

LAWBIKE.COM PRESENTS:

# THE MOTORCYCLE LAWBOOK



A GUIDE TO MOTORCYCLE LAWS, INSURANCE, AND  
HANDLING ACCIDENT, DAMAGE, AND INJURY CLAIMS

# 2024

**GEORGIA MOTORCYCLIST EDITION**

BY:

CHARLES W WATWOOD JR.  
CHARLES W WATWOOD III  
& ROBERT McNALLY  
ATTORNEYS AT LAW

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# INTRODUCTION

I created this book to help motorcyclists better understand the motorcycle laws in Georgia. I wanted to create awareness among the motorcycling community about our rights and responsibilities to protect our passengers, loved ones, and ourselves in motorcycle accidents. Now in its thirteenth edition, this book contains information that should be useful for all motorcyclists, from the potential new rider to the seasoned veteran rider. As riders become more educated and informed about the laws and processes, motorcyclists can influence new legislation that impacts our rights.

Protecting your rights begins before a crash occurs. This book will help you to make the right decisions for your situation. After reading this book, the information gap between you and the insurance company will be smaller. Arming yourself with more knowledge will help your ability to negotiate a fair settlement with the insurance company. The information in this book may help you determine when to consult an attorney.

Ride Safe,



**CHUCK WATWOOD**

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# DISCLAIMER

This book and the information within are designed to be an informal tool used to increase your knowledge and awareness of the motorcycle laws in Georgia, the protections afforded you by various types and amounts of insurance coverage, and to enlighten you as to the claims resolution process.

This book and the information within are not designed to give advice for any specific case, as each case has a unique set of facts and the outcomes are dependent upon those facts.

If you have questions regarding your own case, please consult me directly.





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# **PART 1**

## **GEORGIA MOTORCYCLE LAWS AND YOU**





# **1-1 HELMET LAWS, HEADSETS, EYE PROTECTION, MASKS, AND OTHER REQUIRED CLOTHIN**



## **Helmets**

### **GEORGIA REQUIRES D.O.T. APPROVED HELMETS**

Georgia requires protective headgear for passengers and riders of motorcycles and trikes, regardless of age or insurance coverage. Official Code of Georgia Annotated (O.C.G.A.) §40-6-31 states that:

- (a) No person shall operate or ride upon a motorcycle unless he or she is wearing protective headgear, which complies with standards established by the commissioner of public safety.

No list of approved protective headgear to guide Georgia motorcyclists exists. A good rule of thumb is that if your helmet has D.O.T. approved sticker, it meets and exceeds all of Georgia's requirements.

# Georgia Court Cases About Motorcycle Helmets

In Ritter v. State, 258 Ga. 551 (1988), the helmet law was a valid exercise of police power concerning public health, safety, and welfare. The defendant could not attack the helmet statute as “vague.” Because when the officer cited the defendant for improper headgear, he was not wearing a helmet at all - going against the law's plain meaning.

In Dowis v. State, 243 Ga. App. 354 (2000), the defendant was convicted of operating a motorcycle without any required headgear. The defendant lacked standing to assert vagueness as a challenge to the statute's constitutionality. The defendant's headgear - a cloth bandana - did not comply

In ABATE of Georgia, Inc. v. Georgia, 264 F.3d 1315 (2001), a court determined that Georgia's motorcycle helmet statute was not unconstitutionally vague, did not violate any First Amendment rights, and did not violate an equal protection right of motorcycle riders. The law does not require the Board of Public Safety to approve specific types of headgear. However, the law authorizes communication of standards, requiring manufacturers to affix permanent labels (DOT) to complying headgear.

## Georgia's Motorcycle Helmet Standards

The Georgia Board of Public Safety has set forth rules and regulations that establish standards for headgear. Georgia's Administrative Code identifies technical measures that acceptable headgear must satisfy. Including:

### 570-13-.02

The standards for protective headgear required by O.C.G.A. §40-6-315 shall be those set forth in 49 C.F.R. §571-218 (FMVSA Standard No. 218: Motorcycle Helmets), as currently published and as hereafter amended.



49 C.F.R. §571-218 establishes minimum performance requirements for helmets for motorcyclists and other motor vehicle users.

These standards include specific requirements for retention systems and straps, impact durability, penetration, coverage over the head and skull, rigid projections inside and outside the protective shell, labeling, size, and other factors.

Georgia's helmet law has survived appeals court cases, though it does not precisely describe protective headgear.

## **Helmet Requirements: GoPro**

The federal motorcycle helmet standards state that a helmet shall not have any rigid projections inside its shell. Rigid projections outside any helmet's shell shall be limited to those required to operate essential accessories and shall not protrude more than 0.20 inches.

Whether or not a helmet-mounted GoPro-style camera is an essential accessory, and a rigid projection is unknown. Be aware that you could receive a citation for having a GoPro-style camera mounted on your helmet. There are several benefits of using a mounted camera if you are in a motorcycle accident, as it could help prove your case. However, it is common for police officers to pull over bikers with helmet cameras as there is a risk that the camera could fall off and strike another vehicle. Affixing the camera with screws could damage the helmet's structural integrity and violate federal law.



# Helmet Requirements: Slingshots



Reverse trikes or unenclosed three-wheelers with steering wheels and side-by-side seating, such as the Polaris Slingshot or Vanderhall, are considered motorcycles in Georgia. A helmet is required to operate or ride in Slingshots or other three-wheelers, as Georgia classifies these vehicles as motorcycles. If a police officer stops you for not wearing a helmet in a Slingshot, an officer in Georgia is within their rights to issue a citation. Other states may have differing interpretations of whether this unique type of vehicle falls under their helmet laws. We suggest you independently research state laws where you wish to operate a Slingshot or three-wheeler without a helmet



# Riding a Motorcycle in a Parade

Per O.C.G.A. §40-6-7, it shall be lawful to operate motorcycles in parades despite not meeting the requirements of the law, especially concerning flashing lights, sirens, and safety equipment. This code section is applicable only with the authorization of the local parade permitting authority.





# Headsets or Headphones

Motorcyclists may wear headsets or headphones for communication purposes while operating a motorcycle. O.C.G.A. §40-6-250. In Georgia, it is legal to use headphones for music if the music does not impair your ability to hear outside noise.

## Masks

O.C.G.A. §16-11-38 provides that a person is guilty of a misdemeanor when “he wears a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer and is upon any public way or public property or the private property of another without the written permission of the owner or occupier of the property to do so. This code section shall not apply to a person lawfully engaged in a sporting activity where a mask is worn to ensure the physical safety of the wearer or because of the nature of the sporting activity.”



The statute provides other exceptions, but the sporting exception most applies to motorcyclists. Since 2020, masks have become more commonplace due to COVID-19, and Georgia has suspended its mask law – put in place as a method to deter crime. With any criminal statute, intent matters. If you choose to wear a mask on a motorcycle, either the COVID-19 measure or the sporting exception could provide relief, assuming there is no malicious reason for wearing the mask.





## Eye Protection

Some form of eye protection, generally goggles, glasses, or sunglasses, is required while riding a motorcycle in Georgia under O.C.G.A. §40-6-315. The statute, however, does not require two types of eye protection. For example, if a motorcycle has a windshield, the rider does not need a helmet with an attached visor. The Public Safety Commissioner determines what an acceptable eye-protective device is and is not. Protection that alters color, such as polarized lenses or tinted windshields, is prohibited. Protection that transforms color can affect a motorcyclist's ability to see at night. The safest choice is to wear a full-faced DOT helmet, which provides the most protection and complies with Georgia's eye protection requirement.

# Shoe Requirements for Motorcyclists



Beyond a helmet and some form of eye protection, Georgia's only other gear requirement is that motorcyclists must wear some footwear beyond socks. O.C.G.A. §40-6-311 states: "No person shall operate or ride upon a motorcycle unless he wears some footwear in addition to or other than socks."

Flip-flops and other sandals likely do not violate this law. It is advisable to wear at least closed-toed shoes when riding a motorcycle to avoid lasting injuries in case of a motorcycle accident or fall.



# United States

## Motorcycle Helmet Laws

This list is current as of January, 2024. Laws do change, so please verify the helmet laws' status if you or a passenger choose not to wear a helmet.

STATE	LAW	CITATION
ALABAMA	REQUIRED	§32-5A-245
ALASKA	REQUIRED (IF UNDER 18)	§28.35.245
ARIZONA	REQUIRED (IF UNDER 18)	§28-964
ARKANSAS	REQUIRED (IF UNDER 21)	§27-20-104
CALIFORNIA	REQUIRED	Veh. C. §27803
COLORADO	REQUIRED (IF UNDER 18)	§42-4-1502
CONNECTICUT	REQUIRED (IF UNDER 18)	Ch 248 §14-289g
DELAWARE	REQUIRED (up to 19) all riders must have a helmet in their possession	Title 21 Ch41 §4185
D.C	REQUIRED	DCMR §18-2215.3
FLORIDA	REQUIRED with insurance req. (IF UNDER 21) differs under 50cc	§316.211
GEORGIA	REQUIRED	§40-6-315
HAWAII	REQUIRED (IF UNDER 18)	§286-81
IDAHO	REQUIRED (IF UNDER 18)	§49-666
ILLINOIS	NO MOTORCYCLE HELMET LAW	NO MOTORCYCLE HELMET LAW
INDIANA	REQUIRED (IF UNDER 18)	§9-19-7-1
IOWA	NO MOTORCYCLE HELMET LAW	NO MOTORCYCLE HELMET LAW
KANSAS	REQUIRED (IF UNDER 18)	§8-1598
KENTUCKY	REQUIRED (If under 21 or novice)	§189.285
LOUSIANA	REQUIRED	§32:190
MAINE	REQUIRED (If under 18 or novice or passenger of under 18 or novice rider)	§29-A – 2083
MARYLAND	REQUIRED	§21-1306
MASSACHUSETTS	REQUIRED	§90-7



STATE	LAW	CITATION
MICHIGAN	REQUIRED with med insurance req.(If under 21 or novice)	§257.658
MINNESOTA	REQUIRED (IF UNDER 18)	§169.974
MISSISSIPPI	REQUIRED	§63-7-64
MISSOURI	REQUIRED	§302.020
MONTANA	REQUIRED (IF UNDER 18)	§61-9-417
NEBRASKA	REQUIRED	§60-6,279
NEVADA	REQUIRED	§486.231
NEW HAMPSHIRE	REQUIRED (IF UNDER 18)	§265:122
NEW JERSEY	REQUIRED	§39:3-76.7
NEW MEXICO	REQUIRED (IF UNDER 18)	§66-7-356
NEW YORK	REQUIRED	§381
NORTH CAROLINA	REQUIRED	§20-140.4
NORTH DAKOTA	REQUIRED (IF UNDER 18)	§39-10.2-06
OHIO	REQUIRED (If under 18 or novice)	§4511.53
OKLAHOMA	REQUIRED (IF UNDER 18)	§47-12-609
OREGON	REQUIRED	§814.269
PENNSYLVANIA	REQUIRED (If under 21 or novice)	§75-3525
RHODE ISLAND	REQUIRED (If under 21, or novice, and all passengers)	§31-10.1-4
SOUTH CAROLINA	REQUIRED (IF UNDER 21)	§56-5-3660
SOUTH DAKOTA	REQUIRED (IF UNDER 18)	§32-20-4
TENNESSEE	REQUIRED	§55-9-302
TEXAS	REQUIRED (If under 21, and unless training or insurance requirement met)	§661.003
UTAH	REQUIRED (IF UNDER 21)	§41-6a-1505
VERMONT	REQUIRED	§23-1256
VIRGINIA	REQUIRED	§46.2-910
WASHINGTON	REQUIRED	§46.37.530
WEST VIRGINIA	REQUIRED	§17C-15-44
WISCONSIN	REQUIRED (If under 18 or novice)	§347.485
WYOMING	REQUIRED (IF UNDER 18)	§31-5-115



## **1-3 NOISE ORDINANCES AND EXHAUST REGULATIONS**

Motorcycles in Georgia must have a functioning exhaust system, including a pipe and muffler. O.C.G.A. §40-8-71(a)(1) outlines this requirement:

The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler or mufflers and tailpipes.

