



The Michigan Motorcycle Law Newsletter

Buckfire & Buckfire, P.C.

MICHIGAN'S TOP RATED MOTORCYCLE LAWYERS

Volume 2, Issue 2

May 2013

INSIDE THIS ISSUE:

Exceptions To Carrying Concealed Weapon On A Motorcycle	2
Ask George: Your Motorcycle Legal Expert	3
May is Motorcycle Safety Awareness Month	3
Our Current Cases of Interest	4
Recent Settlements	4
Become a "Guest Blogger"	4
Free Motorcycle Accident Book	4



Upcoming Motorcycle Events/Rides

- May 26: Veterans Poker Run. South Haven. Contact: 269-637-3395.
- May 30 - June 1: Harley Heroes. Lapeer. Contact: www.raycsh-d.com.
- May 30—June 3: 20th Annual Evergreen Park Benefit. Cass City. Contact: 989-673-4743.

Buckfire Law Attorney Dondi Vesprini Meets With Legislators On Various Issues Affecting Motorcyclists

Buckfire & Buckfire, P.C. attorney, Dondi Vesprini, is an experienced attorney in the area of motorcycle accidents, however his advocacy extends beyond the court room as well, meeting frequently with both legislators and lobbyists regarding legislation affecting injured motorcyclists.



From left to right: ABATE Board member, Mike Olinger, Secretary of State, Ruth Johnson, and Attorney Dondi Vesprini.

Pictured to the right is a photo of fellow ABATE Board member Mike Olinger, Secretary of State, Ruth Johnson, and our very own Buckfire & Buckfire, P.C. attorney, Dondi Vesprini, that was taken at a recent ABATE Pizza and Pop event at the State Capitol.

This event is a lunch put on by ABATE where many legislators and their staff come to eat and offer an opportunity to talk with them about legislative issues affecting motorcyclists. At the event Dondi was able to have a good discussion with a number of legislators and Secretary Johnson in various issues including No-Fault reform.

TAKING A BIKE TRIP ACROSS STATE LINES OR IN OTHER COUNTRIES?

You Need the **FREE** Motorcycle Helmet Laws App

The FREE App is available for the iPhone, iPad, iPod Touch, and Android.

For more information about the App, including QR codes for download and to watch a demo video of how the App works visit

<http://bit.ly/MIMotorcycleAccidentLawyers>

To download the FREE App, go to iTunes or Google Play and search for "[Motorcycle Helmet Laws](#)"

Exceptions To Carrying Concealed Weapon On A Motorcycle



This article was written by Buckfire Attorney Dondi Vesprini (pictured to the left). Dondi has been a licensed attorney in the State of Michigan since 1999. He is recognized as an expert in cases involving motorcycle accidents. Dondi is a member of the Board of Directors of ABATE of Michigan and also frequently meets with both legislators and lobbyists regarding legislation affecting injured motorcyclists. Look for Dondi's article in each issue where he will discuss important issues affecting motorcyclists.

*If anyone has any suggestions of topics they would like addressed that may be of interest in the motorcycle community, please feel free to email **Dondi at Dondi@buckfirelaw.com***

Since my last article in the April 2013 issue of the Michigan Motorcycle Law Newsletter, "Carrying Concealed Weapon On A Motorcycle," I received many follow up questions. I will address some of those in this article.

MCL 750.227 governs concealed weapons in Michigan. When it comes to vehicles, a person shall not carry a dangerous weapon in any vehicle operated or occupied by the person, whether concealed or not (except on land possessed by the person) unless the person has a license to carry. Michigan courts have found this statute applies to motorcycles.

There are some exceptions to the rule when it comes to transporting a weapon in a vehicle.

MCL 750.231(a)(1)(d) and (e) provides that the rule of MCL 750.227 does not apply to a person transporting a pistol for a lawful purpose, if the pistol is licensed by the owner or occupant of the motor vehicle, and the pistol is unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle, or if the vehicle does not have a trunk, is not readily accessible to the occupants of the vehicle.

The issue when it comes to motorcycles, is that the above exception, by its terms references **motor vehicles**. The law in Michigan is not altogether clear on whether a motorcyclist could rely on this exception. Given the courts tendency to strictly interpret the terms of a statute, it is likely that a motorcyclist could not avail himself/herself of this exception. Further, the above exception, by its terms only applies to transporting a pistol, as opposed to any other type of firearm or weapon.

However, there is another exception to the rule against carrying a dangerous weapon in a vehicle, which appears to arguably be a better fit for a situation where a motorcycle is involved.

MCL 750.227d provides that a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel, a firearm (other than a pistol), unless the firearm is unloaded and is either 1) Taken down; or 2) Enclosed in a case; or 3) Carried in the trunk of the vehicle; or 4) inaccessible from the interior of the vehicle.

The above would seem by its terms to cover transportation on a motorcycle. Note that this law only protects transportation of a firearm other than a pistol however.

While there is no black and white answer when it comes to exceptions to the rule against carrying a weapon in a vehicle without a license to carry, I would recommend that all motorcyclists obtain a license to carry each and every firearm they possess, so they won't have to worry about meeting an exception if they are ever stopped by a law enforcement officer while transporting a firearm on their motorcycle.

Ask George: Your Motorcycle Legal Expert

Q: To make a proper claim for no-fault benefits after your Michigan motorcycle accident you must determine which insurance company is responsible for paying. What is the Order of Priority for No-Fault Benefits?

