

Cyclists and ‘Car Dooring’ – Who is at fault and can I make a personal injury claim?

Whilst governments and councils continue to create dedicated roadside bike lanes and bike paths, accidents between bicycles and motor vehicles continue to occur. In this article, Personal Injury Lawyer **Matthew Fuss** discusses the concept of ‘Car Dooring’ and what to do if you find yourself injured or your bike in disrepair in this unfortunate situation.

What is car dooring?

The term “car dooring” refers to an incident whereby a motor vehicle is parked on the side of the road. A bike rider approaches the parked vehicle from behind and at the time of or shortly before passing the vehicle, a car door is opened. The cyclist usually cannot sufficiently brake or swerve in time and is unable to avoid a collision. The result is the cyclist collides with the open car door.

Depending upon the speed at which the cyclist was travelling and the nature of impact, cyclists can

suffer a wide variety of injuries. In circumstances where the cyclist has been able to slowly sufficiently, a fright is the best case scenario.

In cases of more severe impact which often results from the cyclist being thrown from their bicycle, physical injuries at the minor end of the scale can include grazes, bumps and bruises. In many instances however cyclists have suffered broken bones, loss of consciousness or brain injuries. In some cases, the severity of the incident has caused permanent damage to the cyclist.

Can I claim compensation for injuries and effects from a car dooring?

As with any claim for personal injury, the ability to make a claim under the compulsory third-party motor vehicle accident scheme will be dependent upon the circumstances of the incident. As a general principle, most claimants for injuries arising from a car dooring incident are successful in making a claim for compensation.

Whilst the injuries and effects thereof can usually be assessed, liability, that is who is responsible for causing the incident, is often the subject of dispute in car dooring claims. In some instances, an apportionment of liability between the cyclist and the driver of the motor vehicle is required. This is due to both the driver of the car and the cyclist each having a duty of care and responsibility to look out for the welfare of other road users and themselves.

What should I do if I have been car doored?

If you have been involved in any incident on a road or road related area it is important that you obtain all details of the driver and motor vehicle involved in the incident. The incident should also be reported to the Police.

If the incident has resulted in you sustaining personal injuries, we strongly recommend that you seek legal advice as soon as possible after the incident occurs as strict time limits apply for making any personal injury claim in South Australia.

How Can Andersons Help?

To obtain up to date advice in relation to your rights and entitlements under Motor Accident Compensation through the compulsory third-party insurance scheme, please **contact our office** to arrange a first free no obligation interview with one of our personal injury specialists.

Find out more about **personal injury claims and motor vehicle accident claims** here.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.