O.C.G.A §40-8-71(c) regulates all exhaust noise in Georgia :

It shall be unlawful for any person to sell or offer for sale any muffler which causes excessive or unusual noise or annoying smoke or any muffler cutout, bypass, or similar device for use on a motor vehicle or for any person to use, to sell, or to offer for sale any motor vehicle equipped with any such muffler, muffler cutout, bypass, or similar device. Any person violating this subsection shall be guilty of a misdemeanor.



No Georgia court has yet defined “excessive or unusual noise.” Cases that address “excessive exhaust” show that the police generally use this statute for a pretextual stop for more severe law violations. A powerful aftermarket exhaust could subject you to further police interaction.

Some local or county ordinances may prohibit or restrict motorcycle riding in a manner that causes a “nuisance.” For example, in the Official Code of Cobb County, §50-256(b) :

It shall be unlawful for any person to make, continue or cause to be made or continued any loud noise which either disturbs, injures, or endangers the comfort, repose, health, peace or safety of others in the unincorporated areas of the county which is plainly audible 100 feet from the sound's point of origination, except as otherwise provided herein.

§50-257 goes on to identify expressly prohibited noises:

(14) *Motorcycles, go-carts and other motor vehicles.* The operation of a motorcycle, motorized scooter, go-cart or other motorized vehicle in a manner which creates excessive noise, including the continuous riding of any such vehicle past, around or near an inhabited dwelling place so as to disturb its inhabitants.

# 1-4 MOTORCYCLE HANDLEBAR HEIGHT REQUIREMENTS



Handlebar height is regulated by O.C.G.A. §40-6-314(b) which states:

No person shall operate any motorcycle with handlebars more than 25 inches in height above that portion of the seat occupied by the operator...



There is confusion about where to begin measuring the “portion of the seat occupied by the operator.” The law here shows how some legislators do not ride motorcycles or understand the amount of customization that is possible. Given that many seats are curved, would a proper measurement begin at the lowest and highest points? More specific guidelines for size are not outlined in the statute, nor has a Georgia case where a court interpreted the measuring standards.

Depending upon the interpretation of the defined areas, some modern factory original production motorcycles may violate Georgia’s handlebar height law

In 2015, the Georgia Legislature passed a bill that attempted to remove the handlebar height restriction from Georgia law as part of the “Motorcycle Mobility Safety Act.” Governor Nathan Deal later vetoed the Act, which never became a law.

Previously, Georgia law restricted handlebars to 15 inches. In 2016, the Georgia Legislature and Governor modified the height requirement of motorcycle handlebars to 25 inches. Ten more inches reduce ambiguities surrounding the measurement questions. Suppose a police officer cites you for an impermissible handlebar height violation. In that case, it is best to comply with officers and challenge the ticket at your court date.





## 1-5 MOTORCYCLE PASSENGERS

In Georgia, at most, two people may ride on a motorcycle at anytime. Passengers on a motorcycle are regulated O.C.G.A §40-6-311(a) states:

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto; and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to have more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the motorcycle at the rear or side of the operator.



A passenger can only sit behind the motorcycle driver under §40-6-311(d):

No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Motorcycles carrying passengers are also required to have footrests for the passengers as outlined in §40-6-314(a):

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.



Georgia law does not require passenger backrests; however, individual backrests or "sissy bars" are prohibited. Georgia does not allow motorcycles to operate if they have a backrest that could harm a passenger or another driver if an accident occurred. O.C.G.A §40-6-314(b) states the law:

No person shall operate any motorcycle... with a backrest more commonly known as a sissy bar that is designed in such a way as to create a sharp point at its apex.

# Children Can Be Motorcycle Passengers in Georgia

Georgia's child passenger safety laws, found under O.C.G.A. §40-8-76, apply to vans, pickup trucks, and passenger automobiles. Motorcycles are excluded from the legal child safety requirements within Georgia. Because no law prohibits child passengers on motorcycles does not mean it is safe. Please exercise sound judgment when considering transporting a child on a motorcycle. If you closely read the footrest statute on the previous page, note that it says "...shall be equipped with footrests for such passenger". An officer may cite you for a violation if your passenger cannot reach the footrests.

## Requirements of Riding a Motorcycle in Georgia

O.C.G.A. §40-6-311 provides two requirements for riding a motorcycle in Georgia. First, a person must sit straight forward with one leg on each side of the motorcycle. Second, a person must keep both hands on the handlebars.

(b) A person shall ride upon a motorcycle equipped with handlebars for directional control only by sitting astride the seat, facing forward, and with one leg on either side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

Three-wheeled open vehicles, such as the Polaris Slingshot, are excluded from the riding requirements as these vehicles lack handlebars.



# 1-6 WHEELIES, BURNOUTS, RACING, AND OTHER 'BAD' MOTORCYCLE BEHAVIOR



## Laying Drag in Georgia

Laying drag is a misdemeanor violation in Georgia. A police officer may cite or arrest you if you lay drags on a public roadway or not-your-own property. O.C.G.A. §40-6-251 is printed below (emphasis added.)

(a) No driver of any motor vehicle shall operate the vehicle upon the public streets, highways, public or private driveways, airport runways, or parking lots in such a manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course or to gyrate or spin around, except to avoid a collision or injury or damage.

(b) The offenses described in this Code section shall be sufficiently identified on any traffic ticket, warrant, accusation, or indictment when referred to as "laying drags."

(d) Any person violating subsection (a) of this Code section shall be guilty of a misdemeanor.

The term “laying drags” only applies to evidence of a vehicle moving “...in a zigzag or circular course or to gyrate or spin around....” A straight burnout does not equate to “laying drag.” A police officer, however, may issue a citation for reckless driving. See *Hale v. State*, 262 Ga. App. 710 (2003), where a Georgia court found that approximately 50 feet of skid or drag marks going in a straight line were not “laying drags” because there was no evidence that the impacts occurred in a zigzag or circular pattern.

## **Georgia’s Reckless Driving Law and Motorcycles**

Under O.C.G.A. §40-6-390(a), any action that shows “disregard for the safety of persons or property” is considered reckless driving. Georgia courts have upheld reckless driving convictions for motorcyclists that performed straight burnouts, wheelies, and stoppies. Reckless driving, even though it is a misdemeanor charge, is one of the most serious traffic offenses. A conviction of reckless driving could increase insurance rates, cause Georgia to suspend your license, or result in fines.

## **Motorcycle Racing on Public Roads in Georgia**

In Georgia, two motorcycle racing charges exist: drag racing and racing. Drag racing applies when two or more motorcycles accelerate from the same set point. Racing, however, can occur even if only one vehicle is present if the motorcycle attempts to “arrive at a given destination” before a set time. Both are misdemeanor offenses. O.C.G.A §40-6-186 outlines both racing violations.



(1) "Drag race" means the operation of two or more vehicles from a point side-by-side at accelerated speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(2) "Racing" means the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(b) No person shall drive any vehicle on a highway in this state in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition of speed, contest of speed, or test or exhibition of speed.

## **Georgia's Super Speeder Laws and Motorcycles**

Georgia classifies any motorcycle rider convicted of driving 85 MPH or more on any road or 75 MPH or more on a two-lane highway as a "Super Speeder." O.C.G.A. §40-6-189 requires an additional \$200 fine to any other fines or penalties imposed by local jurisdictions or departments for Super Speeders.



## **1-7 WHAT IS A MOTORCYCLE IN GEORGIA?**

Georgia chose to define a motorcycle in a convoluted manner. Instead of providing a general definition of a motorcycle, Georgia represents motorcycles by stating what a motorcycle is not. O.C.G.A. §40-1-1(29) defines a motorcycle:

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and is designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, and moped.

Motorcycles with sidecars and motorcycle trikes still fall under the broad heading of “motorcycle.” Scooters over five horsepower and less than four wheels are in the same class of vehicles as motorcycles. O.C.G.A. §40-1-1.



## **1-8 SCOOTERS, MOPEDS, AND OTHER MOTORIZED VEHICLES HAVING LESS THAN 4 WHEELS**



In Georgia, mopeds are classified separately from motorcycles. The differences between mopeds, bikes, and motorcycles are subtle. A moped cannot have foot pedals and travel faster than 30 mph without modification. Further, a moped must have less than a 50cc engine that produces no more than two horsepower. A Georgia motorcycle license and insurance are optional to operate a moped on public roads.

Despite Georgia's not requiring insurance to operate a moped, one should still purchase liability and underinsured motorist coverage. If you are in an accident while driving a moped, you could be personally liable for any damage caused.

Golf carts, go-carts, and ATVs, both four and three-wheeled, are separately defined from motorcycles and mopeds but are outside the scope of this book.





## **1-9** GEORGIA'S GOOD SAMARITAN LAW

In Georgia, mopeds are classified separately from motorcycles. The differences between mopeds, bikes, and motorcycles are subtle. A moped cannot have foot pedals and travel faster than 30mph without modification. Further, a moped must have less than a 50cc engine that produces no more than two horsepower. A Georgia motorcycle license and insurance are optional to operate a moped on public roads.

Despite Georgia's not requiring insurance to operate a moped, one should still purchase liability and underinsured motorist coverage. If you are in an accident while driving a moped, you could be personally liable for any damage caused.

Golf carts, go-carts, and ATVs, both four and three-wheeled, are separately defined from motorcycles and mopeds but are outside the scope of this book.



O.C.G.A. § 51-1-2, Georgia's Good Samaritan Law, states:

(a) Any person, including any person licensed to practice medicine and surgery pursuant to Article 2 of Chapter 34 of Title 43 and any person licensed to render services ancillary thereto, who in good faith renders emergency care at the scene of an accident or emergency to the victims thereof without making any charge therefor shall not be liable for any civil damages as a result of any act or omission by such person in rendering emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person.