George: The Order of Priority for No-Fault Benefits is as follows:

- ⇒ **1st priority** is to the insurer of the owner of the motor vehicle involved in the accident, *if none then...*
- ⇒ **2nd priority** is to the insurer of the operator of the motor vehicle involved in the accident, *if none then...*
- ⇒ **3rd priority** is to the motor vehicle insurer of the operator of the motorcycle involved in the accident, *if none then...*
- ⇒ **4th priority** is to the motor vehicle insurer of the owner of the motorcycle involved in the accident, *if none then...*
- ⇒ **5th priority** is to the Michigan Automobile Insurance Placement Facility (MAIPF).



Attorney George Burke

Q: Did the MAIPF replace the Michigan Assigned Claims Facility in Lansing?

George: Yes, as of December 17, 2012, Gov. Snyder and the Michigan Legislature passed into law a new Michigan Assigned Claims Plan for No-Fault Benefits. Due to its passing, there is no longer a Michigan Assigned Claims Facility. Motorcycle accident victims are still able to submit their claims, but it will now be submitted to the MAIPF located in Livonia, Michigan. Ph.: 734.464.1100.

May is Motorcycle Safety Awareness Month

May has been designated as Motorcycle Safety Awareness Month. Motorcycle Safety Awareness month is a campaign proclaimed by many local and county governments throughout the U.S. that calls attention to the dangers and vulnerabilities motorcyclists face on our roads and highways.

Throughout the month of May, the National Safety Council (NSC) encourages drivers to share the road with motorcyclists and be extra alert when they are nearby. The NSC has good means behind this awareness campaign as statistics prove that most motorcycle crash injuries are caused by the negligence of another driver. In fact statistics prove that 75% of all motorcycle accidents happen when a vehicle fails to see the motorcyclist before the collision. In addition, it was reported that crashes involving a bike and a car did result in 98% of people being injured.

Seeing that you all are avid bikers, there is no point in reiterating in this newsletter to keep a lookout for motorcyclists on the road when driving. However, there are certain precautions you can take as a biker to help ensure that motor vehicle drivers do in fact see you on the road. These precautions include:

- Show extra caution when riding through an intersection. Most motorcycle - car accidents occur at an intersection.
- Position your bike to avoid a driver's blind spot.
- Use turn signals for every turn or lane change.

Unfortunately, following these tips will not 100% protect you from being involved in a motorcycle accident, but your chances of being involved will be less.

Want to nominate a motorcycle shop to be spotlighted in our next newsletter? Just email or call Kathryn with your nomination at 248.569.4646 or Kathryn@buckfirelaw.com The spotlight is FREE.

MICHIGAN'S TOP MOTORCYCLE ACCIDENT LAWYERS



25800 Northwestern Hwy, Ste. 890
Southfield, MI 48075

Phone: 248-569-4646
Toll: 800-606-1717
Fax: 248--569-6737
E-mail: info@buckfirelaw.com
www.BuckfireLaw.com

Have a friend who would also like to receive "The Michigan Motorcycle Law Newsletter"?

Just call or email Kathryn at 248-569-4646 or Kathryn@buckfirelaw.com with their contact information and we will add them to our mailing list!

PRSR STD
US POSTAGE
PAID
MAIL WORKS II

Our Current Cases of Interest

- A motorcycle accident lawsuit on behalf of our client who was hit while driving his motorcycle when a car made a quick turn around and failed to see him before pulling back into traffic.
- A motorcycle accident lawsuit on behalf of our motorcyclist client who suffered serious injuries after a negligent driver abruptly turned into his lane. This action caused our client to go down on his motorcycle.

Recent Settlements

- \$500,000 settlement against the insurance company that wrongfully denied a motorcycle accident victim his insurance benefits. The company was forced to pay benefits such as wage loss and attendant care in addition to medical bills.
- \$75,000 no-fault insurance settlement against the negligent drivers insurance company for motorcycle passenger injuries resulting in an accident. The negligent driver was insured up to \$100,000.

Become a "Guest Blogger" - Share your favorite ride, stop, or talk about your shop!

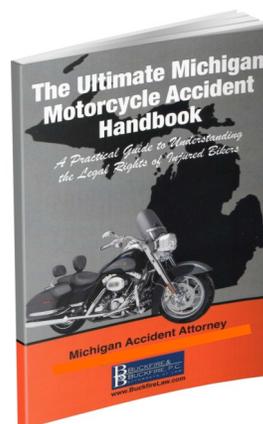
Do you have a favorite bike stop, trip, or story you would like to share? Do you own a motorcycle shop and want to inform the biker community about your shop?

We are inviting you to be "Guest Bloggers." Send the details to Kathryn@buckfirelaw.com and we will post your story on our Motorcycle Blog at www.Michiganmotorcycleaccidentlawyerblog.com

FREE Motorcycle Accident Book

Your FREE Guide to Michigan Motorcycle Accident Cases

Warning: Do Not Speak to the Insurance Adjuster or Hire a Lawyer Until You Read This Free Book.



The Book reveals:

- How To Find The Best Lawyer For Your Case
- Who MUST Pay For Motorcycle Damage Claims
- How To Get The Best Money Settlement For Your Injuries
- Are You Entitled To Michigan No-Fault Insurance Benefits
- How To Get Your Medical Bills And Lost Wages Paid
- **AND MUCH MORE** including the **SECRET STRATEGIES** insurance

companies will use to avoid paying YOU a fair settlement.

Request your book by calling (800) 606-1717 or visit

www.MichiganMotorcycleBook.com