



**COOPER HURLEY  
INJURY LAWYERS**

***THE CAR CRASH EXPERTS***

EVERYTHING A BIKER  
NEEDS TO KNOW ABOUT

# **MOTORCYCLE ACCIDENTS IN VIRGINIA**

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 **COOPER HURLEY  
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**KNOW YOUR RIGHTS IF YOU ARE INJURED  
IN A MOTORCYCLE ACCIDENT**

*This book is intended to increase your knowledge of your rights if you are injured in a motorcycle accident. This book does not constitute formal legal advice or create any type of attorney-client relationship.*

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## Key Laws in Virginia for Riding Your Motorcycle

- All motorcycle operators and passengers are required to wear protective helmets.
- An operator must wear a face shield, safety glasses, or goggles or have a motorcycle equipped with safety glass or a windshield while operating a motorcycle.
- A second person may not ride on a motorcycle unless the motorcycle is designed to carry more than one person.
- A person who operates a motorcycle must have a valid Virginia Driver's License with a Class M designation or a motorcycle license.
- Motorcycles are allowed to drive two abreast in one single lane.



## Motorcycle Skills Training Course

- **Take a motorcycle rider skills training course.** Just like operating a car or truck, it is best that a driver gets the proper training for operating a motorcycle.

The Virginia Department of Motor Vehicles' website provides a list of Virginia Rider Training Programs course locations. Classes are also offered at community colleges and private locations.

- **Give your bike a "pre-trip" inspection.** Check the tire pressure and fluid levels. Check for any gas or oil leaks. Check headlights and brake lights are working properly. Check that the clutch and throttle are working smoothly.

# What You Need to Know About Motorcycle Insurance Coverage

Insurance is contract between you and the insurance company. You pay a premium, and the insurance company will cover you for various items when you have a motorcycle accident. There are several key areas of coverage you should know about:

**Liability**- This protects the person who causes the motorcycle accident, providing a lawyer and paying for damages caused up to the amount of the policy limits.

**Uninsured/Underinsured Motorist Coverage**- This protects you if the person who causes the motor vehicle accident has no car insurance. Also, this coverage may kick in for you in the event that the value of the claim is beyond the other driver's insurance coverage.

**Medical payments coverage**- is also medical benefit coverage or medical expense coverage. This optional coverage on your motorcycle policy allows for payment of medical bills up to the coverage limits when you are injured in a motorcycle accident regardless of fault.

Medical payment coverage applies even if you have health insurance coverage that also covers your medical bills and, unfortunately, many people do not even know they have this coverage. As such, they never inquire about possible reimbursement of their medical bills.

# LAW UPDATE: Virginia Increases Motor Vehicle Insurance Limits

Virginia recently passed two new laws that will dramatically increase the amount of insurance available to those injured through no fault of their own in motorcycle accidents:

- The minimum amount of liability automobile insurance has increased (leaving you better protected)<sup>1</sup>
- How we calculate the amount of automobile insurance available to you after an accident has changed (which will also leave you better protected)<sup>2</sup>

For years the minimum limits for automobile insurance in Virginia had been \$25,000. Until recently, if a negligent driver carried the Virginia minimum automobile insurance limits, you could only collect up to \$25,000 from his insurance company. This would even be true in cases of catastrophic injury and death. With rising healthcare costs \$25,000 is often grossly inadequate to fairly pay someone injured through no fault of their own.

The good news is that Virginia recently passed a law that will increase the minimum automobile insurance limits. For Virginia insurance policies that are effective on or after January 1, 2022, but prior to January 1, 2025, the minimum is **\$30,000** for bodily injury or death to one person involved in an accident.

[1] Virginia Code §46.2-472: Coverage of Owner's Policy

[2] Virginia Code §46.2-2206: (Effective 7/1/23) Uninsured Motorist Insurance Coverage

Then, for all Virginia automobile insurance policies effective on or after January 1, 2025, the minimum will increase again to **\$50,000** for bodily injury or death to one person involved in an accident. What will control the amount of insurance available to you will be the date in which the at-fault driver's insurance policy became effective or renewed. The new Virginia law will also increase the amount of property damage insurance coverage for policies effective on or after January 1, 2025.