# **1-10 LIGHTING, TURN SIGNALS, HORNS, AUXILIARY LAMPS, FLASHERS, MIRRORS, NOVELTY L.E.D. LIGHTS AND OTHER SAFETY EQUIPMENT**



**NOTE:** Most of these provisions apply only to motorcycles manufactured on or after January 1, 1972.

## **Georgia Motorcycle Reflector Requirements**

All motorcycles that operate in Georgia must have at least one rear red reflector, that is, at a minimum, 20 inches off the ground. It must be visible between 50 and 300 feet behind the reflector at night. O.C.G.A §40-8-2.



# Motorcycle Headlight Requirements in Georgia

Motorcycles must have at least one, but at most two, headlights mounted between 24 and 54 inches from the ground. O.C.G.A §40-8-22.

## Motorcycle Brake Lights Requirements

All motorcycles must have at least one brake light. However, if the motorcycle comes standard with two brake lights, both must properly function. Red is the only color of brake light cover permitted for motorcycles in Georgia. The light, however, cannot be “glaring or dazzling” but must be visible from 300 feet. No Georgia Court has determined what constitutes a “glaring light.” Given the amount of LED headlights used in cars, a motorcycle brake light is unlikely to constitute “glaring.” O.C.G.A §40-8-25 and §40-6-26.

## Motorcycle Turn Signal Lights

Motorcycles must have functioning mechanical or electrical turn signals in Georgia. Like brake lights, Georgia requires that signal lights be visible from 300 feet. O.C.G.A §40-8-25(c) and §40-8-26.

Hand signals are acceptable substitutes for malfunctioning tail lights. A police officer, however, can still cite a motorcycle rider for failure to maintain turn signals in good repair. The Georgia Court of Appeals upheld a hand-signal ticket in Stubbs v. State, 193 Ga. App. 342 (1989).

# Motorcycle Auxiliary Lights

At most, motorcycles can have two fog lights between 12 and 30 inches from the ground. Any equipped fog lights must shine four or more inches lower than the headlights. Georgia allows motorcycles to have auxiliary spotlights mounted between 24 and 48 inches and passing lights 16 and 48 inches from the ground. O.C.G.A §40-8-29(c)-(d).

## Flashing or Modulating Lights on a Motorcycle

Unless you are a police officer riding a department-issued motorcycle, placing any flashing or revolving-colored lights is prohibited. The law does not prohibit displaying any custom lighting when the motorcycle is parked. O.C.G.A §40-8-70.

## L.E.D. and Colored Novelty Motorcycle Lights

Georgia has passed regulations that limit blue, green, and red lights on motorcycles. Like flashing lights, any blue or green lights are prohibited, except for law enforcement motorcycles. O.C.G.A § 40-8-92

Unlike blue or green lights, red flashing lights are allowed on motorcycles only if the Commissioner of Public Safety provides a permit. It is unknown how a Georgia court would interpret the use of red, amber, or green novelty L.E.D. lights on a motorcycle, whether parked or while moving.



## Motorcycle Horns

Motorcycles must have a horn audible from at least 200 feet without emitting “an unreasonably loud or harsh sound or a whistle.” O.C.G.A §40-8-70(a).

## Motorcycle Side Mirrors

Every motorcycle must have at least one mirror that allows the rider to view 200 feet behind the motorcycle. The law is silent regarding the location of the mirror on the motorcycle. You should place the mirror on your motorcycle that gives you the best view of the road and any hazards. O.C.G.A §40-8-72



## **1-11 GEORGIA'S MOTORCYCLE LICENSE PLATE REQUIREMENTS**

Georgia requires the visible display of license plates on all motorcycles within the state. Motorcycles have several options for the placement of license plates. Georgia mandates that all motorcycles license plates are "plainly visible" at the rear of a vehicle, illuminated at night, and uncovered. The motorcyclist must keep the license plate legible under O.C.G.A. §40-2-41. No Georgia court has considered whether visible means "right side up."



# **1-12 BUILDING AND REGISTERING A CUSTOM OR SALVAGE TITLE MOTORCYCLE**



## **Salvage Title Rebuilds**

Notably, Georgia exempts motorcycles 25 years or older from the salvage title requirements. O.C.G.A. §40-3-37(f)(1)

When an insurance company deems a motorcycle a total loss, the title becomes "salvage." A motorcycle with a salvage title must meet several repair requirements and pass a thorough inspection before Georgia allows the motorcycle back on the road.



The first step in regaining the roadworthiness of a “total loss” motorcycle in Georgia is to obtain a salvage title. To receive a salvage title, whoever has physical possession of the title when the total loss occurred, must send the title to an insurance company. The insurer must then fill out a salvage application. O.C.G.A §40-3-36(a)(4)(C)-(D).

Second, you can rebuild your motorcycle to roadworthiness once the salvage title is acquired. Suppose you choose to perform this work yourself. In that case, you must repair parts of the motorcycle that caused the insurance company to declare it a total loss. Throughout the repair process, you should document – with pictures, video, or both – the new, replaced parts on the motorcycle. Without photo evidence, receipts showing part numbers can suffice. Proof of the repairs can show the state inspectors that your rebuilt motorcycle is roadworthy.

Finally, the motorcycle must pass a Georgia-mandated inspection after completing the required repairs. Before any examination, you must apply to the Georgia DDS, including documents that show the reason for a total loss and repairs performed. After arranging for an inspection, you will have to trailer your motorcycle to the inspection garage and pay the mandatory fee of \$100.00. The inspector will either agree the motorcycle is roadworthy or fail the motorcycle and provide you a detailed reason for rejection. If your motorcycle fails the inspection, you may try again, but each attempt costs another \$100.00.

After a successful inspection, Georgia will provide you with a certificate of roadworthiness. The roadworthiness certificate will allow you to obtain a rebuilt title and tag for your motorcycle from the DDS and county tag office. See O.C.G.A §40-3-37 as it provides an in-depth look into the inspection process. Selected parts of the statute are reproduced below.



- (C) Any insurance company which acquires a damaged motor vehicle by virtue of having paid a total loss claim shall mail or deliver the certificate of title to the commissioner for cancellation. The insurance company does not acquire such damaged motor vehicle, the 35 insurance company paying such total loss claim, the vehicle owner, and the lienholder or security interest holder, as applicable, shall take the following steps to secure a salvage certificate of title for such motor vehicle:
- (i) If the vehicle owner is in possession of the certificate of title, the owner shall deliver the certificate of title to the insurance company prior to any payment of the claim, and the insurance company shall mail or deliver the certificate of title, an application for a salvage certificate of title, and the form provided by the commissioner for issuance of a salvage certificate of title;
  - (ii) If the certificate of title has been lost, destroyed, or misplaced, the vehicle owner shall, prior to payment of the claim on such vehicle, complete an application for a replacement title on the form provided by the commissioner and deliver such application and form to the insurance company and the insurance company shall mail or deliver such application and form to the commissioner for issuance of a replacement original title marked salvage;
  - (ii) If the lienholder or security interest holder has possession of the certificate of title, the vehicle owner shall complete an application for a replacement title on a form provided by the commissioner and shall deliver the completed form to the insurance company prior to the payment of the claim; the insurance company shall thereafter mail or deliver the application to the commissioner with notice of the payment of the total

loss claim and the name and address of the lienholder or security interest holder in possession of the title. The commissioner shall mail notice to the lienholder or security interest holder that a total loss claim has been paid on the vehicle and that the title to such vehicle has been canceled, and the commissioner shall provide to the lienholder or security interest holder a salvage certificate of title for such vehicle, provided that the validity of the security interest shall not be affected by issuance of a salvage certificate of title. The lienholder or security interest holder shall, within ten days after receipt of such notice of total loss claim and cancellation of the original certificate of title, mail or deliver the canceled original certificate of title to the commissioner; or

- (iv) For the sole purpose of payment of a total loss claim, for any vehicle ten years of age or older for which neither the vehicle owner nor the lienholder or security interest holder, if any, possesses a certificate of title, the vehicle owner shall deliver the vehicle license plate and certificate of registration for such vehicle to the insurance company prior to payment of any claim and the insurance company shall mail or deliver the license plate and certificate of registration to the commissioner with a completed form provided by the commissioner; provided, however, that the vehicle owner shall not operate such vehicle and the owner shall obtain a certificate of title for such vehicle as provided by law, which certificate of title shall then be subject to cancellation as provided in this paragraph.



- (D) The department shall give priority to the title submissions provided for in subparagraph (C) of this paragraph and shall issue a salvage certificate of title for such vehicles within seven days of receipt of such submissions by an insurance company.

In order to register the rebuilt motorcycle and get a new tag, the steps outlined in §40-3-37 must be followed:

- (a) As used in this Code section, the term:
  - (1) “Application for a certificate of title on a recovered stolen motor vehicle” means an application for a certificate of title for a motor vehicle for which an insurance company has paid a total loss claim, has obtained a title marked “unrecovered stolen motor vehicle,” and which has subsequently been recovered.
  - (2) “Application for a certificate of title on a salvaged or rebuilt motor vehicle” means:
    - (A) An application for a certificate of title for a motor vehicle for which a current Georgia certificate of title is marked “salvage” pursuant to subsection (e) of Code Section 40-3-36 and which has been repaired;
    - (B) An application for a certificate of title for a motor vehicle for which a current out-of-state certificate of title is marked “salvage,” “rebuilt,” or “restored” or any similar such phrase; or
    - (C) An application for a certificate of title for a motor vehicle for which a current Georgia certificate of title is marked “salvage” pursuant is anyone other than a licensed dealer as defined in Code Section 43- 48-2.

(b)(1) Upon receipt of an application for a certificate of title on a salvaged or rebuilt motor vehicle, the commissioner shall promptly conduct an initial inspection on each such motor vehicle prior to the issuance of a certificate of title for the motor vehicle. Upon receipt of an application for a certificate of title on a recovered stolen motor vehicle which has been stripped of:

- (A) Substantially all its interior parts;
- (B) Engine;
- (C) Transmission;
- (D) All doors;
- (E) Complete soft-top assembly including roof mechanism;
- (F) Front clip assembly (fenders, hood, and bumper); or
- (G) Cab and bed of a pick-up truck,

The commissioner shall promptly conduct an initial inspection on each such motor vehicle prior to the issuance of a certificate of title for the motor vehicle. The initial inspection shall include, but shall not be limited to, verification of the vehicle identification number, verification of the bills of sale or title for the major components, verification in regard to rebuilt vehicles that the word "rebuilt" is permanently affixed as required by subsection

(d) of this Code section, verification that the vehicle was rebuilt in the State of Georgia, and, if the vehicle has been repaired, verification that the motor vehicle conforms to all safety equipment standards required by law. The commissioner shall be authorized to charge a fee of \$100.00 for each initial inspection of each motor vehicle. In the event a motor vehicle fails an inspection, a fee of \$100.00 shall be charged for each subsequent reinspection. The commissioner may conduct any



such initial inspection and any required reinspections even though the motor vehicle may have been previously inspected under this Code section.

