

## ●● Motorcycle Justice

**Q** My motorcycle fell and amputated my thumb. Can I claim that on my insurance?  
—Sterling Thomas

**A** You can likely claim partial compensation from your motorcycle insurance. The insurance company's obligations are governed by the language in your policy. Under most motorcycle (and other motor vehicle) insurance policies that I have seen, the coverage will be limited to the medical payments (Med Pay) section.

Medical Payments coverage is not automatically included in all vehicle insurance policies; your agent should have offered and explained the coverage. It covers reasonable medical services received because of bodily injury sustained in a motor vehicle accident.

Some policies reference "motor vehicle accident" without further definition. Unless excluded, a falling motorcycle that amputates a thumb certainly sounds like a "motor vehicle accident" to me. Assuming that "motor vehicle accident" as referenced in the motorcycle policy includes the accidental fall of the motor-

cycle, coverage should apply.

Also, look for language in the "insuring agreement" section such as "arising out of the ownership, use, or operation of the motorcycle." Look at "occupying," which might be defined to include "in, on, entering, exiting, mounting, or dismounting."

Your health insurance policy will likely provide that the company is entitled either offset or recoup money (subrogate) against or from money that you receive from other sources. Typically, the health insurer tries to make you collect your motorcycle medical payments coverage first before beginning to pay medical bills from your health insurance proceeds. We discourage that, as it leaves you paying a larger amount for copayments and deductibles. If the health insurance pays first, you can use medical payments coverage from your motorcycle policy to pay the copayments and deductibles instead of getting stuck paying them out of your own pocket.

Other coverages may apply if someone else was using (sitting on, moving, or whatever) the motorcycle with your permission, and caused it to fall on your thumb. The other user is an "insured person" covered by the policy, and you can

possibly collect up to the limit of your liability coverage for all of your losses (medical, wages, pain, permanent injury, etc).

If the other person has insurance on a motor vehicle, this provides additional coverage if your own liability insurance is insufficient. Coverage on your motorcycle would likely be primary, and the other person's coverage secondary (or excess).

As for all coverages (liability, uninsured, underinsured, medical payments, comprehensive or other), possible payout will depend on the language in the insurance policy that you purchased.

In closing, I am very sorry to hear about the loss of your thumb!

—Harry

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