	Injury or death of 1 person	Injury or death of 2 or more persons	Property Damage
Policies effective prior to 1/1/22	\$25,000	\$50,000	\$20,000
Policies effective between 1/1/22 - 12/31/24	\$30,000	\$60,000	\$20,000
Policies effective on or after 1/1/25	\$50,000	\$100,000	\$25,000

### **Virginia Has Changed How It Calculates Underinsured Motorist Coverage**

Most Virginia car insurance policies effective or renewed on or after July 1, 2023, will offer you significantly more protection. Virginia automobile insurance policies typically have something called underinsured motorist coverage (UIM coverage). The idea behind UIM coverage is to provide additional insurance coverage for bodily injury or death when an at-fault driver does not have enough insurance to pay you fairly for your damages, harms, and losses following an accident.



The problem was that under the prior law, your UIM insurance would only be available if it was greater than the negligent driver's insurance. For example, if the at-fault driver had \$30,000 in liability insurance and you carried \$30,000 in UIM coverage, your UIM insurance paid nothing! You paid money every month for insurance that would not apply! You could only collect the UIM coverage to the extent that it was more than the at-fault driver's insurance. Said another way, the UIM coverage got a "credit" in the amount of the negligent driver's insurance.

Beginning July 1, 2023, unless someone opts out, the UIM "credit" goes away. This means that the amount of UIM coverage will now simply stack on top of the negligent driver's insurance. Using the same example above, if the at-fault driver has \$30,000 in liability insurance and you have \$30,000 in UIM coverage, there will now be up to \$60,000 in insurance coverage following an accident (instead of the \$30,000 under the prior law). This change in the law will **double the amount of insurance coverage available** in many accidents.



## **What is the Practical Effect of These New Insurance Laws?**

When these new laws are fully in effect, and assuming no opt outs and both motorists have Virginia car insurance, there will be a minimum of \$100,000 in car insurance available after an accident. This is a significant increase when just recently may accidents had as little as \$25,000 available to compensation someone after suffering injuries through no fault of their own.

## **What Should You Do to Receive the Benefit of These Insurance Laws?**

There is nothing you need to do to receive the benefit of these new laws. If your car insurance limits already exceed the Virginia minimum limits, your coverage will remain the same when your policy renews. If you have a Virginia car insurance policy that is below the minimum limits, your car insurance company will automatically increase your limits to the new minimum the next time your policy renews.

Additionally, for policies effective on or after July 1, 2023, the full amount of your UIM coverage will be available to you automatically unless you contact your insurance company and elect to reduce your UIM coverage. Not only will the UIM coverage be fully available to you, it will be in addition to the negligent driver's insurance.

## **Are These New Laws Enough to Protect You and Your Family?**

While these new laws are a huge improvement and offer vastly more protection, the minimum limits still do not offer enough protection to you and your family in the event of catastrophic injury or death caused by a negligent driver.

If you do some research or contact an insurance agent, you will find that increasing your insurance limits from \$50,000 to \$100,000 to \$500,000 to \$1,000,000 does not add as much to your monthly premium as you might think. We recommend that you purchase as much car insurance as you can afford to best protect you and your family in the event of a serious accident.

Car insurance can be very complicated, especially if you do not deal with it every day. If you have any questions about car insurance or certain benefits that may be available to you, please contact the experienced personal injury attorneys at Cooper Hurley Injury Lawyers for a free consultation. We will be happy to talk over your options with you.