- (E) If, upon inspection under paragraph (1) of this subsection, it is determined that the motor vehicle is not in full compliance with the law, the commissioner shall refuse to issue a certificate of title until compliance is reached. The commissioner may order additional, corrective repairs to such vehicle as a condition of issuance of a certificate of title.

(c) All applications submitted pursuant to this Code section shall be accompanied by one or more photographs of the motor vehicle in its salvaged condition before any repairs have been made to such vehicle, which photographs shall be used by the commissioner in his or her inspections of the vehicle pursuant to this Code section.

## **Contact Information For Salvage Titles**

DOR/ Motor Vehicle Division

PO Box 740384

Atlanta, GA 30374-0384

1-855-406-5221 or

[dor.georgia.gov/titles-rebuilt-or-restored-vehicles](http://dor.georgia.gov/titles-rebuilt-or-restored-vehicles)

# Custom Built Motorcycle Registration in Georgia

Building your own motorcycle is challenging yet rewarding. Registering your custom-built motorcycle with Georgia is a different story. The process is akin to acquiring a salvage title. Still, it requires specific documentation of parts, an inspection, and a determination that the motorcycle is not “unconventional.”

There is no case law in Georgia defining an “unconventional” motorcycle. Without any previous guidelines from a Georgia court, it is hard to know where any single judge would draw the line between conventional and unconventional. The other requirements to register a custom-built motorcycle are easier to understand.

First, all vital parts included in your custom-built motorcycle build - e.g., engine, shocks, frame - must have a certificate from the part manufacturer proving authenticity. Second, the completed motorcycle must comply with all Clean Air Act standards. Third, any part used cannot come from a previous military vehicle. Finally, the motorcycle must pass an inspection from the State of Georgia.

These four requirements for custom-built motorcycles are just the introductory notes of what the state inspector will look for when determining if the custom-built motorcycle is roadworthy.

All custom-built motorcycles must have insurance. Since the motorcycle is unique, some insurance companies might hesitate to provide insurance. It is essential to purchase comprehensive and collision insurance. If you are in an accident, the other driver's insurance might not correctly value the motorcycle.



Two statutes contain the detailed requirements: (1) O.C.G.A. §40-3-30.1; and (2) Georgia's Administrative Code (Ga. Comp. R. & Regs.) 560-1-30-.10. These statutes are produced in entirety below.

According to §40-3-30.1:

- (a) As used in this Code section and in Code Section 40-2-27, the term:
  - (1) "Assembled motor vehicle or motorcycle" or "kit motor vehicle or motorcycle," means any motor vehicle or motorcycle that is:
    - (A) Manufactured from a manufacturer's kit or manufacturer's fabricated parts, including replicas and original designs:
      - (i) By an owner;
      - (ii) At the request of the owner by a third- party manufacturer of motor vehicles or motorcycles; and
      - (iii) Such manufacturer is not manufacturing and testing in accordance with federal safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs Service or the United States Department of Transportation has certified that the motor vehicle complies with such applicable federal standards;
    - (B) A new vehicle and consists of a prefabricated body, chassis, and drive train;
    - (C) Handmade and not mass produced by any manufacturer for retail sale; or

- (D) Not otherwise excluded from emission requirements and is in compliance with Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles.

(2)(A) "Unconventional motor vehicle or motorcycle" means any motor vehicle or motorcycle that is manufactured, including, but not limited to, all-terrain vehicles, off-road vehicles, motor driven cycles, mopeds, and personal transportation vehicles, and that is not in compliance with the following:

- (i) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles;
- (ii) Applicable federal motor vehicle safety standards issued pursuant to 49 U.S.C.A. Section 30101, et seq., unless and until the United States Customs and Border Protection Agency or the United States Department of Transportation has certified that the motorvehicle complies with such applicable federal standards; or
- (iii) Applicable federal emission standards issued pursuant to 42 U.S.C.A. Section 7401 - Section 7642, the "Clean Air Act," as amended.

- (B) Such term shall not include former military vehicles.

- (b) In addition to the requirements contained in Code Section 40-3-30, prior to the issuance of a certificate of title to the owner of an assembled motor vehicle or motorcycle, the owner shall cause such assembled motor vehicle or motorcycle to be inspected in order to establish:



- (1) The existence of a verifiable Manufacturer's Certificate of Origin (MCO) or other verifiable documentation of purchase of all major components; and
- (2) That such assembled motor vehicle or motorcycle complies with:
  - (A) Chapter 8 of Title 40, relating to equipment and inspection of motor vehicles; and
  - (B) If applicable, federal emission standards issued pursuant to 42 U.S.C.A. Section 7401 through Section 7642, the "Clean Air Act," as amended.
- (c) The inspection conducted under subsection (b) of this Code section shall only be for the purpose of establishing that such assembled motor vehicle or motorcycle is eligible to receive a certificate of title.
- (d) The department shall be authorized to charge an inspection fee.
- (e) Unconventional motor vehicles or motorcycles shall not be titled or registered.

**Georgia's Administrative Code (Ga. Comp. R. & Regs.)**  
**560- 10-30-.10. adds:**

(1) In addition to the requirements set forth in O.C.G.A. § 40-3-30.1, prior to applying for a certificate of title for an Assembled vehicle or Assembled motorcycle, an applicant shall have that vehicle inspected in the manner set forth by the Department.

(2) The applicant shall provide the following information at the time of inspection of the Assembled vehicle or Assembled motorcycle:

- (a) The existence of a verifiable Manufacturer's Statement of Origin (MSO) or other appropriate documentation of the purchase of all major components; and
- (b) That the vehicle complies with
  - 1. Chapter 8 Title 40 of the Code, and
  - 2. Applicable Federal emissions standards.

(3) The purpose of the inspection shall be solely to establish whether or not the vehicle is eligible to receive a Georgia Certificate of Title as an Assembled motor vehicle or Assembled motorcycle.

(4) The Department shall charge a fee for all such inspections.





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## **1-13 MOTORCYCLES AND GEORGIA'S PEACH PASS LANES**

Georgia has express lanes around Atlanta along I-85, I-75, and I-575. The express lanes require all users to have a Peach Pass, a Florida SunPass, or North Carolina Quick Pass account. Georgia law prohibits any vehicle with a trailer attached from using the express lane.

To use any Georgia express lanes on a motorcycle, you first must register for a Peach Pass account. Registration requires your name, description of vehicles, and an initial payment of \$20.00. After registering for an account, Peach Pass will mail you stickers to place on each vehicle that will bill your account for each use of the express lanes. The rate will change throughout the day based on current traffic conditions.

The I-85 express lanes are **free** for all motorcycles registered onto a Peach Pass Account with a "toll exempt" option. However, regardless of the account type, the I-75 and I-575 Express Lanes are not free for any motorcycles. Instead, the I-75 and I-575 lanes will charge motorcycles per trip—like any other vehicle.

Autos and motorcycles pulling a trailer are also prohibited in these lanes.

# **1-14 GEORGIA MOTORCYCLE INSPECTIONS AND MOTORCYCLE EMISSIONS INSPECTIONS**



In Georgia, motorcycles are exempt from both emissions and roadworthiness inspections. As noted above, Georgia requires the examination for either custom-built or salvage title motorcycles before the issuance of a tag.





## **1-15 LANE SHARING, LANE SPLITTING, AND OTHER TRAFFIC LAWS UNIQUE TO MOTORCYCLES IN GEORGIA**

In Georgia, motorcycles cannot split lanes – that is, operate in the median of a road. Motorcycles may share a lane with another motorcycle. O.C.G.A. §40-6-310 states that all motorcycles on Georgia roads share both the same rights and duties as any other vehicle.

The laws listed below apply only to motorcycles, including the requirement of always-on headlights and taillights.

### §40-6-312:

(a) All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) A person operating a motorcycle shall at all times keep his headlights and taillights illuminated.

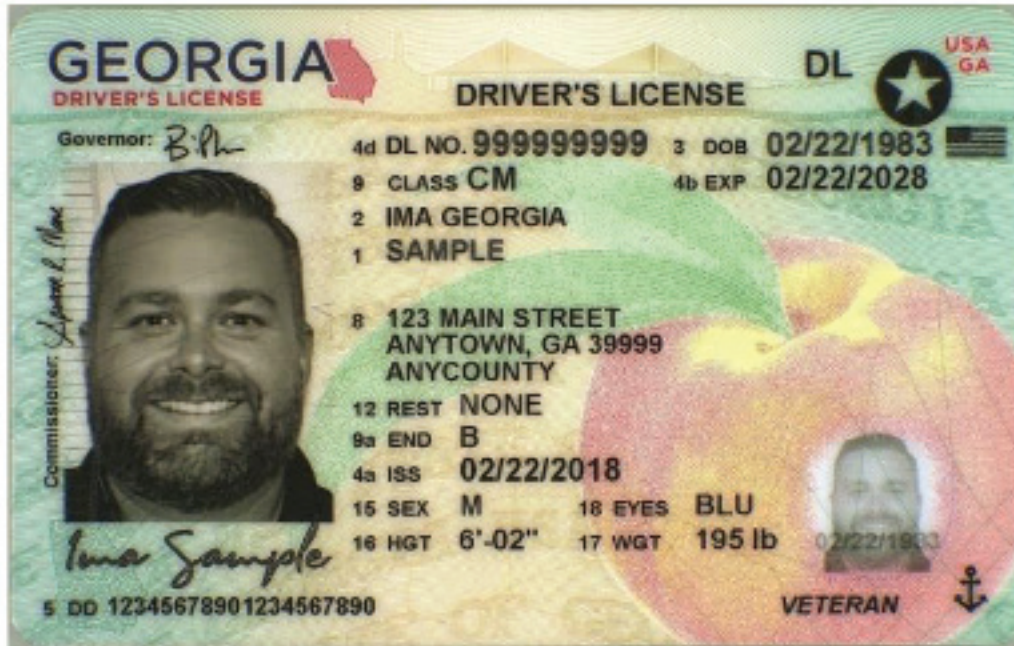
(f) Subsections (b) and (c) of this Code section shall not apply to police officers in the performance of their official duties.

§40-6-313:

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on the roadway.



# 1-16 AGE, TRAINING, AND LICENSING REQUIREMENTS



In Georgia, a driver must acquire either a motorcycle instructional permit or license to operate a motorcycle on public roads.

A motorcycle instructional permit requires applicants to be at least 17 and pass a written exam on essential motorcycle operations. Unlike a motorcycle license, a permit only allows the motorcycle operator to ride in daylight, on public roads, and without a passenger. A permit is valid for six months after its issuance. O.C.G.A. §40-5-24(c) outlines the motorcycle instructional permit:

Any resident of this state who is at least 17 years of age may apply to the department for a noncommercial Class M motorcycle instruction permit. The department shall, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle



the applicant, while having such permit in his or her immediate possession, to drive a motorcycle or a motor-driven cycle upon the public highways for a period of six months; provided, however, that a person who is at least 16 years of age and meets all of the other qualifications of this subsection except for age who has completed an approved driver education training course as provided in subsection (a.2) of Code Section 40-5-22 may apply for a Class M motorcycle instruction permit. A motorcycle instruction permit shall not be valid when carrying passengers, on a limited access highway, or at night.

