



# The Michigan Motorcycle Law Newsletter

**Buckfire & Buckfire, P.C.**

**MICHIGAN'S TOP RATED MOTORCYCLE LAWYERS**

Volume 1, Issue 5

August 2012

**INSIDE THIS ISSUE:**

Importance of Custom Parts & Equipment Coverage On Motorcycle Insurance Policy	2
Request Your Free State Motorcycle Helmet Laws Wallet Card	2
Ask Dondi, Dan, and George: Your Motorcycle Legal Experts	3
Our Motorcycle Shop Spotlight	3
Our Current Cases of Interest	4
Recent Settlements	4
Become a "Guest Blogger"	4
Free Motorcycle Accident Book	4



**Upcoming Motorcycle Events/Rides**

- September 23: Turkey Run. Crump. Contact: 989-233-7890
- October 7: Michigan Dressers MC 25th Annual Toys for Kids Rally, Fraser. Contact: 586-354-7715.
- October 14: 39th Annual Kalamazoo Motorcycle Swap Meet. Kalamazoo. Contact: 800-800-6034.

## Your Motorcycle Legal Experts Speak At Gold Wing Riders Association Rally

On August 4, 2012, Dan Buckfire & Dondi Vesprini of Buckfire Law presented a free seminar on Michigan motorcycle laws and the importance of purchasing the proper motorcycle insurance policy at the Michigan District Rally/Convention put on by the Gold Wing Road Riders Association (GWRRA) of Michigan. The rally took place at the Midland Fairgrounds.

Our top rated motorcycle accident attorneys frequently speak to Michigan chapter groups or clubs of 10 or more attendees on Michigan motorcycle laws and insurance policies. The seminars are completely free!

To schedule one of our motorcycle accident lawyers to speak at a chapter or club meeting, email Kathryn at [Kathryn@buckfirelaw.com](mailto:Kathryn@buckfirelaw.com) or call her at **800-606-1717**. We will enjoy speaking at your meeting!

## Buckfire Law Attorneys Win Settlement For The Wrongful Death Of Motorcycle Passenger

Our Buckfire Law accident attorneys recently settled a wrongful death lawsuit relating to a passenger death in an Ionia County motorcycle accident. The case was filed on behalf of the surviving family members of a 43 year old woman who was killed in the accident. The accident victim was a passenger on her husband's motorcycle and was thrown off of the bike when a deer ran out of a cornfield and into their lane of travel. This happened during the twilight hours, just after sunset.

While in the roadway, several other automobiles were able to observe the situation. Because they were driving at an appropriate speed and properly observing the roadway, they were able to avoid striking the motorcyclist and his wife. However, one driver was not paying attention and struck her. The driver claimed that he was driving carefully and within the speed limit.

We thoroughly investigated the wrongful death claim on behalf of the family and were able to build a strong case of negligence against the driver who struck her. This included interviewing and taking depositions of all the witnesses, downloading the black box information from the defendant's vehicle to determine speed and braking distance, and consulting with an accident reconstruction expert.

The lawsuit was filed in the Ionia County Circuit Court in Ionia, Michigan. The case settled for \$485,000.00. This settlement did not include claims made under the Michigan No-Fault act for funeral expenses, lost wages, and loss of services. We obtained these benefits directly from the defendant's insurance company.

## Importance of Custom Parts and Equipment Coverage On Bike Policy



*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***

Most motorcycle accidents cause significant damage not only to the riders, but to the motorcycles as well. It is safe to say that in accidents where a car or truck is involved with the motorcycle, in addition to injuries like fractured bones, bulging discs, and road rash on the rider, there is usually damage to the motorcycle like busted frames, broken lights, and scratches to the paint job on the bike. The Michigan No Fault Act provides for payment of the riders medical expenses incurred to mend their injuries. However, contrary to what many riders believe, the No Fault Act does not provide for payment to mend the damages done to your bike.

The Michigan No Fault Act provides for payment of many types of benefits arising from a motorcycle versus motor vehicle accident, such as payment of the injured riders medical expenses, wage loss, attendant care, and replacement services, and it also allows the injured rider to make a claim against the at fault driver for pain and suffering. However, the No Fault Act does not provide for any payment regarding damage to the motorcycle.

You may ask, "What about the mini tort claim?" The mini tort claim is the small exception to the general rule. The No Fault Act does allow a person to recover up to \$500.00 in damages to his/her motor vehicle from the at fault driver to the extent such damages are not covered by insurance. These claims are required to be brought in small claims court and are recoverable so long as the Court finds the at fault driver more than 50% at fault for the accident.

However, this right to claim up to \$500.00 in damage to the motor vehicle does not apply to motorcycles! Back in 1986, our Michigan Court of Appeals held that the mini tort provision applies only to damages to "motor vehicles" which as that term is used in the No Fault act does not include "motorcycles".

This means that any claim for damage to the motorcycle will be handled exclusively by, and per the terms of, your contract of motorcycle insurance. That is why it is important to carry motorcycle insurance that provides adequate protections and coverage regarding the damage to your motorcycle in the event that you are in an accident.

