Your Legal Rights If You Are Injured In A Bicycle Accident In New York

Injured cyclists have the right to pursue compensation for their losses

Cycling has surged in popularity across New York City, driven in part by the proliferation of protected bike lanes and the widespread adoption of Citi Bike NYC, the nation's leading bike share program. However, this surge in cycling activity has also been accompanied by an unfortunate uptick in bicycle accidents throughout the city.

Tragically, the number of cyclists injured or killed in New York City bicycle accidents has seen a steady rise in recent years, as per data compiled by the City of New York and the New York City Police Department. Many of these incidents result from drivers failing to share the road safely with cyclists, highlighting the urgent need for legal recourse to protect injured cyclists' rights.

The New York City bicycle accident lawyers at Giampa Law in the Bronx are dedicated to fighting for injured cyclists and providing the guidance they need to navigate their legal options effectively. Here's what New York cyclists need to know.

What legal rights do injured cyclists have in New York City?

Understanding the legal rights of injured cyclists in New York City is essential to seeking justice after a bicycle accident. Cyclists are afforded certain protections under New York State laws, such as New York State Vehicle and Traffic Law Sec. 1229-A and New York Highway Law Sec. 316, which grant cyclists the right to share the road with other vehicles on public streets.

In the event of a collision involving a cyclist and a motorist on a New York City street, the driver can often be held legally responsible (liable) for causing the accident. This legal liability empowers injured cyclists to pursue compensation through legal avenues, including filing a bicycle accident lawsuit to seek damages for their injuries. Such damages encompass financial compensation aimed at providing relief to injury victims.

Can you file an insurance claim for a bicycle accident?

In the aftermath of a bicycle vs. motor vehicle collision in New York, one of the primary concerns for the injured cyclist is often the coverage of their medical expenses. New York's "no-fault" insurance law dictates that the other driver's insurance will cover the cyclist's medical bills, regardless of fault.

However, this coverage may not suffice, particularly in cases of severe injuries or medical costs exceeding $50,000. In such instances, New York law permits the injured cyclist or their family to pursue a personal injury claim against the at-fault driver.

What bicycle accident expenses can you be compensated for?

Typically, injuries are classified as "serious" under New York law if they result in death, disfigurement, or permanent loss or impairment of a body organ or part. In these scenarios, the injured cyclist can step outside the no-fault system and seek economic and non-economic damages in court.

Economic damages encompass past and future medical expenses, lost earnings, property damage, and other accident-related costs. Non-economic damages include compensation for pain and suffering, permanent scarring, and loss of companionship or a spouse.

What if the cyclist bears some responsibility for the accident?

In contrast to certain states, New York's law still allows recovery of damages even if the injured party shares fault. However, under the State's comparative fault principle, the compensation awarded to the injured cyclist is diminished by their degree of fault.

For instance, if a cyclist is deemed 40% responsible for the accident and awarded $100,000 in damages, they would receive $60,000, reflecting the portion of fault attributed to the other driver.

Who is usually at fault if a bicycle is involved in an accident?

Cyclists face various risks on the road, often resulting in injuries due to accidents caused by negligent drivers. Some common scenarios where cyclists get injured include:

- **Dooring:** When a driver opens their car door into the path of an oncoming cyclist, resulting in a collision.
- **Left hook:** A cyclist traveling straight ahead is struck by a motorist making a left-hand turn at an intersection.
- **Right hook:** A cyclist traveling straight ahead is struck by a motorist making a right-hand turn at an intersection or driveway.
- **Rear-end collision:** A cyclist is struck from behind by a vehicle, often due to the driver's inattention or failure to maintain a safe following distance.
- **Unsafe passing:** A driver attempts to pass a cyclist without leaving sufficient space, causing a sideswipe or forcing the cyclist off the road.
- **Intersection collisions:** Accidents occur when drivers fail to yield the right of way to cyclists at intersections or stop signs.
- **Poor road conditions:** Cyclists may be injured due to hazardous road conditions such as potholes, debris, or uneven pavement, leading to loss of control or falls.
- **Vehicle door obstruction:** Cyclists are forced to swerve into traffic to avoid hitting parked cars or objects obstructing bike lanes.

How much is my New York City bicycle accident worth?

Determining the value of a bicycle accident claim involves more than just throwing around figures. While you may hear estimates ranging from thousands to substantial amounts, it's crucial to approach such evaluations with skepticism until the specifics of your case are thoroughly examined.

As outlined above, you are entitled to financial compensation for all injury-related expenses stemming from your bicycle accident. However, the scope of compensable expenses often becomes a point of contention. This underscores the importance of consulting a New York City bicycle accident attorney who can provide clarity on which expenses should be accounted for in your settlement or verdict.

Does my health insurance pay for my bicycle accident?

The short answer? Maybe. If you have health insurance, it should pay for any medical expenses you have if you get sick or injured. But many times, your health insurance company will deny your insurance claim if a driver caused your bicycle accident that resulted in your injuries. That's because your health insurance company will insist that the at-fault driver's insurance company is ultimately responsible for paying for your accident-related expenses.

This can get complicated if the at-fault driver's insurance company and your health insurance company deny your claim. Suddenly, you might be caught in a legal dispute between two large insurance companies. And you could be left with a mountain of medical bills you cannot afford to pay on your own.

How insurance companies try to reduce or deny bicycle accident claims

Insurance companies and adjusters often use strategies to minimize or reject bicycle accident claims to protect their bottom line.

Some common tactics include:

- **Disputing liability by questioning fault for the bicycle accident:** Insurance companies may attempt to shift blame onto the cyclist by arguing that they were partially or fully responsible for the accident. They might claim that the cyclist violated traffic laws or was negligent in some way, thereby reducing the driver's liability and the amount of compensation the injured cyclist can receive.
- **Downplaying the severity of the cyclist's injuries:** Insurers may try to minimize the extent of the cyclist's injuries by challenging the medical evidence or arguing that the

injuries existed prior to the accident. They may also downplay the impact of the injuries on the cyclist's life and ability to work or engage in daily activities.

- **Undervaluing the damages incurred:** Insurance companies often offer low settlement amounts that do not adequately cover the cyclist's medical expenses, lost wages, pain and suffering, and other damages.
- **Intentionally delaying the claims process:** Insurance companies may employ tactics to prolong the claims process, such as requesting unnecessary documentation, scheduling multiple rounds of evaluations or examinations, or repeatedly asking for additional information. By dragging out the process, insurers aim to wear down the injured bicyclist and pressure them into accepting a lower settlement offer out of frustration or financial need.

Why should I hire a New York City bicycle accident attorney?

Expenses can add up fast after a New York City bicycle accident caused by another driver. Because cyclists do not have the same protection as people traveling in cars, bicycle accident injuries can often be severe and require extensive medical care.

In addition, you might need weeks or months to recover from your bicycle accident fully. During that time, you might not be able to work because you are in a lot of pain and discomfort as a result of injuries sustained in your crash.

When this happens, your primary concern should be your health and well-being. Let our New York City bicycle accident lawyers at Giampa Law in the Bronx take care of everything else. We know how the legal system works in the city because we have been helping injury victims for years. That's why you don't have to worry if you have our legal team on your side. You can trust us to work tirelessly on your behalf.

Get the NYC law firm that gets results. Contact us and schedule your free consultation with a New York City bicycle accident attorney you can count on in a crisis. We handle injury claims throughout New York on a contingency fee basis. That means you only have to pay us if we obtain a financial settlement or verdict for you. It's that simple.