If the applicant is under 18, then a guardian, responsible adult, or authorized Driver Training Instructor must sign the application for the motorcycle permit. That person also has the authority to request the permit's revocation before the minor's 18th birthday.

A Georgia motorcycle license removes the instructional permit's restrictions on nighttime driving and passengers. There are two ways to gain your motorcycle license.

First, a person may schedule a road test at a DDS location throughout Georgia. If the applicant does not have a motorcycle instructional permit before the road test, the applicant must pass a written exam. During the road test, the applicant must demonstrate control of a motorcycle and hazard response skills, both at road speed and around 15 miles per hour. The applicant must furnish a motorcycle for the road test itself.

Second, an applicant may complete a Georgia Motorcycle Safety Program Course instead of taking a road test. The DDS and other private businesses, including Harley-Davidson dealerships, operate Motorcycle Safety Courses.



O.C.G.A §40-15-1 through §40-15-5 outline the Georgia Motorcycle Safety Course requirements. The Public Safety Commissioner and Georgia's Board of Driver Services dictate what any Motorcycle Safety Course must require in Georgia's Administrative Code (Ga. Comp. R. & Regs.) 375-7-4-.01 thru 375-7-4-.16.

To note, 375-7-4.16 provides that after passing a Georgia Motorcycle Safety Course, the applicant has 90 days to present the certificate to the DDS. The DDS will then administer an eye exam. The DDS will print a new Georgia motorcycle license if the applicant passes the eye exam within 90 days.

To find the location of a motorcycle safety course near you, contact the Georgia Department of Driver Services at (678) 413-8400 or go to their website: [dds.georgia.gov/basic-riders-course](https://dds.georgia.gov/basic-riders-course)

If you have recently moved to Georgia from another state and had a motorcycle endorsement on your driver's license from that state, Georgia will honor that endorsement per Ga. Comp. R. & Regs. 375-3-1-.05.

## **SLINGSHOTS AND OTHER TRIKES IN GEORIGIA**

In 2017, Georgia changed the definition of a Class C motor vehicle in O.C.G.A. § 40-5-23(c) to include three-wheel motor vehicles equipped with a steering wheel, like Slingshots. The new law clarified that a motorcycle license is not required to operate a Slingshot; only a Class C standard driver's license. Georgia is one of a few states that does not require a motorcycle license for a Slingshot or other three-wheeled vehicles. If you drive a Slingshot in other states, you should acquire a motorcycle license.



## **1-17** DUI AND THE MOTORCYCLIST

First, do NOT drink alcohol and then ride a motorcycle. If, however, you find yourself operating a motorcycle after having consumed alcohol, consider the following:

Ensure all the equipment on your motorcycle is in good working order. Police officers often conduct a “pretextual” stop to check for DUI during peak drinking and driving times. However, the police fully intend to use a minor violation to look for further and more severe violations. Maintaining your motorcycle can lessen the chance of a police encounter.

Do not commit any moving violations while operating a motorcycle. Obey the speed limit, ride straight, use your turn signals, do not weave in and out of traffic, come to complete stops, and accelerate slowly. The easier you are on the throttle, the quieter your exhaust is, and the less attention you will draw to yourself. Do not give the police any reason to stop your motorcycle.



If police officer stops your motorcycle, act in a courteous manner. When questioned by the officer, remember that every word you speak can and will be used against you. Suppose you are asked about alcohol consumption or why you are on the road. In that case, a simple statement such as "I am fine and just on my way home" may serve you better than "my lawyer said not to answer anything you ask me."

If you are asked to do any field sobriety tests, you do not have to take them; however, your refusal to submit to a field sobriety test forces the officer to decide whether to arrest you or send you on your way. If you choose not to take the tests, you can simply say, "I am fine to drive, and if I have committed any moving violations, please cite me so that I can be on my way."

If the officer chooses to arrest you, he must read you the Georgia Implied Consent notice. He will request a state-administered test of your blood, breath, or urine. You must decide whether you want to take the state-administered test. Most of the time, this is the breathalyzer test conducted in the field or at the station. If you refuse this test, a court will use this fact against you.

If you choose to take the state-administered test, request an independent test of your blood at a hospital of your choosing. You are entitled to a separate blood, breath, or urine test by a qualified person of your own choosing. You must pay for the examination and choose a medical facility within a reasonable distance.

Do not make statements such as "Cut me a break, I'm drunk, and I just live right there." Remember that you have a right to remain silent, and it is best to exercise that right once the arrest occurs.

If arrested, contact an attorney right away. You only have ten days from the date of arrest to request an administrative hearing regarding your right to drive.

Remember, if you have had too much to drink, it is best to lock your bike, call a cab, and pick up your bike the next day.

Kevin G. Ryan, a DUI attorney, helped compile this section of the book. His phone number is (404) 845-0005.



# 1-18 GEORGIA GUN LAWS AND MOTORCYCLES



On January 1, 2023, Georgia became a “constitutional carry” state. No concealed carry permit is required to have any legally owned firearm or bladed weapon if a person is a “lawful weapon carrier.”

Georgia imposes several requirements to become a “lawful weapon carrier. First, the lawful weapon carrier must meet the age requirement: at least either 18 years old and has United States Military basic firearms training or 21 years old. Second, no felony convictions or current indictments, or any convictions for controlled substance offenses. Third, the person cannot have weapons carry license revoked within the past three years. Finally, a lawful weapons carrier cannot have misdemeanor drug charges or inpatient mental health treatment within the last five years.

The state has imposed eight places where the conditional carry law does not apply:

- (1) Courthouses; (2) Jails, Prisons, or State Mental Health Facilities; (3) Places of Worship – unless allowed; (4) Nuclear power facilities; (5) Within 150 feet of any polling place during elections; (6) private property – unless the landowner allows; (7) schools – unless picking up a student; and (8) Public Colleges– concealed carry only.

## Possession of a Handgun with a Valid License

The Georgia Weapons Carry License is often referred to as a “CCW,” “Concealed Weapons Permit,” or “Concealed Carry Permit.” Georgia is a “Shall Issue” state, meaning a probate court has no discretion to issue a carry permit upon satisfying the requirements.

Remember, the Georgia Firearms License is only valid in Georgia. Thirty-two other states have concealed carry reciprocity – meaning that you may conceal carry in the below states if your Georgia license is valid:

Alabama, Alaska, Arkansas, Arizona, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

Suppose you choose to carry a concealed weapon outside of Georgia. In that case, you must obey that state’s laws regarding the possession of firearms. Many states have stricter laws regarding the types of weapons and locations where one may lawfully carry a concealed carry. Many states, unlike Georgia, require you to inform a police officer that you have a gun within the vehicle during a traffic stop. Check the laws of the states you will travel through before crossing the border with a handgun.





## **1-19 GEORGIA'S MOVE OVER LAWS FOR BICYCLISTS, EMERGENCY VEHICLES, TOW TRUCKS, SANITATION WORKERS, OTHERS**

As of July 1, 2021, §40-6-56 states the operator of a motor vehicle shall move one lane if possible if a bicycle is present. The driver must slow down ten miles under the speed limit or 25 MPH if a lane change is unlawful. One must give at least three feet when passing a bicycle.

Motorists in Georgia must move one lane over or slow below the posted speed limit when passing certain vehicles. These include emergency, tow, highway, maintenance, or utility vehicles with flashing lights. O.C.G.A §40-6-16,

Motorcyclists must change lanes or slow down to at least 10 MPH below the posted speed limit or 25 MPH, whichever is greater, when approaching active sanitation workers and vehicles with flashing lights. O.C.G.A. §40-6-16.1



# 1-20 GEORGIA'S LEMON LAW DOES NOT APPLY TO MOTORCYCLES



Lemon laws provide purchasers of “new motor vehicles” recourse against the manufacturers if the vehicle is defective when purchased. Georgia’s lemon law is generally only applicable to consumer cars. Motorcycles are not covered and have no lemon law protections. The motorcycle exemption is found under O.C.G.A. §10-1-782 (emphasis added):

(15) . . . The term “new motor vehicle” also does not include trucks with more than 12,000 pounds gross vehicle weight rating, motorcycles, or golf carts. If a new motor vehicle is a motor home, this article shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as living quarters, office, or commercial space.

Without reason, Georgia is mistreating motorcycles. Georgia does not feel as if its law can adequately compensate people who purchase a new motorcycle with manufacturing defects. If you feel as if your new bike is a lemon, it is best to document the issues and take it back to the dealership as soon as possible.





## **1-21** DISTRACTED DRIVING LAWS

Every day in Georgia, distracted drivers cause motorcycle accidents. In 2018, Georgia drastically revamped the distracted driving law under O.C.G.A. § 40-6-241. This law creates a penalty for driving while using a cell phone.

### **Prohibited:**

Holding or supporting with any part of the body a wireless telecommunication or stand-alone electronic device; writing, sending, or reading any text-based communication or internet data while holding your device; watching videos other than navigation-related data; recording a video.

### **Allowed:**

Speaking or texting while using hands-free technology; using GPS or mapping function; wearing and using a smartwatch; using a single earpiece to talk on the phone; using radios, CB radios, commercial two-way radios, prescribed medical devices, and “in-vehicle security, navigation or remote diagnostics” systems.

## Particular Circumstances:

You can use your hand-held device when reporting a traffic accident, medical emergency, fire, crime, delinquent Act, or hazardous road condition. You can use your hand-held device if lawfully parked – not at a red light.

## Exemptions:

Police, firefighters, emergency medical personnel, other first responders, and utility employees or contractors responding to a utility emergency.



# 1-22 NITROUS OXIDE AND MOTORCYCLES



Nitrous oxide is a gas that can significantly increase engine performance in short bursts. O.C.G.A. §40-8-10(a) states:

It shall be unlawful for any person on a public road to drive a passenger car, excluding a motor home, which supplies the motor vehicle's combustion engine with nitrous oxide unless the system supplying nitrous oxide is made inoperative by disconnecting the line feeding nitrous oxide to the engine or by removing the container or containers of nitrous oxide from the vehicle.

Georgia's nitrous oxide law applies to passenger vehicles, excluding motor homes but not motorcycles. "Passenger car" is defined under title 40, O.C.G.A. §40-1-1:

(41) "Passenger car" means every motor vehicle, except motorcycles, motor drivencycles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons.

No law in Georgia specifically prohibits nitrous oxide-equipped motorcycles from operating on public roads. Even without an explicit law, a police officer could stop you for reckless driving if you drove your motorcycle unsafely.