# Safety Tips to Avoid Accidents

- 1 **Make it easy for automobile and truck drivers to see you.** Wear bright-colored clothes. During the day, you should wear bright colors like orange and yellow to make visibility better. At night, you should wear reflective material on your clothes and helmet.
- 2 **Always use your turn signal.** Just like when operating a motor vehicle, using your turn signals warns other drivers what you are planning to do.
- 3 **Avoid riding in blind spots.** Motorcyclists are more at risk in a blind spot than other motorists because their bikes are small compared to automobiles. The less time you spend in another driver's blind spot, the safer you are.
- 4 **Don't speed.**
- 5 **Keep a safe distance when traveling behind other vehicles.** Just like when operating a motor vehicle, keeping a safe distance behind other vehicles allows enough time to stop or react to the other vehicles on the road.
- 6 **Don't ride in an impaired condition.** Never ride while intoxicated, for your safety and others' on the road.



# Most Common Causes of Motorcycle Accidents

- **Cars Making Left Hand Turns**

These collisions account for 42% of all accidents involving a motorcycle and car. The turning car strikes the motorcycle when the motorcycle is:

- Going straight through an intersection
- Passing a car
- Trying to overtake a car
- Unseen by the driver

- **Motorcycle Lane Splitting**

Lane splitting is when a motorcycle drives between two lanes of stopped moving cars. This is a common cause of motorcycle accidents due to:

- The close proximity of the cars and the motorcycle
- The motorcycle doesn't have enough room to maneuver
- Cars will not be expecting a vehicle to be passing them in stopped or slowed traffic
- Drivers not giving the motorcycle enough space

- **Motorcyclist Speeding & Alcohol Use**

Half of single motorcycle accidents are caused by speeding and/or alcohol use.

# What You Need to Do if Hurt in a Motorcycle Accident

- Immediately stop your motorcycle so that you can take care of the necessary items. Do not leave the scene of an accident as that can result in criminal charges. Call the police. The police will investigate, collect any important information, and call ambulances for any injuries from the accident. Please remember that the police officer will ask you what happened, and any statement you give to the police officer will be written down. Be truthful but careful with what you say and avoid expressing opinions about fault.
- After months go by, most people forget the details of how the motorcycle accident happened. It is very important to keep your own notes to record how the accident happened, while it is fresh in your mind, so that you can use this information at a later date to protect yourself. The following information should be gathered: witnesses' names and addresses, a rough diagram of the crash area, and pictures, including physical evidence like skid marks or debris fields.
- Moreover, if you are injured, it is crucial to get medical treatment, as the most important thing in any motorcycle accident is to take care of the injuries to you and your family.
- Other things to note about the accident are road, traffic, and weather conditions, the speed of your motorcycle before the accident, the speed of the other vehicle before the accident, and the collision impact.





- When people are involved in an accident and they initially feel no injuries or they believe their injuries are minimal, they often decline any type of ambulance at the scene of the accident. However, the police officer will always note any and all injuries, regardless of whether someone seeks treatment. Many people say, "No, I have no injuries; I'm fine." At that point, this information is written down. If you develop injuries a few hours or days later, which is very common, the insurance company will use your statement to the police of "no injury" against you in any injury case brought by you. It is best to tell the police that you think you might be hurt but will take yourself to the hospital if you are unsure of the extent of your injuries. If you are hurt, get the care you need promptly.
- Also, getting photographs of the area and the damage to your motorcycle can be helpful at a later date and if you do not get these photographs immediately, they may be difficult to obtain at a later date. The scene may change. For example, debris may be moved by traffic.
- You must prepare yourself for the inconvenience, problems, and headaches that will result when you are hurt in a motorcycle accident. Having an experienced personal injury lawyer will help take some of the stress off you.
- Also, the other person's insurance company adjuster may call you right after the accident to try to get a recorded statement or offer a quick, low settlement. You need to be careful when dealing with them as these adjusters are not on your side. You should refuse to give them a statement until you talk to us as your injury lawyers.

# Common Injuries in Motorcycle Wrecks



**Brain Injuries-** Helmets are only about 67 percent effective in preventing brain injuries in motorcycle accidents.

**Spinal Cord Injuries-** Any injury to the spinal cord is serious and has the potential to cause paralysis and result in loss of work and the need for lifelong care.



