



## Michigan No-Fault Law: Benefits & Rights After an Accident

*In recent years, Michigan enacted significant reforms to its No-Fault auto insurance system, introducing changes that affect the benefits and rights of auto accident victims. Understanding these provisions is crucial to you receiving the compensation you deserve.*

### Personal Injury Protection (PIP) Coverage

Before 2019, Michigan required unlimited lifetime PIP coverage for all drivers. Under the reformed law, drivers can now select from various PIP coverage levels. Some conditions apply to these coverages, so it is important to choose your coverage carefully, as this will directly impact the benefits available to you after an accident.

### Key Benefits Under Michigan's No-Fault Law

#### Allowable Expenses

Coverage (up to the amount selected) for reasonably necessary medical care, hospital/facility stays, medical products, and rehabilitation. Expenses can include:

- Medical expenses related to the accident
- In-home patient care
- Attendant care
- Medical transportation
- Home modifications
- Physical therapy
- Case manager costs
- Vocational rehabilitation
- Guardianship costs
- Mileage to/from treatment

#### Wage/Work Loss Benefits

Tax-free compensation for lost income if your accident-related injuries prevent you from working, typically 85% of your gross earnings up to the state statutory maximum for up to three years from date of accident. This may also be paid if you were temporarily unemployed at the time of the accident, subject to conditions.

#### Replacement Services & Attendant Care Benefits

Replacement services include reimbursement for services you can no longer perform yourself due to your injuries, such as housekeeping, meal preparation, childcare, pet care, yard work, or errands, etc., up to a \$20 daily limit.

Attendant care covers the services of individuals or professionals who provide care and assistance with personal daily living activities that can no longer be performed independently by the injured person (such as supervision, bathing, dressing, medication administration, or toileting). These services can be provided by licensed caregivers, e.g., nurses or home health workers, or by family members and friends.

Be aware that recent reforms have introduced limitations on certain benefits, such as caps on friends and family-provided attendant care hours. We will help advise you on what applies in your circumstances.

**Disclaimer:** *The outcome of a particular matter can depend on a variety of factors—including the specific factual and legal circumstance that may come to light during initial investigation.*

## Survivors Loss Benefits

Required to be paid to dependents in the event of death due to a covered accident; includes lost income of the deceased, a nominal amount towards funeral/burial costs, and replacement services.

## Critical Considerations

**Filing Deadlines:** You must file an application for No-Fault benefits with your insurance company within one year of the accident date. Failing to do so will forfeit your right to these benefits.

**Benefit Limitations:** Understand the specific limitations of your PIP coverage, especially if you've selected a capped option. Medical expenses exceeding your coverage limit will become your responsibility.

**Timing:** You must file a lawsuit within one year of being denied benefits from your insurance company.

## Get Help from an Attorney

Navigating the complexities of Michigan's No-Fault law can be extremely challenging, and making an uninformed choice may negatively impact your future. An experienced personal injury attorney can help.

- **Assess Your Coverage:** Determine the adequacy of your selected coverage in relation to your injuries.
- **File Claims Promptly:** Ensure all necessary documentation is submitted within required timeframes.
- **Explore Additional Compensation:** Evaluate the feasibility of pursuing claims against at-fault parties to cover expenses exceeding your PIP coverage.

By understanding your rights and proactively managing your claims, you can maximize the benefits available to you under Michigan's No-Fault laws. Call us today for a no-cost consultation and free evaluation of your coverages.

### Notes:

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## Motor Vehicle Accident | Auto, Truck, Motorcycle

Motor vehicle accident cases (auto, truck, or motorcycle) are among the most common types of personal injury claims. They arise when someone is injured in a crash caused by another person's negligence or wrongful actions.