## **PART 2**

**INSURANCE COVERAGE  
TO PROTECT YOURSELF,  
YOUR FAMILY,  
YOUR POSSESSIONS,  
YOUR MONEY, AND YOUR  
MOTORCYCLE**







## **2-1** GEORGIA'S MINIMUM MOTORCYCLE INSURANCE REQUIREMENTS

Riding a motorcycle with minimal insurance, like going to the beach in a thong speedo, will keep you from getting arrested but not much else.

The law regarding minimum insurance is the same for cars and motorcycles. Georgia requires that any motorcycle operating on public roads carry at least \$25,000 in liability insurance for one person, \$50,000.00 per accident, and \$25,000 for property damage. O.C.G.A §33-7-11.

Georgia's minimum coverage requirement is often insufficient to cover the damage's cost after a motorcycle accident. Georgia does not require that you purchase comprehensive, collision, or uninsured motorist coverage for your motorcycle. If you are at fault and do not have collision coverage, your insurance company will not pay to fix your motorcycle.

Due to the importance of having at least the minimum liability coverage, we have included O.C.G.A §33-7-11(a)(1) in its entirety below:

No automobile liability policy or motor vehicle liability policy shall be issued or delivered in this state to the owner of such vehicle or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally garaged or principally used in this state unless it contains an endorsement or provisions undertaking to pay the insured damages for bodily injury, loss of consortium or death of an insured, or for injury to or destruction of property of an insured under the named insured's policy sustained from the owner or operator of an uninsured motor vehicle, within limits exclusive of interests and costs which at the option of the insured shall be:

(A) Not less than \$25,000 because of bodily injury to or death of one person in any one accident, and, subject to such limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and \$25,000 because of injury to or destruction of property...



## 2-2 FULL COVERAGE, LIABILITY, COLLISION, COMPREHENSIVE, MEDICAL PAYMENTS, AND UMBRELLA -WHAT DOES IT ALL MEAN?

“Full coverage” refers to liability, collision, and comprehensive insurance coverages. If you have a loan on your motorcycle, your bank or finance company generally requires full coverage to protect the motorcycle in case of an accident. Full coverage can mean different things to different people. Often motorcycle riders with the insurance coverage that banks require lack the most crucial type of insurance: un or underinsured motorcycle coverage (“UM.”) While collision and comprehensive insurance protect the bank from a motorcycle accident loss, UM is the only coverage that protects your interest in case of a motorcycle accident.

Liability insurance pays claims up to the policy's limits for damage you have caused to others, including bodily injury and property damage.

Here is an example of how liability coverage works:

*You are riding your motorcycle and negligently rear-end Tom's car in front of you. To avoid the collision, you also run off the road and hit a fence in Jane's yard next to Tom's car. Tom bumps his head on the steering wheel, which causes neck pain, and he gets a cut on his forehead. Your motorcycle's front is damaged, Tom's car's back is damaged, and Jane's fence is destroyed. Your liability coverage will pay for Tom's injuries and car repair up to the extent of the damage or your policy limits. It will also pay for Jane's fence repair to the extent of the damage or your policy limits. Liability coverage will not pay for your motorcycle repair.*

Collision coverage protects you when you have contact with another vehicle or object. If you are in a motorcycle accident and either at fault or the at-fault driver's insurance will not pay for your motorcycle damage, collision coverage will repair or replace your motorcycle.

Comprehensive loss coverage is like a safety net that protects you against several dangers. Flooding, lightning strikes, motorcycle theft, hail damage, and falling branches or trees are some of the events that comprehensive loss protects against if your motorcycle is damaged.

Medical Payment Insurance or med-pay coverage pays your medical bills up to the policy's limits after a motorcycle accident, regardless of fault. Med-Pay is usually expensive, available in low limits, and may duplicate your existing healthcare policy. If you lack health insurance, you should consider purchasing med-pay as it can cover medical treatment after a motorcycle accident. With health insurance, med-pay coverage is helpful as it can cover any deductibles or co-pays incurred after a motorcycle accident.

Insurance policies often refer to coverage as 25/50/25 or 100/300/50. Many variations exist, but these numbers denote the limits of coverage per person, per incident, and for property damage, respectively. 25/50/25 means that each person is covered up to \$25,000 in bodily injury liability. Still, for each motorcycle accident, \$50,000 is the most this insurance policy will pay. The last \$25,000 denotes the total amount of coverage for property damage. While 25/50/25 is the state minimum requirement, having no less than 100/300/50 coverage with add-on UM is recommended.



Umbrella policies are an extension of liability coverage. If you are responsible for causing harm to another person, an umbrella insurance policy will protect you after your liability coverage is exhausted. If you own a home, business, or other assets, an umbrella policy is a cheap way to provide peace of mind. Most insurance companies require certain liability coverage before offering an umbrella policy, e.g., \$100,000 or \$250,000. Umbrella policies are helpful as an additional source of all-important UM coverage for your motorcycle. The UM coverage of an umbrella policy is optional. Still, you should always request UM coverage when purchasing an umbrella policy.

Many times, the amount of automotive or motorcycle insurance coverage is not enough to make you whole after a motorcycle accident. If you are at fault, the injured party may try to go after your assets once your policy limits are exhausted.

If you sustain injuries in a motorcycle crash, one of the first tasks your lawyer will perform is searching for all insurance coverages available. A skilled motorcycle accident lawyer can determine if the at-fault party has an umbrella policy.

## **2-3 UNINSURED AND UNDERINSURED MOTORIST COVERAGE FOR GEORGIA MOTORCYCLE ACCIDENTS**



### **Uninsured Motorist and Under-Insured Motorist**

**Insurance [“UM”] is the essential  
item to take away from this book.**

UM can provide another monetary recovery source if the at-fault driver lacks enough insurance to make you whole after a motorcycle accident. UM covers medical expenses, disability, lost wages, pain and suffering, and property losses.

Georgia law requires that every time you purchase liability insurance for a vehicle, including your motorcycle, the insurance company offers UM coverage. Since 2009, Georgia has mandated two types of UM insurance: (1) add-on coverage; and (2) “traditional” or reduced-by coverage.



Add-on UM insurance provides coverage after your motorcycle accident if you first exhaust the at-fault driver's policy limits or are involved in a hit-and-run. For example, you are in a motorcycle accident with \$75,000 in medical bills, the at-fault driver has \$25,000 in liability coverage, and you have \$25,000 in add-on UM coverage. You will receive \$50,000 from all insurance policies. The add-on coverage will pay you the extra \$25,000 after the at-fault driver insurance pays.

Traditional or reduced-by UM coverage is cheaper and provides less coverage than an add-on policy. Traditional UM will only apply if the at-fault driver's liability insurance is less than or equal to your UM coverage. From the example above, you are in a motorcycle accident with \$75,000 in medical bills, the at-fault driver has \$25,000 in liability coverage, and you have \$25,000 in traditional UM coverage. Because your traditional UM coverage is equal to the at-fault driver's liability coverage, UM insurance does not apply. Without filing a lawsuit against the at-fault driver, your maximum recovery for motorcycle accident injuries is \$25,000.

The example below shows the importance of add-on UM in case of a motorcycle accident.

*You are riding your motorcycle, Tina merges into your lane, and bumps you off the road. This bump causes you to sustain serious injuries. Your motorcycle is damaged, and you have broken bones and road rash. Tina is at fault but only has the state minimum coverage of \$25,000 per person and \$50,000 per incident. Your motorcycle alone is worth \$25,000, and your medical bills for the first three hours of treatment equal over \$100,000. You still have current and future pain and suffering and cannot work for a month.*

Even though Tina was at fault for this life-changing event, her ability to pay topped out at her policy limits three hours into your situation. Luckily, you had UM coverage on your motorcycle policy. If you chose **add-on coverage**, up to **\$125,000** would compensate you after your motorcycle accident: Tina's \$25,000 in liability insurance and \$100,000 from your add-on UM coverage. If you had **traditional UM** coverage, only **\$100,000** is available for compensation: \$25,000 from Tina's insurance. Your insurance would provide \$75,000 – the \$100,000 UM minus Tina's liability limits of \$25,000.

## UM STACKING FOR MOTORCYCLE ACCIDENTS

If you are in a motorcycle accident in Georgia, any UM policy that covers your motorcycle can apply in addition to other UM policies that may “stack.” UM stacking allows you to add each UM policy of any motorcycle, car, motorhome, and any policies of relatives in your household. It is possible to have several different insurance policies provide you with UM coverage despite having no connection to your motorcycle accident. The method of determining what UM policies might apply and in what order is a complex legal analysis.

If you own multiple vehicles and are involved in a motorcycle accident, you should contact a motorcycle accident lawyer to determine the amount of UM coverage available. Without a lawyer, the at-fault driver's insurance company could prevent you from collecting any UM coverage through improperly releasing claims.



For example, you are in a motorcycle accident and sustain \$150,000 in damages. The at-fault driver has \$25,000 in liability coverage. You have \$25,000.00 in add-on UM for your motorcycle with GEICO and car through Progressive. Your daughter lives with you but has her car insurance policy providing \$50,000 in add-on UM insurance with State Farm. There is \$125,000 in insurance coverage available to compensate you for damages after your motorcycle accident: first, the at-fault driver will pay \$25,000; second, your motorcycle UM policy will pay \$25,000 as it is the vehicle that was involved in the accident; third, your car policy will pay \$25,000 as you pay for this coverage; and finally, your daughter's add-on UM coverage will pay \$50,000 as she is a household relative.

The above example shows the importance of hiring a motorcycle accident lawyer after your wreck. Each layer of UM presents an opportunity for an insurance company to prevent you from receiving compensation. Georgia law requires strict procedural hurdles to collect from UM insurance. The laws protect the insurance company, not the motorcycle accident victim. A lawyer will prevent any procedural mishaps and maximize your recovery.

After a motorcycle accident, you must report the accident to all UM insurance **AS SOON AS POSSIBLE**. *Manzi v. Cotton States Mutual Insurance Company* 243 Ga.App. 277, 531 S.E.2d 164 (2000), was a personal injury action for uninsured motorist insurance benefits. The Court determined that Cotton States, the UM carrier, had no liability under the policy due to the plaintiff failing to promptly notify Cotton States of the accident.

You must first report any motorcycle accident to your motorcycle insurance carrier. Second, you should report your motorcycle accident to ALL your insurance companies that cover cars, trucks, motorhomes, motorcycles, and any other motorized vehicle. Finally, if you live with family members, report your motorcycle accident to any other insurance provider of your family.

While some policies may not provide UM coverage for your motorcycle accident, still report the accident to all insurers. A motorcycle accident lawyer can assist you with understanding the layers of insurance available to compensate for your injuries.

Uninsured and underinsured drivers are often some of the worst drivers on the road. It is expensive to insure people with bad records, so these drivers are more likely to have the minimum coverage if any. *Add-on UM coverage is the most important insurance you can buy.*



## 2-4 MOTORCYCLE GAP INSURANCE

Gap insurance coverage fills the gap between what you owe on the motorcycle and what it is worth on the open market. The dealership or the finance company generally offers gap insurance when you purchase your motorcycle. Even though you may have put a down payment on your motorcycle when you bought it, there is a chance that you may owe more than market value. Gap insurance will pay off the difference between your loan and the settled value of your motorcycle if your motorcycle is a total loss.

