

Tragic North Carolina bicycle accident with car kills elderly triathlete

Written by Australian Business

October 05, 2013 /**24-7PressRelease**/ -- Tragic North Carolina bicycle accident with car kills elderly triathlete

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In September 2012 near Almond, N.C., an 84-year-old bicyclist was struck and killed by a car while they were both traveling in the same direction on a 55-mph highway late on a Friday afternoon. Despite his advanced age, the victim was lauded in the press for his academic prowess, reportedly winning in recent years both national and international triathlon titles in his age group as well as other athletic competitions.

The driver of the automobile stated that she did not see the cyclist before the accident, according to a state trooper quoted in the Asheville Citizen-Times.

Bicycle safety

In North Carolina, bicyclists must obey the rules of the road just like the drivers of motor vehicles. Accordingly, bikes are to be ridden on the right side of the road in the flow of traffic traveling in the same direction. Bikers must also comply with lighting and reflector equipment requirements and should wear bright clothing and properly fitted helmets. Proper hand signals should be used. Bicyclists also have a duty to stay as far to the right side of the road as is practicable -- meaning as far to the right as is reasonable under the circumstances.

Of course, a person on a bicycle is no match for a motorized vehicle of any size, and drivers must exercise reasonable caution and prudence around bicycles in the traffic stream. Negligent or reckless drivers may be legally liable for injuries or fatalities from resulting bike-motor vehicle accidents.

The state of North Carolina through its Department of Transportation and in partnership with federal and local resources launched its 2013 Watch for Me NC campaign this summer to "promote pedestrian and bicycle safety" in the region through advertising and specialized law enforcement training.

Bicycle accident facts

Watch for Me NC reports that every year at least 960 bicyclists are struck by motor vehicles in the state and that cyclists "hit at 40 mph have an 85 percent chance of dying." Most bicycle accident victims are male and relatively young; more bicycle collisions happen on weekdays between 6 and 9 p.m. and during the summer.

According to the National Highway Transportation Safety Administration or NHTSA, head injuries are the most common reason for bicycle accident fatalities.

Legal counsel crucially important

In many situations, North Carolina does not allow recovery of damages for injuries caused by the negligence of another if the injured victim also negligently contributed to his or her own injury. In a bicycle accident, contributory negligence on the part of the cyclist could potentially bar recovery in a personal injury. However, there are exceptions to this rule and the law is very complicated, so a lawyer should always be consulted.

Because of the complexity of North Carolina law and the need for a thorough investigation of the accident on behalf of the cyclist who was hit, it is advised that anyone injured in a bicycle collision with a motor vehicle first seek emergency medical treatment and then speak to a North Carolina personal injury attorney with specific bike accident experience. It is wise to talk to your own bicycle crash lawyer before you speak with the insurance companies involved so that you receive the legal advice you need to protect your legal rights in the matter.

Similarly, if your family member was tragically killed because of being struck by a car or truck while bicycling in North Carolina, consult with a wrongful death attorney to understand your potential legal remedies.