### No-Fault Benefits (PIP - Personal Injury Protection)

Michigan is a No-Fault insurance state, which changes how auto accident cases are handled. After an accident, an injured person typically first turns to their own insurance (regardless of who caused the crash) for coverage of:

- **Allowable Expenses:** Covers your medical and rehabilitation needs up to the limits of the policy
- **Lost Wages:** Up to 85% for a limited time up to three years following the accident
- **Household Services:** Help with household chores, up to a daily limit of \$20, up to 3 years after the accident

These are called **first-party** benefits or **PIP** benefits.

### Suing the At-Fault Driver | Third-Party Claim

You can recover damages against the negligent driver only if your injuries meet Michigan's "serious impairment of body function" threshold. This means the injury must affect your ability to lead your normal life, and not just be a minor setback that heals in a few weeks.

Through this lawsuit, you may recover:

- **Non-Economic Damages:** Pain and suffering, emotional distress, loss of enjoyment of life
- **Excess Economic Damages:** Medical bills and lost wages not covered by PIP

## Motorcycles & Coverage

Motorcycle accidents often result in catastrophic injuries, and without PIP coverage, medical bills can quickly become overwhelming. While Michigan law does not require motorcyclists to carry PIP, riders can choose to add optional Medical Benefits Coverage (the equivalent of PIP) to their motorcycle policy to help pay for medical expenses after an accident. This coverage is also tied to Michigan's helmet law—riders must carry at least \$20,000 in Medical Benefits Coverage if they choose to ride without a helmet, unless they are under 21, in which case wearing a helmet is mandatory.

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## Accessing PIP Through Another Vehicle's Insurance

If a motorcycle is struck by a car or truck, the motorcyclist may access PIP benefits from the insurer of the at-fault motor vehicle involved, but the amount of coverage depends on that driver's insurance policy limits. If that vehicle's PIP coverage is limited, the excess medical bills will be recovered in the liability lawsuit.

## Trucks/Commercial Vehicles

Truck accidents often result in more severe injuries due to the size and weight of commercial vehicles. The same No-Fault rules apply for Michigan residents, meaning injured people turn to PIP for medical coverage and third-party claims for non-economic damages and excess losses. However, trucking cases often involve additional layers of liability, including:

- The truck driver
- The trucking company
- Contractors or maintenance providers
- Trailers
- Motor carriers
- Many other potential sources of recovery

Because federal and state trucking regulations apply, these cases are more complex. We have significant expertise handling major truck crashes and are highly competent in this particular area of law.

## Comparative or Contributory Negligence

A plaintiff's own actions are considered if the injured person was partly at fault (distracted by a phone, ignoring a warning sign), and damages may be reduced accordingly.

Michigan follows a comparative negligence rule. If the injured person is **50% or less at fault**, they can still recover non-economic damages, but their compensation is **reduced by their percentage of fault**. If the plaintiff is found more than **50% at fault**, they are **barred from recovering non-economic damages** (such as pain and suffering), but may still recover economic damages (such as medical bills and lost wages) but these are also reduced by their percentage of fault. Read more: **MCL 600.2959**

The system reflects Michigan's policy that people shouldn't be rewarded for being primarily responsible for their own injuries, but they also shouldn't lose out entirely if they were only partly at fault.

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## Michigan Dog Bite Law: What You Need to Know

*A dog bite case is a type of personal injury claim where someone is injured by a dog attack. The physical injuries can be terrible, frequently leaving scarring and disability. Dog attacks also often leave emotional scars that cannot be seen.*

### Elements of a Dog Bite Case

Michigan is a **strict liability state** when it comes to dog bites. This means that the dog's owner is liable if their dog bites someone, regardless of whether the dog has bitten before or shown aggression. There are two important common law defenses. If the victim provoked the dog, even accidentally, the claim would fail. Also, if the victim was trespassing, the claim would fail. Read more: **MCL 287.351**.

### Damages

Victims can pursue compensation for:

- Medical bills (emergency care, stitches, surgery, rabies shots, etc.)
- Lost wages if injuries prevent working
- Pain and suffering
- Disfigurement or scarring
- Emotional trauma (fear of dogs, PTSD)

### Critical Considerations

- **Leash Laws:** Michigan has a statewide leash law. A violation of leash laws can strengthen a victim's claim.
- **Landlord Liability:** Landlords are generally not liable unless they had direct knowledge of a dangerous dog and control over the property.
- **Statute of Limitations:** In Michigan, victims generally have 3 years from the date of the attack to file a lawsuit.

