

RULES OF THE ROAD FOR CALIFORNIA MOTORCYCLISTS

By: Callahan & Blaine

<http://litigation-update.com>

California's temperate climate, long stretches of highway and sunny days make it a motorcyclist's dream. Riders can take to the streets all year long, feeling the wind in their hair and enjoying the freedom that can only be felt on a bike. Of course, as gas prices and temperatures continue to climb, more and more motorcycles will be on the road. Before summer riding season gets in full swing, though, it is important for California motorcyclists to know the rules of the road, including two laws unique to motorcycles.

What Is Different for Motorcycles Versus Passenger Vehicles?

Motorcycles are more maneuverable than most passenger vehicles due to their smaller size and lower profile. California law recognizes that motorcycles and larger vehicles are handled differently and require different amounts of room to operate, so California law allows motorcyclists to drive in ways that other drivers do not get to do, namely:

- Lane sharing - two vehicles are in the same lane at the same time; can be two motorcycles or a motorcycle and a passenger vehicle
- Lane splitting - a motorcycle is allowed to travel in the middle of two lanes of traffic at a higher speed than surrounding vehicles

What Is Lane Sharing?

As the name implies, lane sharing is when there are two vehicles traveling in the same direction at the same time while in the same lane, side-by-side. It can either be done by two motorcyclists or a motorcyclist and a passenger vehicle. Lane sharing is not allowed on every roadway in the state, however. It is limited to bigger roads where at least two lanes head in the same direction. While it is technically legal, it is considered unsafe by many riders and safety experts - the California Department of Motor Vehicles' (DMV) Motorcycle Handbook discourages the practice, saying that it is "not safe...[and that] riding between rows of stopped or moving cars in the same lane can leave [a rider] vulnerable."

In spite of the DMV's dislike of the practice, the legislature has not acted to make it illegal.

Lane sharing was initially introduced as a safety measure, designed to keep motorcyclists from being pinned between two vehicles in bumper-to-bumper traffic, giving them more freedom of movement and an opportunity to escape from vehicle exhaust that would be surrounding them. The practice - along with lane splitting - has been extremely beneficial to the California Highway Patrol as well, allowing officers to cut in and out of traffic to reach crime scenes and emergencies sooner.

What Is Lane Splitting?

Lane splitting is another motorcycle-specific traffic rule. It allows motorcyclists to essentially ride the barrier between two lanes, cutting in between other vehicles that are stopped or moving at a slow rate of speed. Contrary to popular belief - and some say, to common sense - a study performed by the University of Southern California several years ago proves that evasive action like that seen in lane splitting actually makes the roadways safer for motorcyclists, preventing them from being sandwiched between cars and letting them avoid inhaling copious amounts of toxic exhaust fumes.

Of course, lane splitting is also an extreme time-saving measure, allowing many motorcyclists to halve the time they spend on the road. The time saved is particularly beneficial for law enforcement officers on motorcycles. Many motorists strenuously object to the practice, however, defying the research that claims lane splitting and lane sharing are safe.

What Happens if a Motorcyclist Is in an Accident?

Even though a motorcyclist is acting perfectly within the law, it is possible for a motorcyclist to be injured while lane sharing, lane splitting or just riding down the street. When an accident involves a motorcycle operator or passenger - especially at highway speeds - injuries can be severe. With severe injuries come mounting medical bills, lost wages, rehabilitation/therapy expenses, and more.

California law recognizes the economic and non-economic damages associated with a motorcycle accident, and that is why injured cyclists are allowed to bring personal injury lawsuits to recover compensation. Sections 1431-1431.5 of the California Civil Code provide that comparative fault principles are used to apportion liability for accidental injuries, and that parties will be responsible for paying for the portion of damages that they caused.

As an example - if a car crosses the centerline and strikes a motorcyclist who was driving while under the influence of alcohol, both drivers may be partially at fault. This means that if the motorcyclist is injured and seeks compensation from the driver of the car, the fact finder will assign a percentage of fault to both the motorcyclist and the driver. If, after the percentages of fault are apportioned, the driver is more than 50 percent at fault the motorcyclist will recover compensation. The amount of recovery, however, will be discounted by the percentage of fault that is assigned to the motorcyclist.

About Callahan & Blaine

Efficient and Sophisticated Client Service Focused on Results

Callahan & Blaine's trial practice reflects our firm's commitment to client service and outstanding results across a wide range of litigation problems — business and employment law, corporate and ownership disputes, and personal injury claims. We've been working toward building the ideal civil trial practice since we opened our doors in 1984. [Contact us](#) in Santa Ana to learn how our approach to dispute resolution can benefit you or your company.