**Pulverized Bones-** Crushing bone injuries may require surgeries.

**Road Rash-** a serious skin burn or abrasion caused by scraping your body along the road.



**Internal Damage-** Injuries to organs and arteries may prove fatal.

**Amputations-** Partial or total amputations can affect the quality of your life for the rest of your life.





# Getting Proper Medical Treatment for Injuries

The most important thing is to seek the proper medical treatment for your injuries that you suffered in this motorcycle accident as soon as possible and obtain needed follow-up care. You can also go to the hospital by private car. Initially, after a motorcycle accident, an ambulance will often arrive to take you to the emergency room. However, if you do not want to deal with an ambulance or an emergency room, then you can follow-up with your own healthcare provider or an urgent care center.

Regardless of how you seek medical attention, you need to see a healthcare provider who can properly evaluate and treat your injuries. Try to go to a healthcare provider that has treated you in the past since they are familiar with your past medical condition and they can render the proper medical treatment for your injuries.

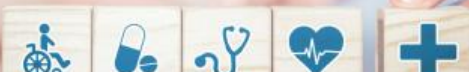
If you are sure you are not injured, then there is no reason to seek any type of medical treatment. Often, because of adrenaline, though, and the stress of the situation, you may not know how hurt you are right away. Depending on the severity of the motorcycle accident, injuries can range from connective tissue injuries to the neck and back, broken bones, and nerve damage to internal injuries that require a multiple day stay at the hospital. Injuries in the neck and back can involve the spinal cord, which runs from the base of the brain to the tail bone. Spinal injuries need proper medical attention to heal in the quickest way. Often, emergency surgery can be required.



## Health Insurance Coverage

It is also important to realize that you are best off using whatever health insurance is available to you when you get injured in a motorcycle accident. Many times hospital billing folks will indicate that you do not need to use your health insurance since the motorcycle accident may be covered by auto insurance. You are best off to use your regular healthcare coverage for all of your medical care for your injuries. This includes any and all visits to the hospital, any and all visits to your main healthcare provider, physical therapy or diagnostic testing. Millions of Americans do not have health insurance coverage. If you are injured in a motorcycle accident and you lack health insurance, we may be able to find a healthcare provider that will treat you even though you do not have health insurance coverage. An experienced injury lawyer will know which doctors will treat you even without health insurance – essentially on credit to be paid out of your case.

If you do not have health insurance, medical payments coverage, discussed previously, may be available to you from the motorcycle insurance policy, either from the motorcycle you are riding or your own personal car insurance policy. The most important thing in any motorcycle accident is to be sure you receive the proper medical treatment. Unfortunately, depending on the nature and the severity of the injuries, you can often treat for months and possibly even years. You can have permanent disability and chronic, long-term pain from the motorcycle accident. Sometimes, no treatment will bring you back to the way you were before the accident, and that is why it is so important to receive the proper medical treatment to get you back to as close as possible to your health before this accident.



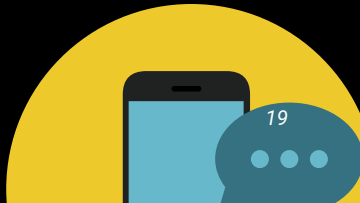
# Be Careful When Talking to the Insurance Company

Don't rush to settle your case quickly. Typically, the at-fault driver's insurance company will wave a few thousand dollars in front of your nose immediately after the accident to settle your claim.

Generally speaking, settling your case quickly may prevent you from being fully compensated for any medical bills, pain and suffering, or lost wages; it only benefits the insurance company. For any significant personal injury that you suffer, it is wise to have a personal injury attorney protect your interests and ensure you are not being taken advantage of.

Don't underestimate the defendant's insurance adjusters who contact you. Initially, after a motor vehicle accident when you are injured, if you are not represented by a lawyer, the defendant's insurance adjuster will call you and try to get you to settle your claim. The insurance adjuster will often act like your friend, but remember: even though they are pleasant, their only goal is to settle your claim as quickly and cheaply as possible. You must be very careful in settling your claim, as when you settle, it is forever.