### Statewide Leash Law

Michigan's statewide leash law requires that dogs be properly leashed when off their owner's property, and when on their owner's property, they must still be kept under reasonable control - such as being fenced, tied, or otherwise restrained. Violating the leash law can be used as evidence of negligence in a civil case. If a dog was running loose in public when it bit someone, the violation of the statewide leash law strengthens the victim's claim. Even though Michigan's dog bite statute is **strict liability** - meaning the owner is liable regardless of negligence - a leash law violation can undercut defenses (such as claiming provocation) or support related negligence claims (for injuries other than bites, or if the dog knocked someone over).

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## Recreational Vehicle Laws & Personal Injury Claims

*Recreational vehicles such as ATVs, snowmobiles, motorhomes, and boats are a popular way to enjoy Michigan's outdoors, but they also carry unique risks. Michigan law treats these vehicles differently from standard automobiles, which can affect how insurance coverage and personal injury claims are handled.*

### Recreational Vehicles & Watercraft

Michigan law treats recreational vehicles and watercraft differently than most motor vehicles on the road, and these differences directly affect personal injury claims. Motorhomes and campers are covered under the state's No-Fault insurance system, but vehicles like ATVs, snowmobiles, boats, and jet skis are not. Instead, accidents involving these vehicles usually fall under traditional negligence law, where the injured party must prove fault. Because each category has its own rules for registration, insurance, and operation, understanding how the law applies is critical to knowing what compensation may be achievable after an accident.

### Insurance & No-Fault Implications

- **Motorhomes:** Covered by No-Fault PIP (**MCL 500.3101**) when driven on public roads, and owners must carry PIP coverage, property protection insurance, and residual liability insurance.
- **ORVs/Snowmobiles:** Not considered "motor vehicles" under No-Fault, claims fall under common law negligence.
- **Boats/Watercraft:** No-Fault coverage does not apply. Liability is based on traditional negligence principles. Insurance liability is not mandated by statute, but many owners carry boat liability policies.

### Boats & Watercraft

Boats and personal watercraft in Michigan aren't governed under the Michigan Vehicle Code (**MCL 257.1 et seq.**) like other personal modes of transportation, instead, they are defined under the Marine Safety Act. Boats and watercraft are not considered motor vehicles under Michigan's No-Fault Act, therefore, injuries from boating accidents are not covered by No-Fault PIP benefits. Though if you are injured in a boating accident, you can still file a negligence claim in which you would have to prove fault. Common boating law violations that can establish negligence are:

- **Operating While Intoxicated (OWI):** Illegal to operate a vessel with a BAC of 0.08 or higher while impaired by drugs/alcohol.
- **Reckless or Careless Operation:** Operating a boat in a manner that endangers life, property, or other water users.
- **Speeding:** Traveling too fast for conditions or exceeding posted speed limits on waterways.
- **Improper Distance/Wake Violations:** Watercraft must maintain proper distance (generally 100 ft from docks, swimmers, rafts, or other vessels) and avoid wake hazards.
- **Operating Without Required Safety Equipment:** Boats must carry life jackets, lights, fire extinguishers, and other required safety gear.
- **Negligent Towing of Skiers, Tubes, or Wakeboards:** Towing without an observer, proper mirrors, or during prohibited hours.
- **Unlawful Operation by Minors:** Children under certain ages may not legally operate boats or PWCs (Personal Water Craft) without certification or supervision.

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## Wrongful Death in Michigan

*Losing a loved one is one of the hardest things anyone can endure. If a family member's death was caused by another's negligence, whether from a car accident, dangerous property, or corporate wrongdoing, you may have the right to bring a wrongful death claim.*

*Michigan law gives families the right to seek justice and compensation when a loved one's death is caused by negligence.*

### What Is a Wrongful Death Case?

A wrongful death case is a civil lawsuit that seeks compensation when a person's death is caused by the wrongful act, negligence, or fault of another person, company, or entity.

