



The Michigan Motorcycle Law Newsletter

Buckfire & Buckfire, P.C.

MICHIGAN'S TOP RATED MOTORCYCLE LAWYERS

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Upcoming Motorcycle Events/Rides

- May 4: Don't Be Tardy for the Party. Ida. Contact: 734-790-7927.
- May 5: Motorcycle Scavenger Hunt. Pinckney. Contact: 313-702-4115.
- May 11: Somerset Beach Blessing of the Bikes. Somerset Center. Contact: 269-808-7512.

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

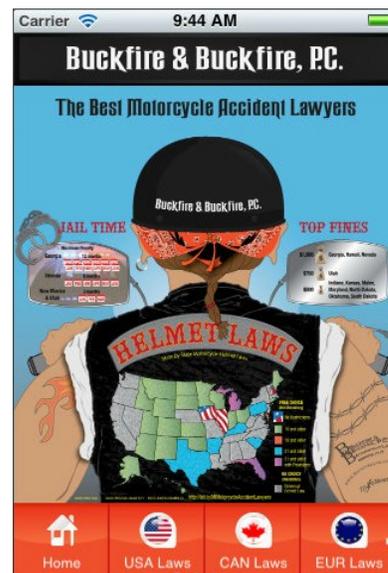
You Need the

FREE Motorcycle Helmet Laws App

Available for Download on iTunes and Google Play Stores

FEATURES OF THE APP

- Access helmet laws in multiple countries.
- GPS Bike Finder allows users to place a GPS pin for their bike's location and set a time for return.
- Submit images of cool helmets and see your images in the cool helmet gallery.
- Utilize the accident checklist—what to do after a motorcycle accident.
- Receive discounts at some of your favorite bike shops.
- Connect with fellow bikers with the social media feature.
- Contact the best motorcycle accident lawyers to discuss your legal rights and options.
- **And MORE!**



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](#)"

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***

As I interact with various motorcyclists across our state, I am asked a variety of legal questions. While many of them deal with a rider's rights and responsibilities when it comes to a motorcycle accident or insurance issues, I am also asked about other interesting issues that affect motorcyclists as well. One such issue that I was asked to discuss is regarding the concealed weapons law in Michigan and how it applies to carrying a concealed weapon on a motorcycle.

MCL 750.227 governs concealed weapons in Michigan. It essentially provides that a person shall not carry a dangerous weapon concealed on or about his person without a license (except if in the person's house, place of work or other land possessed by the person). 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.

In *People v Nimith*, (1999 – Michigan Court of Appeals), the defendant was pulled over while operating a motorcycle. The officer noticed a gun wedged in a space near the engine and he was cited for violating the above law. The defendant argued that he was not guilty because the gun was not “in” the motorcycle, such as in a closed compartment or saddlebag. The Court upheld the conviction stating that for purposes of the statute “in” means “within the limits, bounds, or area of” the vehicle, and that there is nothing in the statute that requires that the weapon be completely enclosed to be considered “in” a vehicle. The Court also found that under these circumstances, the defendant was “carrying” the weapon because it was lodged in a location that made the weapon “readily accessible” to the defendant.

In *People v Cofer* (2005 – Michigan Court of Appeals), the defendant was pulled over while swerving on his motorcycle. He was arrested for drunk driving and during a search of the bike, the officer found a weapon in a jacket under the seat. The Court found that he was “carrying” the weapon “in” his motorcycle as he knew it was there.

While I am not aware of any authority directly addressing a situation where the defendant was carrying a weapon on his person while operating a motorcycle, I would recommend that anyone carrying a weapon while operating a motorcycle, whether the weapon is being carried somewhere in or on the bike or on the rider's person or, do so with a license.

If the weapon is in or on the bike, the law is clear that a license is needed whether the weapon is concealed or not. If the weapon is on the person, the language of the statute requires a license if the weapon is concealed. If the weapon is on the person while riding but not concealed, this is the gray area. The risk is that a license-less rider runs the risk of violating the law, if the Court finds that the weapon is “within the limits, bounds, or area of” the vehicle, under which circumstance the weapon would be deemed to be “in” the vehicle, especially if the weapon is “readily accessible” to the rider. Likewise, there is the possibility that the Court would find that given the physical position of a rider while riding, that the weapon was concealed from view while riding. My suggestion is that to better assure compliance with the law, a rider should be sure to have a license if riding with a weapon on a motorcycle, regardless of whether the weapon is on the person or not.

Ask George: Your Motorcycle Legal Expert

Q: What insurance is required for riding?

