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Cyclists have same accident coverage as motorists

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Cyclists are entitled to the same accident coverage as motorists, though some don't know it. And with about 300 motor vehicle versus bicycle accidents occurring on average each year, a local personal injury lawyer thinks they should.



The most important first step is to call police immediately following a crash, said Brenda Hollingsworth, because reconstructing events after the fact without a police report can be difficult and unreliable in court.

She also advises people to take a lot of pictures of the bike, any injuries and the scene in general. She also said it's important to note any symptoms that don't leave physical evidence, such as headaches.

The next step, she said, is for the cyclist to look into whatever accident benefits they may have, especially if they have auto insurance, to cover physiotherapy, income loss and other costs.

Auto insurance will pay for accident benefits

"Their car insurance will pay for that," Hollingsworth said. "They often don't realize that, but that's available."

And if the cyclist involved doesn't have auto insurance, Hollingsworth said accident benefits can often be accessed through a relative, and failing that, through the auto insurance of the other motorist involved in the crash, even if the cyclist is at fault.

Cyclists can also sue for pain and suffering when their injuries are more severe or permanent, but in Ontario people don't get rich doing it.

Hollingsworth said someone who became a quadriplegic or suffered a serious brain injury could get as much as \$340,000 for pain and suffering, but they would also be eligible for money for lost income, rehabilitation, attendant care and other costs.

Most pain and suffering awards are less than \$100,000.

People have 120 days to send a notice of intent to pursue legal action directly to the other person involved in the crash, and there's a two-year limit to file through the court.

She said successful cases depend on the strength of the medical condition and who was at fault, as well as who has the better medical expert stand as a witness.

Hollingsworth said about 95 per cent of those cases are settled directly with the insurance company before they go to court because going to court can be risky.