### Who Can File a Wrongful Death Lawsuit in Michigan?

Under Michigan's Wrongful Death Act (**MCL**) 600.2922, only the personal representative of the deceased person's estate may file the lawsuit. While the personal representative files the case, the claim is brought for the benefit of the surviving family members, such as:

- Spouse and children
- Parents and grandparents
- Brothers and sisters
- Other individuals who may have been financially dependent or others that would inherit the estate

### What Damages Can Be Recovered?

Michigan law allows families to seek compensation for both economic and non-economic losses, including:

- Medical and funeral expenses
- Loss of the deceased's financial support
- Loss of companionship, care, guidance, and emotional pain
- Pain and suffering of the deceased before death

The court oversees distribution of these damages to eligible family members.

### How Long Do I Have to File?

In Michigan, the statute of limitations is three years from the date of death. Missing this deadline usually means you cannot file a claim. Because the process involves appointing a personal representative and building a case, it's important to begin as soon as possible.

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## What Do I Need to Prove in a Wrongful Death Case?

Like other personal injury claims, wrongful death cases require proof that:

- There was a breach of the duty of care through negligence or wrongdoing
- That negligence caused or contributed to the death
- The victim and surviving family suffered damages as a result

## Do Wrongful Death Cases Always Go to Trial?

Not always. Most cases settle through negotiation or mediation. However, if a fair settlement cannot be reached, our trial lawyers are prepared to try your case in court.

## How Much Does it Cost to Hire a Wrongful Death Attorney?

Most Michigan wrongful death attorneys, including our firm, work on a contingency fee basis. This means you don't pay upfront legal fees — our fee is a percentage of what we recover for you. If we don't win your case, you don't owe attorney's fees.

## What Should I Do First if I Think I Have a Case?

- Contact an attorney as soon as possible. It is critical to hire someone with extensive experience in these types of cases, as timelines are rigid.
- Gather important documents, such as the death certificate, accident reports, and medical records.
- Do not speak with any insurance companies before contacting an experience attorney.

## Our Promise

Every wrongful death case is unique. While no amount of money can replace a loved one, holding the responsible party accountable can provide financial stability and a sense of justice. Our firm is here to guide you through the legal process and ensure you and your family obtain the recompense you deserve.

### Notes:

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## Michigan Assigned Claims Plan (MACP)

*The Michigan Assigned Claims Plan is a safety net under Michigan's No-Fault Act. It provides Personal Injury Protection (PIP) benefits to people injured in motor vehicle accidents who do not have any other source of PIP coverage.*

*While the MACP is a last resort for accident victims who would otherwise have no access to Michigan No-Fault PIP benefits, it comes with strict exclusions and a coverage cap.*

### How Can I Qualify?

When a person is injured in an auto accident, generally they seek their PIP benefits from their own auto insurance or the insurer of their spouse or of a relative(s) that lived in their home at the time of the accident. If no insurance is available as indicated above, the injured party may qualify to obtain PIP benefits from the MACP. Situations in which an injured person(s) could qualify are:

- **No Auto Insurance Applies:** There is no policy that covers your injuries under Michigan's priority rules (**MCL 500.3114**)
- **Insurer can't be Identified:** The responsible No-Fault insurer cannot be determined
- **Dispute between Insurers:** Two or more insurers disagree about who must pay
- **Insolvent Insurer:** The only available insurer is financially unable to provide coverage

You **cannot** collect MACP benefits if you were the owner or registrant of an uninsured vehicle involved in the accident (**MCL 500.3113(b)**).