Here is an example to illustrate:

*You have just bought a brand-new motorcycle for \$10,000. After-sales tax, extended warranty, title fees, etc., your total price was \$11,900. You chose to finance this with a 10% down payment - meaning that you paid \$1,190 at the time of purchase and took out a loan for the remaining \$10,710.*

*After riding your new bike for a few months and racking up a few thousand miles, your bike is now worth about \$7,500, but you still owe nearly \$10,000 on loan against it.*

*You are involved in an accident, and the insurance company declares your motorcycle a total loss. The insurance company then writes a check for \$7,500 to the bank that financed it. You now have no motorcycle but still owe the bank \$2,500.*

*In the above example, gap insurance would provide the bank with \$2,500 - the difference between the bike is worth and the amount owed.*

## **PART 3**

**YOU OR SOMEONE  
YOU KNOW INVOLVED  
IN A MOTORCYCLE  
ACCIDENT- NOW WHAT?**





## **3-1 SHORT OVERVIEW OF THE PROCESS AND SOME QUICK “WHAT TO DO’S” AND “WHAT NOT TO DO’S” AFTER A MOTORCYCLE ACCIDENT**

If you sustained injuries in a motorcycle accident, your first priority is to obtain medical care. If able, call the police and an ambulance to assist you. While at the scene, try to identify witnesses and any other parties involved. Be sure to get any names and contact information or have another party at the accident scene collect this information.

*Once available, obtain a copy of the motorcycle accident report from the responding police department.*

*Once you have received the crash report, it is vital to report the motorcycle accident to all available insurance companies. A motorcycle accident lawyer can ensure all the policies available apply. If you, after your motorcycle wreck, fail to report the accident to some insurance companies, like any UIM/UM, those companies might not have a legal obligation to compensate you for any injuries.*

*Georgia motorcycle accidents generally involve multiple layers of insurance. Either you or your motorcycle accident attorney must report the claim to: (1) the motorcycle insurance company; (2) the insurance companies of any other motor vehicles you own, including cars, motor homes, or work vehicles; (3) insurance companies of any blood relatives that live with you; ; and (4) the insurance companies of any other party involved in the accident.*

*The following pages are a short checklist of what to do and not to do after your motorcycle accident.*

# What *TO* Do After a Motorcycle Accident:

**DO** try to gather evidence as soon as possible. Take pictures of any vehicles involved and any of your injuries. If you can, collect the names and contact information of any witnesses to the collision. Finally, obtain a copy of the accident report from the responding police department. This report should be available within a week of the accident.

**DO** get a friend to retrieve any valuables from your motorcycle or saddlebags. Your motorcycle may sit in an impound lot for a while and you want to protect your items from theft.

**DO** seek competent medical attention immediately if you are injured. Even if you feel OK, it is a good idea to get checked out by a doctor, rather than to “tough it out.”

**DO** ensure all your medical care is billed to your health insurance or Medicare if applicable. You should provide health insurance information to all medical treatment providers, especially hospitals to ensure that they are billing your health insurance company. Hospitals often claim health insurance does not cover motorcycle accidents. Hospitals falsely make this claim so it can place a lien on any potential recovery. Not providing health insurance can take money out of your pocket if a settlement or judgment occurs for your motorcycle accident. Your health insurance has a negotiated fee schedule with the hospital less than the total healthcare price. Other than Med-Pay on your motorcycle policy, the insurance company will not pay your medical bills unless it is a final settlement.



**DO** contact and hire a motorcycle accident lawyer. A competent motorcycle injury attorney will limit potential mistakes that could lessen a recovery. All injury lawyers offer free consultations, so take advantage of that fact and let a professional evaluate whether you may have a claim that would benefit from an attorney's expertise.

**DO** notify your own insurance company about the collision. Contact and report the accident to the insurance companies of any other motor vehicles you own and motor vehicle insurance companies of any household relatives. Specific notice provisions are required to recover under Georgia's uninsured/underinsured motorist laws. You must notify your insurance companies - even if you are not at fault.

**If Required, DO** provide a statement to your insurance company. You have a contract with your insurance company that requires a duty of cooperation, and often that duty includes giving a statement. If your insurance company wants a statement after your motorcycle accident, it is best to contact a lawyer before providing the insurance company with information. A motorcycle accident lawyer can ensure you do not provide any information that might harm your case.

**DO** notify the other driver's insurance company and report the crash if the other driver fails to do so. It is acceptable to use the police report to give the company basic information about the motorcycle accident collision and that you have sought medical attention. You may also inform the other driver's insurance company about the location of your motorcycle so a property damage claim can begin. Do not give them a recorded statement,

**DO** take your motorcycle to a proper repair shop after the accident – preferably the location that is most familiar with your motorcycle. The shop will inform either your insurance company, the other driver's insurance company, or both, of its estimates to repair the motorcycle. If you have receipts showing any additions you made to your motorcycle, you should provide these to the insurance companies for reimbursement.

# What *NOT* to Do After a Motorcycle Accident:

**DO NOT** wait to seek medical attention after a motorcycle accident. Insurance companies use gaps in medical care against motorcycle crash victims to discredit the severity of their injuries. Often, we expect to heal on our own and only seek medical attention if the injury lingers. Insurance companies will try to take advantage of your “toughing it out” to reduce your settlement. If you lack health insurance, a motorcycle accident lawyer can arrange for medical care with a doctor that will accept money out of any compensation.

**DO NOT** give a recorded statement to the other driver’s insurance company. While you are contractually required to provide one to your insurance company, you owe no such duty to the other driver’s insurer.

**DO NOT** allow the other driver’s insurance company to access your medical records. You may collect all your bills and documents and submit them to the insurance company.

**DO NOT** accept any checks or sign any papers. Be aware that the back of the insurance check where you endorse to cash or deposit may contain a release statement. If you endorse and cash or deposit a check, you have forfeited any rights to collect any future funds for your motorcycle accident. The check might prevent you from collecting money from any UM/UIM unless a motorcycle accident lawyer ensures the paperwork allows for further collection. Before you sign any paperwork, have a qualified motorcycle injury attorney review any documents or checks to protect your rights.



## 3-2 DO I NEED A MOTORCYCLE ACCIDENT LAWYER?

Despite all the friendly advertising insurance companies distribute, every insurance company has a vested interest in paying you the least amount possible. A motorcycle accident lawyer ensures that all the insurance companies play fair and compensate you for your injuries and property damage.

A person in a car wreck with minimal injuries could settle a claim with the insurance company on his or her own. Motorcycle accidents, more so than car wrecks, can involve more serious, lifelong injuries and expensive property damage claims due to the number of accessories. A motorcycle accident lawyer is vital to ensure total compensation.

Motorcycle accidents are not common in comparison to car wrecks. Many insurance companies fail to fully compensate motorcycle accident victims as the injuries do not align with a common car accident. An experienced motorcycle accident lawyer will know how to properly explain the seriousness of your injuries and motorcycle value to insurance companies. Without a lawyer handling your motorcycle accident claim, insurance companies might not pay you the compensation you deserve.

Multiple layers of insurance – beyond just the at-fault driver's policy – are often involved in a motorcycle accident. A motorcycle accident attorney will find all the insurance policies that apply to those other policies to help compensate for injuries. Without a motorcycle lawyer, an insurance company could restrict your ability to recover from a motorcycle accident through failing to meet certain legal requirements or deadlines. A motorcycle accident lawyer will ensure no insurance company takes advantage of you.



### 3-3 MOTORCYCLE ACCIDENTS INVOLVING ANIMALS, LOOSE PAVEMENT, UNEVEN PAVEMENT, & OTHER ROAD HAZARDS

Usually, an animal is on the losing end when it collides with an automobile; however, an animal causing a motorcycle accident has devastating effects on both the animal and the motorcyclist. Pet owners are legally responsible for injuries that result from the pet's improper containment, who owns or keeps a vicious or dangerous animal of any kind and who, by careless management or by allowing the animal to go at liberty, causes injury to another person who does not provoke the injury by his own Act may be liable in damages to the person so injured.

The foregoing sentence shall not apply to domesticated fowl including roosters with spurs. The foregoing sentence shall not apply to domesticated livestock.



Most counties or cities have an ordinance that requires a dog to be within the property limits of its owner, on a leash, or at heel beside a competent person. These rules apply to all breeds of dogs. Georgia follows the common law in a county or city that does not have a leash law or ordinance.

Georgia's common law provides that the dog owner knows the dog's propensity to run before recovery is possible. A motorcycle accident lawyer is vital to hold a dog owner responsible for your injuries. If a person is negligent in preventing a dog or other pet from causing a motorcycle accident, you may recover from the person's homeowner's insurance policy or file a lawsuit.

If you are in a motorcycle accident with no other vehicles, you may think that you have no means of recovery. However, just because your motorcycle accident only involved you does not mean that no other party is liable for your injuries. Individuals and businesses must provide visitors, invitees, licensees, and patrons with a safe environment.

If a landowner or tenant fails to uphold a certain standard of care and prevent hazards from causing a motorcycle accident, the person or business could be held liable. If loose pavement, uneven pavement, contaminants on the road or in a parking lot, or other unexpected hazards cause you to have a motorcycle accident, the owner or operator of the land might have acted negligently. A motorcycle accident lawyer can evaluate any premises liability cases related to your motorcycle accident.

## 3-4 WHO DETERMINES FAULT FOR MY MOTORCYCLE ACCIDENT?



In Georgia, you cannot be more than 50.1% at fault to recover from a motorcycle accident. While police officers draft a report of what occurred in a motorcycle accident, either the insurance companies or a jury is responsible for determining who is at fault. If an insurance company or jury assigns some fault to you, if it is less than 50.1%, you can recover for any injuries in the motorcycle accident.

If you are issued a ticket and pay it, this is considered an admission of guilt. In a 2001 Georgia case, a driver paid the ticket but argued that the driver was not at fault (*Miller v. Crumbley*, 249 Ga. App. 403). The Court held that although the driver pled guilty to following too closely, that guilty plea was insufficient to establish that the driver was liable for the harm conclusively. Pleading guilty makes recovery more difficult – even though case law in Georgia indicates admitting guilt through paying a ticket does not establish liability for the harm.

If you are issued a citation after your motorcycle accident, a motorcycle accident lawyer can assist you in pursuing your injury claim, as a ticket is not an admission of guilt. A motorcycle accident lawyer can inform you of the impact of any tickets on your injury claim.





## **3-5** FIXING YOURSELF - MEDICAL CARE AND MOTORCYCLE ACCIDENTS

As noted in the DOs and DO NOTs section, seek medical care from a licensed doctor if injured. Chiropractic care can help your pain. However, you must first have a medical doctor's treatment and diagnosis. Insurance companies and juries do not value chiropractic care like medical treatment.. Health insurance generally does not cover chiropractic care – forcing you to pay for it or out of any future recovery from a motorcycle accident.