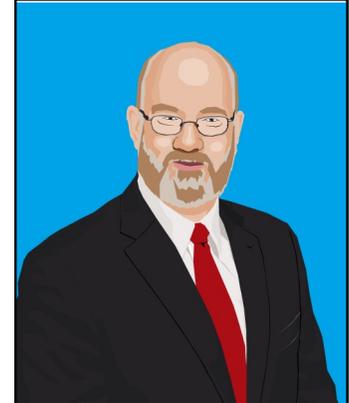
George: Under Michigan law, a registered motorcycle must have a proof of insurance for the minimum **Personal Liability Property Damage (PLPD)**. PLPD insurance protects you if you cause personal injury or property damages to another person or other property as a result of your negligence. *Failure to have the basic minimum PLPD can and typically does have severe consequences.*

Q: What will happen if I do not have the proper insurance?

George: If a motorcyclist is involved in an accident that involves an automobile and the motorcycle is not properly insured with basic PLPD, then the motorcyclist **cannot** receive Michigan No-Fault benefits; although they may have other rights against the at fault driver of the motor vehicle.

Q: What are the repercussions of not receiving No-Fault benefits after my motorcycle accident?

George: The repercussion of not receiving Michigan No-Fault insurance benefits is significant after a motorcycle accident because often times the injuries suffered are severe and require extensive medical treatment and care. Without these benefits, the injured biker will likely be facing substantial medical bills and will not be receiving payments for lost wages during the period of recovery. **This has forced many injured bikers into filing for personal bankruptcy.**

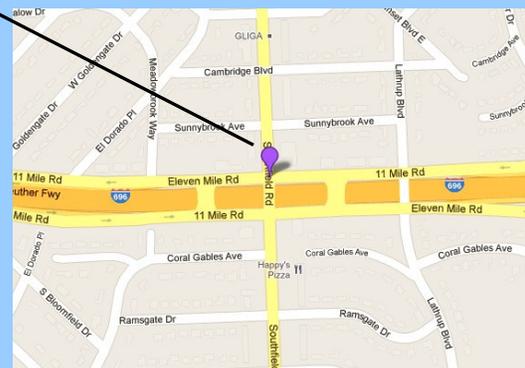


Attorney George Burke.

Southeast Michigan's Most Dangerous Intersections *for Motorcyclists*

We have compiled a list of the ten most dangerous intersections in Southeast Michigan for motorcyclists, as well as the average amount of accidents per year within a four year time frame for those intersections.

1. Southfield Road at 11 Mile Road W. = 83.2
2. Ford Road at Haggerty Road = 69.4
3. 12 Mile Road at Orchard Lake Road = 64.8
4. 12 Mile Road at Telegraph Road = 61.2
5. Van Dyke Avenue at 11 Mile Road E. = 57
6. 12 Mile Road at Dequindre Road = 54.6
7. Ford Road at Wayne Road N. = 53.8
8. Maple Road at Orchard Lake Road = 51.4
9. Ford Road at Newburgh Road N. = 50.8
10. Garfield Road at 19 Mile Road = 50.2



A motorcycle rider can not always avoid being hit by another vehicle, but to help prevent the possibility of an accident occurring, be especially cautious and aware of your surrounding when approaching any of these intersections. Remember to always look both ways before proceeding into an intersection, even when you have the right of way. If you are involved in an accident make sure you call the police immediately. Other helpful tips on what to do after a motorcycle accident can be found on our new Free Motorcycle Helmet Laws App (*see front page on how to download*).

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



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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!

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Our Current Cases of Interest

- A no-fault insurance lawsuit against State Farm for the denial of payment of medical expenses related to treatment and physical therapy required for injuries suffered to our client in a motorcycle accident. Our client was rear-ended by another vehicle while being stopped at an intersection. The lawsuit was filed against the negligent driver's insurance company.

Recent Settlements

- \$560,000 settlement for a Michigan motorcyclist who suffered serious injuries while riding his motorcycle in Florida. His injuries included a fractured leg which required surgery and a cranial nerve injury to the face which limits his ability to open one eyelid.
- \$485,000 motorcycle accident settlement for the wrongful death of a 43 year old woman killed when she was hit by a van while riding as a passenger on her husbands bike.

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

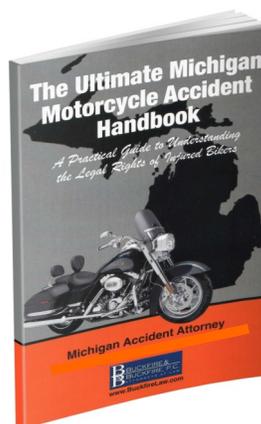
Do you have a favorite bike stop, trip, or story you would like to share? Do you own a motorcycle shop and want to inform the biker community about your shop?

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 Your 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