### Benefits Available

Benefits through MACP are the same PIP benefits available under a No-Fault policy:

- Medical expenses (**MCL 500.3107(1)(a)**), but limited to \$250,000
- Wage loss (**MCL 500.3107(1)(b)**)
- Replacement services (**MCL 500.3107(1)(c)**)
- Attendant care (subject to statutory limits)

Cap on MACP Benefits:

Under **MCL 500.3172(7)**, the MACP's liability for allowable expenses is **capped at \$250,000** per individual per accident.

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## Traumatic Brain Injury (TBI) Cases

*A traumatic brain injury is an injury that affects how the brain works. It can be caused by a blow or jolt to the head, an object penetrating the skull, or even by motion, such as a fall or whiplash in a car accident. There are many types of TBI. Even so-called “mild” TBIs or concussions can have serious life-long impacts. A TBI can change nearly every aspect of a person’s life. The effects are often unpredictable, vary in severity, and can last a week or even a lifetime.*

### Short-Term Impacts

Immediately after a TBI, victims may experience:

- Headaches, dizziness, blurred vision, or nausea
- Fatigue and sleep disturbances
- Memory gaps and difficulty concentrating
- Irritability, anxiety, or mood swings
- Trouble with balance or coordination
- Ringing in the ears

### Long-Term Impacts

For moderate to severe injuries, or even repeated mild TBIs, the consequences can be lifelong:

- **Cognitive Difficulties:** Problems with long and short-term memory, focus, planning, and decision-making, attention and concentration difficulties, and executive function impairments.
- **Communication Struggles:** Trouble finding words, aphasia (inability to express thoughts clearly), tracking and participating in conversations, or processing information and understanding spoken/audio content.
- **Emotional and Personality Changes:** Mood swings, depression, anxiety, personality shifts, irritability, impulsivity, social withdrawal, poor judgment, emotional outbursts, loss of empathy, increased anger and frustration.
- **Physical Challenges:** Chronic pain, headaches, seizures, vertigo, sensitivity to light or noise, sensory disturbances.
- **Medical Complications:** Increased risk of dementia, Parkinson’s disease, or other neurological conditions.

### Impact on Work, Family & Daily Life

- **Employment:** Many TBI survivors cannot return to their former jobs, or must reduce hours, switch careers, or stop working entirely, creating financial hardship.
- **Hobbies and social life:** Activities once enjoyed (sports, travel, music, reading) may be impossible or frustrating, causing loss of identity and independence.
- **Relationships:** Marriages, parenting, and friendships can suffer under the stress of personality changes, fatigue, unpredictability and caregiving responsibilities.
- **Future planning:** Ongoing medical care, therapy, and supervision may be needed indefinitely, requiring life-care plans and long-term financial security.

## Complexity of TBI Cases

Invisible injuries need visible proof, and most TBIs don't show up on a standard CT scan or MRI. Memory problems, headaches, light/noise sensitivity, mood changes, slowed thinking, and fatigue can be delayed or even fluctuate. Building a TBI case means translating these lived symptoms into proof a jury understands and that an insurance company cannot refute.

Experts are necessary. Serious TBI cases typically require a coordinated team of specialists to document injury, causation, and life impact, and will typically include: neurologists, physiatry, neuropsychology, neuroradiology, life-care planners, vocation experts, and economists, to name a few. These experts help explain how even a mild TBI can cause very real, chronic (long-term) problems, even if outwardly you look "normal."

## Compensation in a TBI Case

You may be entitled to recover for:

- Medical care (hospital, specialists, therapy, medications) and future care needs
- Wage loss
- Pain and suffering and loss of quality of life
- Household/replacement services and other out-of-pocket costs (exact categories depend on case type: auto, premises, trucking, product, medical negligence, etc., and whether No-Fault/PIP applies)

## Why Choose Us?

- **Deep TBI focus:** We routinely handle complex concussion and brain-injury litigation - from car, motorcycle, and trucking crashes to premises and corporate negligence. Dave Christensen, our founder, is an expert in TBI cases after 30+ years in practice.
- **Trial Horsepower:** Insurers know we will absolutely try a case. We build TBI cases for the courtroom from day one, which often drives better settlements.
- **Expert Network:** We work with the nation's top neurologists, PM&R physicians, neuropsychologists, neuroradiologists, life-care planners, and economists.
- **Client Care:** Clear communication, help coordinating care, and guidance for families navigating the day-to-day realities of traumatic brain injury.