It is becoming more and more common for motorcyclists to purchase modifications to their motorcycles subsequent to purchasing the motorcycle itself. Whether it is custom pipes, trike conversions, cb radio or even a custom paint job, many motorcyclists enjoy customizing their motorcycle. Likewise, many motorcyclists add accessories to their motorcycles like saddlebags, backrests, seats and the like. Anyone who has done this type of work to their bike will tell you that it can be very costly not only to purchase but to replace in the event of an accident.

For this reason, you want to make sure that your motorcycle insurance will cover not only damage to the motorcycle as purchased, but also damage to the aftermarket modifications and accessories added after the motorcycle left the factory floor. Many policies denote this as accessory coverage or custom parts and equipment (CPE) coverage.

### **REQUEST YOUR FREE STATE MOTORCYCLE HELMET LAWS WALLET CARD**

If you plan on taking a road trip across state lines, you need to know the motorcycle helmet laws in the states in which you plan to travel. Visit <http://bit.ly/MIMotorcycleAccidentLawyers> and fill out the order form to request your free copy of the Motorcycle Helmet Laws Wallet Card.

The card displays helmet requirements in all fifty states. Don't take a road trip this fall without it.

**Request your copy now! We will send copies out for you and your friends right away!**

## Ask Dondi, Dan, and George: Your Motorcycle Legal Experts

**Q:** If I am riding my motorcycle on a road trip and am hit by a negligent driver in an automobile outside the State of Michigan, can I still qualify for no fault insurance benefits?

**Dondi:** Yes. Even though the motorcycle crash happened outside the State of Michigan, you can claim no fault benefits from the insurer of the car or truck if it is a Michigan vehicle, or from the insurer of any car or truck which you are insured by. If you are not covered by a Michigan car insurance policy, and are in a motorcycle vs. car accident outside of Michigan, you will not be able to receive no fault benefits.

**Q:** Can I still receive no fault benefits even if I was at fault and caused the accident?

**George:** Yes. You can receive all eligible benefits even if you were at fault in the accident. This is true even if you injured another person in the accident, or even if you were under the influence of alcohol at the time of the accident. An insurance company cannot deny your benefits if the accident was your fault.



Attorneys Dondi Vesprini, Dan Buckfire, and George Burke.

Bring this newsletter into McCord's All American Cycle Shop, LLC and receive a

**10% Discount Off Parts**

Buckfire & Buckfire helping the Biker Community

### Our Motorcycle Shop Spotlight

McCord's All American Cycle Shop, LLC  
7461 Murray Road, Jackson, MI 49201  
Ph: 517-783-1253 — [mccordcycle@comcast.net](mailto:mccordcycle@comcast.net)



This month we spotlight McCord's All American Cycle Shop—a family owned and operated business located north of Jackson. McCord's All American Cycle Shop has been in business since October 2, 2003 and provides a wide range of services.

Owner George McCord created the shop to deliver top rate performance and service that people desire and rarely experience. McCord's, a typical Mom & Pop type shop, services and repairs Harley Davidson Motorcycles, and carries OEM and aftermarket repair parts often not found at dealerships.

McCord's All American Cycle Shop's goal is to return you to the road as quickly as possible. George McCord, a retired Chrysler Engineer, is the only mechanic there. All repairs and concerns can be directly discussed with him.

McCord's is a dealer for Drag Specialties, Parts Unlimited, Custom Chrome, Kuryakyn, and more. "Call us or email us, we will be glad to provide the service you need," says George McCord.



Counter at McCord's All American Cycle Shop

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](http://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!

PRSRT STD  
US POSTAGE  
PAID  
MAIL WORKS II

If you would like to be removed from our mailing list call Kathryn at 248-569-4646 or email her at Kathryn@buckfirelaw.com

**Our Current Cases of Interest**

- A couple on their motorcycle was making a left turn off a two lane road in Houghton County, when they were hit by another motorcycle who had been behind the couple and was seeking to pass them on the left. The driver suffered low back and knee pain and the passenger suffered a fractured sacrum and sprained ankle.
- A motorcyclist was traveling down a country road in St. Clair County when a person operating a Craftsman riding tractor came into the roadway in front of the motorcyclist causing our client to go into a ditch. The motorcyclist suffered bulging discs at two levels.

**Recent Settlements**

- \$100,000 Grand Rapids area motorcycle accident settlement on behalf of our injured client. The accident was caused by a negligent motorist who made a Michigan "left-U" turn and did not see the motorcyclist. Our client suffered fractures to the knee and ankle and underwent two surgeries.

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

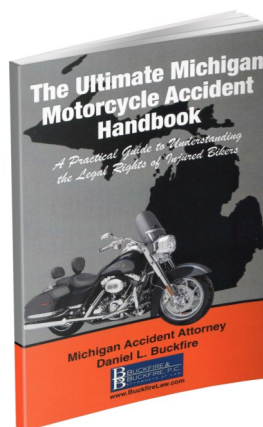
Do you have a favorite bike stop, trip, or story you would like to share? Do you own a motorcycle shop and want to inform the biker community about your shop?

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](http://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](http://www.MichiganMotorcycleBook.com)