The defendant's insurance adjuster often will request that you sign medical authorization forms so they can get all your health records. You do not want to do this as it allows the defendant's insurance adjuster to invade your privacy and look for any and all ways to avoid paying. It is important to contact a motorcycle crash lawyer to protect your rights. The lawyer will collect the records for you.



# What Cooper Hurley injury Lawyers Can Do for You

- 1 Perform investigation of the client's claim, including gathering witness statements, photographs, diagrams and physical evidence.
- 2 Confirm healthcare providers with client and obtain medical treatment records, lost wage information, and expert opinions, if necessary.
- 3 Review and analyze the client's medical records and billings.
- 4 Prepare a settlement package to be presented to the insurance company.
- 5 Enter negotiations with the insurance adjuster in an effort to settle the claim, only with your permission.
- 6 If we cannot settle your case favorably, then we will file a lawsuit to get you the money you deserve if you and we decide that is best.



# About Cooper Hurley Injury Lawyers

Cooper Hurley Injury Lawyers has a headquarters in Norfolk, Virginia and client meeting locations in Virginia Beach, Chesapeake, Portsmouth, Suffolk, Hampton, Newport News and the Eastern Shore of Virginia. We handle cases across Virginia and beyond.

One thing that sets our firm apart from the competition is the fact that our sole focus is on personal injury law. Personal injury attorneys and partners John Cooper, Jim Hurley, Bill O'Mara, Griffin O'Hanlon, and John Baker do not split their attention between several practice areas; instead, they devote their energies entirely to the intricacies and complexities of automotive accidents and personal injury law. This enables the firm to stay on top of all law and best practices in motorcycle cases. We use our knowledge to our motorcycle crash clients' advantage.



# Meet Our Attorneys



**JOHN COOPER** has represented injured people for over 30 years and has litigated a large number of motorcycle wreck cases. John holds a top “AV” rating from Martindale Hubbell, a national lawyer reputation evaluation company, and is listed among VA “Super Lawyers” for injury law. He is a member of the

Multi-million Dollar Advocates Roundtable and is ranked 10 of 10 (“Superb”) by AVVO for his professional work. John Cooper is licensed in Virginia, North Carolina, and West Virginia.

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**JIM HURLEY** has been practicing law throughout Virginia for more than two-and-a-half decades. During his career, he has tried more than 100 jury trials – a staggering number – and handled hundreds more that were settled out of court. He is guided by the principle that

the client is in charge of his or her case and should be kept fully aware of the litigation process. Jim has been awarded an AV Rating by Martindale-Hubbell, the highest rating given, for his practice of law. He has been named in Virginia Super Lawyers since 2014.



**BILL O'MARA** has practiced in the field of plaintiffs' personal injury and other litigation. He has gained extensive court room and trial experience, including contested trials before judges and juries across Hampton Roads. In 2014, Mr.

O'Mara joined Cooper Hurley Injury Lawyers as an associate attorney. He became a partner in 2017 and dedicates his entire practice to helping injured people.

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**GRIFFIN O'HANLON** joined Cooper Hurley Injury Lawyers as an attorney in the fall of 2015 and became partner at the start of 2020. He attended Virginia Tech and Saint Louis University School of Law.

Griffin represents those injured in car, truck, and motorcycle accidents and has extensive in-court litigation experience. In 2021, he was named an "Up & Coming Lawyer" by Virginia Lawyers Media.

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**JOHN BAKER** joined Cooper Hurley Injury Lawyers as a new attorney in early 2018 and became partner at the start of 2022. John is a graduate of Hampden-Sydney College and University Of Mississippi School Of Law.

John is a skilled litigation attorney and has appeared in courts all over the Commonwealth of Virginia. He is an active member of his community and served as President of the Virginia Club from 2020-2022.