Traumatic Brain Injury cases are complex and challenging. Your attorney should have deep experience with winning these cases in court. There is too much at stake.

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## Pedestrian Laws in Michigan

*Pedestrian laws in Michigan set clear rules for when drivers must yield, how pedestrians may cross, and the safe use of sidewalks and roadways. These laws are important in personal injury cases because both motorists and pedestrians share a duty of care, and fault is often determined by how each followed (or failed to follow) the law. Combined with Michigan's No-Fault insurance system and comparative negligence rules, pedestrian law plays a key role in deciding who is responsible and what compensation may be available after an accident.*

### Your Rights as a Pedestrian

#### Crosswalk Right of Way

- Vehicles must stop and yield to pedestrians within a crosswalk when traffic control signals are in place (**MCL 257.612(1)(a)**)
- Pedestrians must obey traffic control signals (e.g., walk/don't walk) (**MCL 257.613**)
- Where signals are not present, vehicles must yield to pedestrians within a crosswalk on the half of the roadway the vehicle is traveling (**MCL 257.615**)
- Pedestrians cannot suddenly leave a curb and enter the path of a vehicle that is so close it is impossible for the driver to yield (**MCL 257.613(2)**)

#### Crossing Outside a Crosswalk

- Pedestrians crossing outside marked crosswalks must yield the right of way to all vehicles (**MCL 257.655**)
- Pedestrians cannot cross diagonally unless authorized by traffic control devices (**MCL 257.656**)

#### Use of Roadways & Sidewalks

- Where sidewalks are provided, pedestrians must use them, not the roadway (**MCL 257.655(1)**)
- If no sidewalk is available, pedestrians should walk on the left side of the roadway or the shoulder facing traffic (**MCL 257.655(2)**)

#### Driver Duties Toward Pedestrians

- Drivers must exercise due care and caution to avoid colliding with pedestrians (**MCL 257.601(a)**)
- Drivers must give warning by sounding the horn when necessary and exercise proper precaution upon observing a child or incapacitated person on the roadway (**MCL 257.601(b)**)

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## Children & Pedestrian Accidents

Michigan courts recognize that young children can't always be expected to follow the same level of caution as adults. Drivers are expected to use extra care in areas where children are likely to be present, such as neighborhoods, schools, and parks.

### Key Takeaways

- Michigan law requires drivers to yield to pedestrians in crosswalks and exercise due care
- Pedestrians must use sidewalks when available, and if not, walk on the left side of the road facing traffic
- Pedestrians must yield when crossing outside of a sidewalk
- Michigan's modified comparative negligence rule applies, so the conduct of both pedestrians and drivers matters

### Comparative or Contributory Negligence

In many states, a plaintiff's own actions are considered. If the injured person was partly at fault (distracted by a phone, ignoring a warning sign), damages may be reduced.

Michigan follows a comparative negligence rule. If the injured person is **50% or less at fault**, they can still recover damages, but their compensation is **reduced by their percentage of fault**. If the plaintiff is found more than **50% at fault**, they are **barred from recovering non-economic damages** (such as pain and suffering), but may still recover **economic damages** (such as medical bills and lost wages) but these are also reduced by their percentage of fault. Read more: **MCL 600.2959**

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## Cycling Laws in Michigan

*In Michigan, pedestrians and bicyclists share the road with motor vehicles and consequently are especially vulnerable in crashes. While state law gives pedestrians the right of way in many situations, bicyclists are generally treated like drivers and must follow the same traffic rules as motorists. When accidents happen, liability is determined by Michigan's No-Fault law if a car is involved, or by negligence and comparative fault principles if the collision is between a pedestrian and a bicyclist.*