If your medical doctor recommends physical therapy after your motorcycle accident, you should follow the program as prescribed. The healing process is time-consuming and requires your best efforts to see results. You risk your health and diminish the value of your motorcycle injury claim if you do not seek medical attention when needed. Reductions in case values often occur when patients do not complete recommended treatment, such as physical therapy.

Healthcare providers may want to recover from the settlement proceeds. Since your health insurance company has already negotiated discounted rates with your healthcare provider, more money is available to compensate you for other damages. You must inform any medical provider of your health insurance and present the location with a copy of your insurance card.

If you do not have health insurance coverage, the hospital may put a medical lien on your claim, under O.C.G.A. §44-14-471. If the hospital files a lien, it is difficult to settle your case without the assistance of a motorcycle accident lawyer. Insurance companies will often pay the entirety of the lien before disbursing any payment to the injured party..

After completing your motorcycle injury claim, your health insurance company may assert a reimbursement claim from any recovery proceeds. The health insurance right of repayment for any treatment provided after a motorcycle accident can depend on the type of settlement or verdict and whether Georgia law or Federal law applies. It is a complex and ever-evolving area of law. Often, a health insurance company will assert that it has a right to reimbursement even if it does not. You should always consult a motorcycle accident lawyer before attempting to negotiate with a health insurance company to learn that payment is mandatory.



## 3-6 FIXING YOUR MOTORCYCLE - THE DEALERSHIP REPAIR PROCESS AND FAIR COMPENSATION



After a motorcycle accident, an insurance company will inspect your motorcycle to evaluate the damage. The adjuster will often travel to the motorcycle's location to complete a repair estimate or total loss statement. This motorcycle repair estimate is often incomplete as the adjuster does not understand the aftermarket parts or work done on motorcycles.

The insurance company does not have the final word on how much it costs to repair your motorcycle. A motorcycle accident lawyer can ensure the insurance company properly compensates you for the full value of your motorcycle.

You should obtain an independent damage estimate from a reputable repair facility. It is best to take the crashed motorcycle to a motorcycle dealer that sells motorcycles of the same make as your damaged motorcycle or an independent shop you trust.

Insurance adjusters do not repair bikes; the adjusters only write checks and take pictures. Let those who repair bikes for a living determine how much it will cost to fix the motorcycle correctly. While the insurance company is interested in keeping the repair costs low, a dealership has your safety and satisfaction in mind when evaluating the damage to your motorcycle.

Once a dealership has completed its estimate, the amount could exceed the insurance adjuster's estimate. A motorcycle lawyer can negotiate with the insurance company to obtain a complete repair that satisfies both parties. Repair disputes often arise when an insurance adjuster is unfamiliar with the peculiarities surrounding motorcycle accident repairs that do not exist in car collision repairs. Sometimes a face-to-face meeting with you, your motorcycle accident lawyer, the adjuster, and the dealership can produce the full value of your motorcycle.

## **MOTORCYCLE ACCIDENT AND TOTAL LOSS**

The adjuster considers the cost of the estimate against the replacement cost of the motorcycle itself. When the repair cost approaches between 60% and 80% of the cash value of the motorcycle, the insurance company might declare the motorcycle a total loss. When a motorcycle is declared a total loss, the insurance company generally will pay you the fair market value of your motorcycle.

"Replacement cost" provisions protect accessory items up to a certain dollar amount. Other policies provide payment equal to the value of a new motorcycle of the same make and model. Most motorcycle insurance policies, however, provide only your motorcycle's fair market cash value.



If a declaration of total loss is inevitable, the next step is to determine the market value of the motorcycle. The market value of your motorcycle is whatever it would cost you to replace it, as of the date of loss, with a similar motorcycle of the same year, make, and model with similar mileage and similar condition to your motorcycle before the motorcycle accident occurred. The best way to find the market value of your motorcycle is to shop for it. Go to dealers and search the classified ads. You may also try valuation guides such as Kelley Blue Book or NADA. Still, comparable motorcycles offered for sale are the best indicator of value.

Once you find several comparable motorcycles, the average prices of these motorcycles should form a basis of value. If before your motorcycle accident, you had additional maintenance or accessories on the motorcycle, that can increase the motorcycle's value. Provide your motorcycle accident lawyer with all receipts, part numbers, and prices for any options or extras added to your motorcycle. Your motorcycle attorney will use these additional values when negotiating with the insurance companies.

Reimbursement of the title ad valorem tax for your motorcycle is required. Each motorcycle has a fair market value identified in the State Motor Vehicle Assessment Manual and, under most circumstances, is entitled to 6.6% of that value – on top of the agreed-upon value of the motorcycle at settlement.

## **MOTORCYCLE REPAIRS AFTER AN ACCIDENT**

If your motorcycle is repairable, the insurance company usually issues you or the repair shop a check. Often, this check is in your name and repair facility. Insurers make the check out to both parties to ensure compliance

There is great flexibility as to what parts get used to replacing the damaged ones. If the replacement parts maintain or enhance the value and safety of the motorcycle, most dealerships and insurance adjusters have no problem with upgrades during collision repairs. You are responsible for upgraded part costs beyond what the insurance company is willing to pay. It is often cheaper to do upgrades while the motorcycle is under the wrench.

Speak with your service consultant at the dealership about the upgrades you are considering. The service consultant can notify the insurance adjuster about your choice. You should remember to make these decisions after an offered final repair price but before the parts order. Once the parts are enroute, you may have to pay a restocking fee.

If, during the repairs, the dealership finds additional damage that was unseen or unknown during the initial estimate, the shop will file a supplemental claim. Payment of supplemental claims is direct from the insurance company to the dealer. It may require a re-inspection of the motorcycle. The dealer's service consultant will handle most supplemental claims with the insurance company and might not require your approval.

If a deductible applies to your motorcycle repair, the insurer's checks to the repair facility should add up to the total cost of the repairs minus your deductible. For example, if your estimate was for \$4,000 and there was a supplemental claim for \$560, you had a \$500 deductible. The dealership should have received \$4,060 in checks from the insurance company, and the last \$500 due to the dealership is your deductible. If the collision was the fault of another driver, but you went through your insurance company to fix your motorcycle, you should receive a check covering the deductible. This process can take a few months, so be prepared to front the cash for your deductible. A motorcycle accident lawyer can help ensure the at-fault driver's insurance company repays the deductible.



# MOTORCYCLE DIMINISHED VALUE CLAIMS

If your motorcycle is repaired and is not a total loss, another thing to negotiate with the insurance company is your claim for diminished value. The diminished value of a repaired motorcycle equals the difference between what your motorcycle would sell for in a repaired condition what a similar motorcycle in the same condition without any accident history.

With the advent of CarFax and other vehicle history products, consumers are more aware of collision histories. Purchasers place a premium on vehicles with a damage-free history. Unlike cars, where parts are repairable, motorcycles often require replacement. For example, most motorcycle manufacturers will not repair any structural components. Instead, the motorcycle is considered unrepairable and will most likely be totaled. You should consult a motorcycle accident lawyer to determine the proper, diminished value claim.

After the dealership completes your motorcycle repairs, thoroughly inspect the motorcycle. Discuss any concerns you may have with the service consultant before taking home your repaired motorcycle.



## **3-7 GETTING FAIRLY COMPENSATED FOR YOUR INJURY, LOST WAGES, PAIN AND SUFFERING, ETC.**

In Georgia, the motorcycle accident victim has a legal claim to compensatory damages and punitive damages.

Compensatory damages attempt to provide money to restore the motorcyclist to the same situation as before the accident occurred. Compensatory damages include past and future medical expenses, pain and suffering, past and future lost wages, short-term and permanent disabilities, loss of enjoyment of life, and other damages.

Punitive damages, however, punish the offender when the negligent party acts in a way that shows reckless indifference to the consequences, such as drunk driving. Georgia limits punitive damages to \$250,000 unless the defendant was under the influence of intoxicating substances or intentionally caused the harm.



## 3-8 WHEN TO SETTLE AND WHEN TO LITIGATE A MOTORCYCLE ACCIDENT CLAIM



Very few motorcycle accidents and injury claims reach the courtroom. 99.97% of civil litigation cases end in a settlement. A motorcycle accident case usually only goes to Court when the victim cannot agree on a settlement amount or a question of fault exists.

A motorcycle accident lawyer can assist you in determining the value of a case, the strength of any settlement offers, and what to expect if a court trial is necessary. The motorcycle injury lawyer's job is to inform you of the law, any facts that are beneficial or harmful to your case, and an estimate of likely outcomes. The client, however, always has the final authority on how to proceed with the case.

If you and your motorcycle accident lawyer agree that a settlement is proper, you can expect to receive a check within two years of your accident. If a lawsuit is required, litigation can take several years. In 2023, a motorcycle accident case can take around three years before trial. Sometimes, however, litigation is the only way to get fair compensation for your injuries.



Motorcycle injury claims must have some connection to the accident. Motorcycle accidents can cause injuries that do not appear weeks or months later. The statute of limitations dictates the amount of time available for a lawsuit.

In Georgia, a motorcycle accident victim has two years from the date of the motorcycle accident to file a lawsuit. There are some specific exceptions for minors, people with disabilities, or in cases where the negligence that caused the injury. Still, the last possible day to file suit is the second anniversary date of the motorcycle accident. O.C.G.A. §9-3-33 states:

Actions for injuries to the person shall be brought within two years after the right of action accrues, except for injuries to the reputation, which shall be brought within one year after the right of action accrues, and except for actions for injuries to the person involving loss of consortium, which shall be brought within four years after the right of action accrues.

Contacting a motorcycle accident lawyer as soon as possible after your wreck is vital so that none of your rights are forfeited. If the statute of limitations runs, no recovery is possible.

Georgia's uninsured motorist claims must occur within the two-year statute of limitations, not the four or six-year breach of contract statute.

Each case and each insurer are different. There is never one right answer. A good competent motorcycle injury attorney can help you make the correct decision.



## **3-9 WHO GETS WHAT AFTER A SETTLEMENT OR VERDICT?**

Once a motorcycle accident claim or a verdict occurs in the injured party's favor, the injured party will collect the funds. Any parties who paid medical bills on the injured's behalf will try to seek reimbursement. Federal law provides that some medical providers are entitled to reimbursement from settlement or judgment.

These entities include but are not limited to medical payment coverage on your motorcycle policy, Medicare, Medicaid, Tricare, VA, Hospital Liens, Workers' Compensation, and Self-Funded ERISA healthcare plans. Self-Funded ERISA healthcare plans often only apply when the injured party works for a company with over 500 employees. Even if a medical provider claims to have a right to reimbursement, that does not mean that right is permissible under Georgia Law. Unless a federal law requires reimbursement of medical treatment, Georgia's "made whole" doctrine could stop any payments unless the injured motorcycle rider was "made whole" from the settlement. Again, involving a motorcycle accident lawyer is vital to ensure a fair outcome.

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