## Client Reviews

"I was in a motorcycle accident. A gentleman pulled out in front of me. I hit the front end of his vehicle, flew, and took the gas tank and handle bars and everything off with my bike. My pelvis completely split in half, my arm was broken, a bunch of internal organs were pretty messed up.

I had a friend recommend Cooper Hurley and from there they got really involved in my case. It was nothing but friendly, especially with Jim Hurley. Very personable, it kinda feels like a family-type situation. Always genuinely asking how I was recuperating.

In total, my medical bills were \$800,000. However, Cooper Hurley negotiated it down to below \$80,000, so they definitely looked out in a great way for me. It was the biggest relief I had in the entire experience. I would absolutely recommend Cooper Hurley."

**- Daniel B.**



*Scan the code to watch Daniel's full story and discover more success stories from Cooper Hurley Injury Lawyers clients.*





"As a disabled military veteran in the Hampton Roads area, I shopped long and hard when I needed legal representation after a motorcycle injury. I could not have been any happier with the level of professionalism and care that was put into my case by Cooper Hurley. Constantly keeping me up-to-date, asking my opinion, and making sure I felt comfortable with all decisions in a very timely manner. This is the law firm you need!! They fight for you and have compassion for your injuries. They will not let you down."

**- Sam R.**

I had an incredible experience with Cooper Hurley from start to finish! After my car accident, I interviewed several "big name" firms to represent me. I felt uncomfortable until I sat down with Cooper Hurley. They spoke plainly to me and promised to work very hard and take my case seriously. Having reached a VERY satisfactory settlement, I am further convinced that I made the right choice with Cooper Hurley."

**- Trisha T.**

At the onset of my journey I was nervous. I was hurt and didn't know what to do. I was out of work, medical bills were piling up, and I was unsure if there existed a road to redress and healing from injuries I had sustained. But after a little research and being referred to by family I found Cooper Hurley Injury lawyers. After a free consultation my mind was set at ease and I knew I had met the right legal team. I was in the right hands. John Cooper and his team over the past year have worked tirelessly for my case."

**- Cory W.**

## Free Resources

Get the information you need to make the best decisions about your case. When you're ready to talk to our injury team, give us call at 757-333-3333.



### After the Accident Podcast

*Hear experienced personal injury lawyers share essential information you should know before you hire an attorney or talk to the insurance company.*



### 5 Dirty Tricks Used by Car Insurance Companies

*In this free, 8-page report, discover five sneaky tactics insurance companies use to pay you less than you deserve.*



### The Best Book About VA Car Accidents

*Learn what to do, when to get help, and how to deal with the insurance agencies in this free, tell-all book.*

# MOTORCYCLE HAND SIGNALS



## LEFT TURN

Arm and hand extending left, palm facing down.



## RIGHT TURN

Arm out, bent at 90° angle, fist clenched.



## STOP

Arm extended straight down, palm facing back.



## FOLLOW ME

Arm extended straight up from shoulder, palm forward.



## SPEED UP

Arm extended straight out, palm facing up, swing upward.



## SLOW DOWN

Arm extended straight out, palm facing down, swing to your side.



## YOU LEAD/COME

Arm extended upward 45°, palm forward pointing with index finger, swing in arc from back to front.



## HAZARD IN ROADWAY

On the left, point with left hand; on the right, point with right



## PULL OFF

Arm positioned as for right turn, forearm swung toward shoulder.



## FUEL

Arm out to side pointing to tank with index finger extended.



## SINGLE FILE

Arm and index finger extended straight up.



## DOUBLE FILE

Arm with index and middle finger extended straight up.



## COMFORT STOP

Forearm extended, fist clenched with short up and down motion.



## REFRESHMENT STOP

Fingers closed, thumb to mouth.



## COPS AHEAD

Tap on top of helmet with palm down.

EVERYTHING A BIKER  
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ACCIDENTS  
IN VIRGINIA**



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**[cooperhurley.com](http://cooperhurley.com)**

*Helping those injured in car, truck, and  
motorcycle wrecks and other serious injury  
and wrongful death cases.*