### Your Rights & Duties as a Cyclist

Under **MCL 257.657**, every person riding a bicycle on a roadway has "all of the rights and is subject to all of the duties applicable to the driver of a vehicle." That means bicyclists must follow the same traffic laws as cars when they are on the roadway. Duties of a cyclist are:

- **Ride on the Right:** Cyclists must ride as far to the right as practicable except when passing another vehicle, preparing for a left turn, avoiding hazards, or on a lane too narrow for side-by-side travel
- **Lighting:** Bikes must have a white front light and a red rear reflector or light visible from 500 feet at night
- **Helmet:** Not required for adults, but may be required for minors in some cases; lack of helmet may be considered under comparative fault principles

### Motorist Duties Toward Cyclists

- **Safe Passing:** Drivers must leave at least three feet of space when passing a cyclist
- **Dooring Violations:** Opening a car door into traffic without checking for cyclists is prohibited
- **General Duty of Care:** Motorists must exercise reasonable care to avoid injuring cyclists

### Bicycles & Sidewalk Rules

Michigan law allows local governments to decide whether bicycles are permitted on sidewalks (**MCL 257.660c(5)**). If riding a bicycle on a sidewalk is permitted, cyclists must:

- Yield the right of way to pedestrians
- Give an audible signal (such as a bell or saying "on your left") before overtaking and passing a pedestrian (**MCL 257.660c(6)**)

### Bicycle Accidents & Michigan's No-Fault Law

Bicyclists who are injured in a crash with a motor vehicle can access Personal Injury Protection (PIP) benefits through their own auto insurance policy. If they do not have an auto policy, coverage may be available through the insurer of a spouse or another resident relative living in the same household, following Michigan's priority rules.

If the bicyclist suffers significant injury, they can also file a third-party lawsuit against the at-fault driver for pain and suffering and excess economic damages.

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## Bus & Public Transport Laws in Michigan

*Bus and public transportation accidents in Michigan involve unique laws that differ from other types of vehicles. Because buses are considered “common carriers,” they owe passengers a heightened duty of care, and injuries often involve both Michigan’s No-Fault system and exceptions to governmental immunity. Whether the case involves a city bus, school bus, or private transit company, understanding these rules is critical to determining fault and the types of compensation an injured passenger may recover.*

### Common Carriers

Michigan regulates buses and other commercial passenger carriers under the Michigan Vehicle Code (**MCL 257.1 et seq.**) and related safety statutes. Public buses (like city transit systems) and private buses (charter or intercity carriers) are considered common carriers when transporting passengers for a fee. Transportation Network Companies (Uber, Lyft, taxis, limousines) are not considered common carriers, so they are treated like ordinary motorists under negligence law.

Under Michigan law, common carriers owe passengers the highest degree of care consistent with the practical operation of their business. Operators must follow all traffic laws, maintain their vehicles in safe condition, and protect passengers from foreseeable harm.

A common carrier is defined as:

- A business or entity that holds itself out to the public as willing to transport people or goods for hire
- Serves the general public, not just select customers
- Is generally subject to government regulation
- Owes passengers the highest degree of care for their safety

### Rideshare Services (Uber, Lyft, etc.)

Michigan enacted the Limousine, Taxicab, and Transportation Network Company Act (**MCL 257.2101 et seq.**) in 2016 to regulate rideshare companies (Transportation Network Companies, or TNCs). This act requires rideshare drivers and companies to carry specific insurance coverage depending on the driver’s status:

- **Driver logged into app but no passenger yet:** Minimum \$50,000 per person / \$100,000 per accident (bodily injury), and \$25,000 property damage
- **Company requirement:** All TNCs are required to carry primary coverage of \$1 million dollars in liability

### Insurance & No-Fault

Rideshare vehicles are motor vehicles under the No-Fault Act, so:

- Injured passengers can claim PIP benefits from their own insurer, a spouse’s insurer, a household relative’s insurer, or (if none exist) through the Michigan Assigned Claims Plan
- If injuries exceed the No-Fault threshold, passengers may bring a tort claim against the at-fault driver (rideshare or another vehicle)

