

Who Pays to Replace My Bike after a Car Crash?

This is an important issue since one of the first things I hear after a crash, where the driver was at fault, is this very question.

There are only two mandatory insurance coverages in Florida: property damage (which pays to repair or replace a car or bicycle when the insured driver was at-fault) and PIP/No Fault (which pays the same driver's own medical expenses). The required property damage coverage is \$10,000, although higher limits may be purchased. Therefore, if you have a bike worth \$10,000 or under you may be fully covered by the at-fault driver's insurance. You could be out of luck, however, for the value of your bike and gear above \$10,000, which isn't at all unusual. In that situation, it is possible for the driver to have the means and willingness to pay personally for the loss above the insurance limits. Realistically though, most drivers with low insurance amounts don't have the means or the willingness to pay anything extra. As this is being written I am involved in this very situation of a \$15,000 bike loss and a \$10,000 PD policy.

The next issue is whether the driver's insurance company attempts to reduce what they must pay due to any alleged comparative fault by the cyclist. Failing to stop at a stop sign or failure to yield the right of way to the vehicle before a crash opens the door to this argument. When those facts legitimately exist (which is not all that often), it allows the insurance company an opening to try and reduce what is owed for the bike

by the percentage of fault which can be proven against the bicyclist. So, if the crash is 25% the fault of the cyclist and 75% that of the driver, the bike damage claim value would drop by 25% in this example. This is a practical reason to obey the traffic rules when riding.

Finally, insurance companies in Florida are permitted to reduce what is owed on a bike which is a total loss due to its age and depreciation. This is no different than the replacement of your car when it is totaled in a crash. They don't pay the cost of a new car; they pay its value as a used car at the time of the crash. Fortunately, only a few insurance companies routinely argue and apply this depreciation. State Farm is one of them. However, we have been able, more often than not, to have them simply pay the replacement cost of a new comparable bike despite them having the right to apply depreciation. Regardless, the practical cap is the limit of the property damage insurance carried on the vehicle involved.

Keep in mind your uninsured motorist insurance does not cover property losses, including your bike. While I always recommend never riding without at least \$100,000 in UM coverage (\$250,000 is my minimum recommendation) it won't help you with replacing your bike. There are many other reasons to have UM, including that It may help you get full value for your *injury claim* and allow you to use part of the money to replace your bike.

So you see, it is extremely shortsighted to simply rely on the at-fault driver having enough insurance to replace your bike in a crash, particularly an expensive one. I am a proponent of Velosurance which actually provides replacement coverage for it in this situation, less a simple deductible you choose.

Jim Dodson is an experienced bicycle accident lawyer, cyclist and bicycle safety advocate who has been representing accident victims for over 25 years. Although his primary office is in Clearwater, he represents injury victims throughout Florida. He is the author of the [Florida Bicycle Accident Handbook](#) which answers the most commonly asked questions by injured cyclists. If you have questions about a Florida cycling accident this valuable resource is available to you absolutely free of charge at www.jimdodsonlaw.com.

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