can work together as a team.

There's only one way to do that. You have to call a number of attorneys and interview them. You have to get them on the phone. You need someone who's going to take the time to talk to you, someone who's going to take the time to bring you in and get to know you. Someone who is going to understand the full impact of this case, and someone that you are confident that you have a good, personal, and working relationship with. The only way that you can do that is by making some calls.

## *What Should I Do if My Child is Injured in a Bicycle Accident?*

The unfortunate reality is that many bicycle accidents and crashes involve children. We get calls on this where parents are legitimately concerned about what their legal options are when a car has hit their child.

There's no rule of thumb. These are cases where you have to look at all of the facts. You have to talk to everybody who was around and witnessed it and knows what was going on and what happened. The only thing that you can do is call a Las Vegas attorney who will come out and talk to those witnesses, conduct the investigation, and be able to explain to you what your options are. Many times, just because your minor child was hit by a car, the insurance adjuster will take the position that it's the child's fault, that they didn't do what they were supposed to do. They are going to try and hold that child to the standard of an adult, but that's not what applies. Your child is judged by his or her age as to what a normal and ordinary child of that age would do.

You need an attorney who's willing to get into the case, do the investigation, talk to the people and figure out what can be done to protect your child who's been injured because they were hit by a car.

## *Do I Have a Claim if a Pothole Caused My Bicycle Accident?*

Let's say you were riding your bike and you hit a pothole or a big defect in the road and you were seriously injured. You can bring a claim against the city, the county, or the state – depending on where the road was and who's responsible for maintaining it – for that defect. What we must prove is that defect was there for a long time, that they knew it was there, that they knew there's bike traffic in that area, yet they failed to take any action to correct it. In those situations, you can bring a claim against the county, city, or state government, but we must do an investigation. It's not automatic; it's something that really must be investigated.

# BICYCLE PARTIALLY AT FAULT FOR ACCIDENT

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In Nevada, if your percentage of fault, is less than the percentage of fault attributed to the driver, you are entitled to compensation for your injuries and damages. What will happen is your percentage of fault will be deducted from any jury verdict or settlement that is reached, but you can be partially at fault. It's only when your percentage of fault is more than the driver of the vehicle that Nevada law says that you are not entitled to receive compensation.

It is going to take an attorney who deals with these cases on a routine basis to really get into it and make an analysis. It may even require hiring specific engineers to come in, make calculations, and determine who was primarily at fault to figure out whether or not you're entitled to compensation in these cases. The only way that that determination is going to be made is by you talking to an attorney and getting an attorney who deals with these kinds of claims.

## DAMAGES AVAILABLE IN BICYCLE ACCIDENTS

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Here's the unfortunate truth that we have to face in bicycle accident cases when someone riding a bike has been hit by a car. A person on a bike is without protection. They may be wearing a helmet, but that is about it. You've just been hit by a two-thousand-pound vehicle that may be going 30, 45 miles an hour. The injuries can be devastating, life-long or catastrophic. What are the damages that you're entitled to receive? That's mainly based on how bad your injuries were. Broken bones? Several surgeries? Was a brain injury involved? It could be the whole gambit. These can be very serious and significant cases.



The amount of insurance that the driver has is critically important. In addition, the determination of whether or not you or your parents have a vehicle with uninsured/underinsured motorist coverage may come into play. What you're going to see is that there are really a lot of factors that go into determining what the value is for your injuries if you've been on a bike and hit by a car. The only way to really make a determination of what the value is and what damages you're entitled to receive is to talk to an attorney.

Even if you're a minor, if the injuries are significant enough, these injuries and damages can go for the whole lifetime. You've got to have somebody who knows how to make the analysis to fully evaluate the extent of the injuries and damages so that you know that you are being fully protected, not only for now but all the way into the future.

## BICYCLE ACCIDENT STATUTE OF LIMITATIONS

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Typically, you have up to two years to file a lawsuit. This is a personal injury type of claim, and typically you will have two years from the date that you were hit and injured on your bike to settle your case or to file a lawsuit. If within that two-year period you do not settle your claim or file the lawsuit, you will then lose the ability to file a lawsuit or get any type of compensation.

Many times when bikes are hit by cars, it is a child riding the bike and that changes things. That extends the amount of time that is available to file a lawsuit. What you need to do is you have to talk to an Las Vegas attorney who handles and does bicycle injury cases on a regular basis.



## ABOUT THE AUTHOR

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Craig Murphy has been licensed to practice law in Nevada since 1990. From the beginning of his legal career in Nevada, Craig has been a trial lawyer. He was in court the first day after being sworn in to practice law in Nevada and has continually litigated court cases since that day.

Craig is a Board Certified Personal Injury Specialist by the State Bar of Nevada and the Nevada Justice Association. Craig has gone to trial and obtained jury verdicts in virtually all types of personal injury cases, including complex spinal cord injuries, car crashes, slip and falls, uninsured/underinsured first party practices, medical malpractice, and property owner liability.

Before co-founding Murphy & Murphy Law Offices with his wife, Stacie Murphy, Craig spent almost 10 years working “on the inside.” Craig was the Nevada major case unit trial attorney for The Travelers Insurance Company, one of the largest insurance companies in the world. The Travelers Insurance Company elevated Craig to the position of its major case unit trial attorney in Nevada in recognition of Craig’s distinguished trial skills and his tenacious commitment to his clients.

Before devoting his career to exclusively representing injury victims, Craig represented doctors in medical malpractice cases, and major Las Vegas hotel/casinos in premises liability cases. He represented insureds on behalf of Allstate Insurance Company, Farmers Insurance Company, State Farm Insurance Company, Progressive Insurance Company, Geico Insurance Company, Hertz Rent-A-Car Company, and Avis Rent-A-Car Company. Craig has taken his insider’s knowledge and now exclusively represents seriously injured people and their families against the major insurance companies and corporations who are responsible for his clients’ injuries.

Craig was born and raised in Lima, Ohio. He earned a Bachelor of Science degree in communication at Ohio University. Craig attended law school at Ohio Northern University where he was awarded Dean's scholarship. During law school, Craig earned several American Jurisprudence awards for academic excellence. He earned the student-attorney of the year award during his third year of law school as a practicing student lawyer. Craig was an editor of the law review and graduated with distinction. Due to his academic achievements, Craig was admitted into the honorary Willis Society at Ohio Northern University.

Craig is committed to his family, church, and the legal community. Craig has been a church Elder and volunteers as a Sunday school teacher. He is a member of the prestigious Million Dollar Advocates Forum, an honor bestowed on less than 1% of all attorneys. The American Trial Lawyers Association has named him as one of the top 100 trial lawyers in Nevada. Other lawyers recognize Craig as a leader in the legal community and elected him to serve as one of the Board of Governors of the Nevada Trial Lawyers Association and the Nevada Justice Association. He served as a Judge Pro-Tem for the Eighth Judicial District Court short trial program and as a District Court appointed arbitrator.

Craig's practice is dedicated to the protection of injury victims and their families. He prides himself on the level of personal service that he gives to his clients. Craig is committed to pursuing justice one case at a time. If a full and fair settlement cannot be obtained, Craig has the experience, skill and conviction of character to take his clients' cases to trial.