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## Personal Injury: Understanding Premises Liability

*Premises liability is a branch of personal injury law that holds property owners (or those responsible for maintaining a property) accountable when unsafe conditions on their premises cause injuries. Some common types of personal injury cases that fall under this umbrella include:*

- Slip & Fall
- Trip & Fall
- Negligent Security
- Structural Defects
- Toxic Exposure
- Falling Objects
- Swimming Pool Accidents
- Fire & Burn Injuries
- Amusement Park Accidents
- Maintenance or Mechanical Failures

In short, any injury caused by a dangerous or defective condition on someone else's property can potentially fall under premises liability.

## Key Elements of a Premises Liability Case

To succeed in this type of case, the injured person (plaintiff) generally needs to prove:

### Duty of Care

The property owner or occupier owed them a legal duty to keep the premises safe.  
*e.g., a store must keep aisles free of hazards for shoppers*

### Breach of Duty

The property owner failed to meet that duty.  
*e.g., failing to clean up a spilled liquid in a reasonable time*

### Causation

The dangerous condition directly caused the injury.  
*e.g., a customer slipped on the spill causing them to fall and hit the ground*

### Damages

The plaintiff suffered actual harm (medical bills, lost wages, pain and suffering, etc.).  
*e.g., a customer broke their leg*

## Who Can Be Held Liable?

- **Property Owners:** Homeowners, landlords, commercial property owners
- **Businesses & Tenants:** Retail stores, restaurants, offices
- **Property Managers / Maintenance Companies:** If responsible for upkeep
- **Government Entities:** For public property, though special rules often preclude liability





## Private School & Daycare Abuse

Private schools and daycare facilities in Michigan have a legal duty to provide children with a safe environment, free from abuse or neglect. When this duty is breached - whether through inadequate supervision, negligent hiring, or violations of state childcare regulations - children may suffer serious physical or emotional harm. In such cases, families may pursue personal injury claims to hold the institution accountable and seek compensation for the child's injuries. These claims often involve both statutory protections and common law principles designed to safeguard children.

### Duty of Care Owed by Schools & Daycares

Michigan law recognizes that schools and school employees owe a duty of **reasonable supervision** to students in their custody. This arises from both common law negligence principles and statutory duties. Schools must take reasonable steps to prevent foreseeable harm such as abuse by staff, bullying, or unsafe conditions.

### Child Care Organizations Act

Child care centers in Michigan are governed by **MCL 722.11 et seq.**, the Child Care Organizations Act. Private schools and daycare facilities must meet strict safety, staffing, and supervision standards. Failure to comply may establish negligence *per se* if harm results from the violation. The act applies to daycare centers, group daycares, family child care homes, child care institutions, and child-placing agencies.

- Providers must meet minimum standards for supervision, discipline, nutrition, health, and safety
- Facilities must comply with building, fire, and sanitation codes
- Corporal punishment, humiliating discipline, or unsafe conditions are strictly prohibited
- Staff must be properly trained and suitable to work with children

## Mandated Reporting

In Michigan, private schools and licensed daycares are legally bound by **MCL 722,623**, which requires teachers, administrators, counselors, and childcare staff to report suspected child abuse or neglect to Child Protective Services (CPS). This law is designed to protect children - and when schools or daycare providers fail to follow it, they may be held accountable. Parents pursuing a personal injury or abuse claim should understand how these duties apply:

- All teachers, administrators, and licensed childcare staff are **mandated reporters**
- They must immediately call Child Protective Services if they suspect abuse or neglect
- A written follow-up report must be filed within 72 hours
- Staff do not need proof - only reasonable suspicion
- Failure to report can lead to criminal penalties and potential civil liability
- A daycare or school's failure to act can strengthen a parent's legal claim

**Disclaimer:** *The outcome of a particular matter can depend on a variety of factors—including the specific factual and legal circumstance that may come to light during initial investigation.*

