

Motorcycle Justice

Q: I've had discussion with several motorcycle riders who have changed a motorcycle tire to a car tire and told them it's my belief that an insurance company could deny a claim for that reason. I get the standard reply, "No they can't, and it's never happened." I continue to tell them they are wrong, but I'd love to know if, in fact, any insurance company has denied such claims.

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Austin, it is prima facie negligence to run car tires on a motorcycle, period. But the question to be resolved in a lawsuit is usually, "Was the negligence the direct cause of the injury?" To a degree, the jury may determine which negligent act or acts were the more significant factors in causing the crash or collision. Running a car tire on a motorcycle may, or may not, be a significant factor in any individual case. The expert testimony will try to sort out the degree to which the unsuitable tire contributed to, or did not contribute to, the injuries suffered by the person making the claim.

Insurance companies deny claims every day, often making the assertion that the negligence in question was not a "proximate" cause of the injuries of the person who makes the claim. Sometimes they win in court, sometimes they lose.

Many other factors go into the equation, but the use of an inappropriate tire certainly works against the rider when a jury is trying to determine who is more at fault when the motorcycle crashes.

However, the more significant concern is that the rider of a bike with an improper tire is more likely to be found liable (responsible) for a crash, particularly if the crash implicates control issues that arise from the use of an inappropriate tire.

As an attorney, much of my work involves sorting out various "cause" factors after something bad happens. The same is true of insurance company attorneys who search for reasons to deny injury claims. It does not take much searching to discover that motorcycle tires are different from car tires for some very significant reasons. If the rider's control is diminished due to the installation of obviously improper equipment on the bike, that factor

can impute significant negligence to the offending rider.

The negligence factor of running car tires on a motorcycle will never be disputed successfully in court. However, the critical question, therefore, might not be whether an insurance company will deny the claim. The better question might be whether or not the rider wants to create a preventable claim in the first place by riding a motorcycle that has tires that will unquestionably have a negative impact on his or her ability to control the motorcycle in a routine or emergency turn, swerve, or stop maneuver.

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