

THE HARDISON & COCHRAN RIDER SERIES

# THE NORTH CAROLINA RIDER'S GUIDE TO MOTORCYCLE INJURY COMPENSATION

Presented by Hardison & Cochran · Raleigh, North Carolina



Member, National Academy of Motorcycle Injury Lawyers

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## CHAPTER 1

# A MESSAGE TO RALEIGH-DURHAM'S RIDERS

The only thing worse than being seriously hurt in a motorcycle crash is not getting the compensation you deserve, or finding out later that an insurance company took advantage of you.

Insurance companies have every advantage. They aren't worried about medical bills, lost wages, or putting food on the table. Their adjusters are trained to diminish, devalue, and deny motorcycle claims, and behind them stands an army of lawyers whose only job is to pay you as little as possible.

Here's the truth: you don't have to face them alone. **Hardison & Cochran** has represented injured North Carolina riders and workers for years, and through our membership in the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, we stand up for injured Raleigh-Durham riders. We know how insurers operate, and we don't back down.

If you've been hurt, don't wait. Every day that passes is another day the insurance company is working against you. Call **(919) 444-4444** for straight answers.

## CHAPTER 2

# THE FIRM IN YOUR CORNER



**Benjamin T. "Ben" Cochran**

Managing Partner, Hardison & Cochran

**Ben Cochran** earned his B.A. in Economics and African-American Studies from the **University of North Carolina** in 1999, then his J.D. from the **Norman Adrian Wiggins School of Law at Campbell University** in 2002. A lifelong North Carolinian, he began working part-time at the firm he now manages while still a second-year law student, and was handling trial work by his third year.

### **WHY RIDERS CAN TRUST THIS FIRM**

- **Board Certified Specialist in Workers' Compensation** by the North Carolina State Bar.
- Named a **North Carolina Super Lawyer** every year since 2009, and listed in **Best Lawyers in America** since 2013.
- Spent his first eight years in practice concentrated exclusively on workers' compensation before broadening into personal injury and motorcycle cases.
- Manages day-to-day firm operations while continuing to personally represent injured clients.

#### **FIRM COORDINATES**

Hardison & Cochran · 7340 Six Forks Road, Raleigh, NC 27615  
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### **CHAPTER 3**

## **DON'T GET PLAYED BY THE ADJUSTER**

The first thing the other driver's insurer wants is a recorded statement and a signed release. Don't give either. Once they have your words on tape, they will twist them to deny or minimize your claim. If you think you can handle an adjuster alone, test them with these questions and watch the red flags appear.

### **11 QUESTIONS EVERY RIDER SHOULD ASK AN ADJUSTER**

1. Will you put in writing that the crash was not my fault?
2. What are your insured's policy limits? Show me the declaration page.
3. Can I have a copy of your insured's recorded statement?
4. If you want my medical records, will you give me copies of everything you collect?
5. Will you share statements from other witnesses?

6. Does your insured have umbrella or secondary coverage? Put it in writing.
7. What personal or medical information have you gathered on me from databases?
8. Have you pulled my credit report or debt information?
9. Have you canvassed my neighbors or people I know?
10. Have you conducted surveillance on me? Show me the photos or video.
11. What reserve amount have you set on my case?

If the adjuster says "no" to any of these, that's a flashing warning sign they don't intend to treat you fairly. This is especially true in North Carolina, where insurers know that pinning even a sliver of blame on you can wipe out your entire claim.

## CHAPTER 4

# FIVE STRATEGIES THAT CAN GROW YOUR SETTLEMENT

These aren't tricks. They're proven habits that can significantly increase the value of your case if you start them early.

### **1. TAKE PHOTOS, LOTS OF THEM.**

The scene, your injuries, your bike, the other vehicles, your recovery. Pictures tell a story words can't.

### **2. GET DIAGNOSED FOR EVERY INJURY.**

Don't shrug off "minor" pain. If it isn't in your medical record, insurers will argue it came from something else.

### **3. FOLLOW DOCTOR'S ORDERS.**

Every appointment, every therapy session. Skipping care is the easiest way to tank a claim.

### **4. BRING IN THE RIGHT EXPERTS.**

Accident reconstructionists, medical life-care planners, and economists make your damages undeniable.

### **5. NEGOTIATE THE MEDICAL BILLS.**

Even after you win, reducing outstanding bills keeps more money in your pocket. A good firm does this for you every day.

## CHAPTER 5

# FIVE MISTAKES THAT CAN RUIN YOUR CLAIM

- **Giving a recorded statement.** Never let the other driver's adjuster record you.
- **Believing the adjuster.** If they say you don't have a case or you're at fault, get a lawyer's opinion first.
- **Failing to capture evidence.** Skipping photos of the scene, vehicles, or injuries is a mistake you can't undo.
- **Missing medical appointments.** Every gap in treatment becomes ammunition that you "weren't really hurt."
- **Representing yourself.** You're too close and too untrained in the maneuvering. Your words can be used against you. A lawyer's can't.

## CHAPTER 6

# NORTH CAROLINA MOTORCYCLE INSURANCE ESSENTIALS

North Carolina raised its minimum coverage requirements, but even the new floor can fall short of real medical costs after a serious crash.

### NORTH CAROLINA MINIMUM COVERAGE (N.C.G.S. § 20-279.21)

## 50 / 100 / 50

\$50,000 bodily injury per person · \$100,000 per crash · \$50,000 property damage. North Carolina is one of the few states that **requires Uninsured/Underinsured Motorist (UM/UIM) coverage** at the same limits as your liability coverage, so your own policy already gives you a baseline of protection if the at-fault driver is uninsured or underinsured.

A single surgery can top \$100,000. Rehab and lost wages pile on fast. The state minimum is a floor, not a safety net, riders who carry only that amount can still find themselves underinsured after a serious wreck.

## WHAT RIDERS SHOULD CARRY

- **Liability:** at least 100/300 if you can.

- **UM/UIM:** raise it above the mandatory match to your liability limits if you can afford to.
- **MedPay:** optional but useful for immediate medical bills regardless of fault.
- **Umbrella:** worth it if you own a home or assets.

## CHAPTER 7

# THE UM/UIM LIFESAVER: A REAL-NUMBERS STORY

Picture a rider hit by a driver who ran a red light near Six Forks Road. Medical bills alone top \$250,000. The problem: the at-fault driver carried only North Carolina's minimum, \$50,000 in liability.

Without more protection, that rider is still short by \$200,000. But say they carried **Underinsured Motorist coverage of \$250,000**. When the at-fault driver's insurance runs out, their own UIM picks up the rest.

### THE MATH

At-fault driver's insurance: \$50,000

Your UIM coverage: \$250,000

**Total available: \$300,000**

North Carolina requires baseline UM/UIM matching your liability limits, but riders who stop at the minimum often leave a dangerous gap. Raise it if you can.

## CHAPTER 8

# WHAT IS MY CASE WORTH IN NORTH CAROLINA?

There's no magic calculator, but three factors drive most of it: **liability** (how clearly the other driver is at fault), **available insurance** (policy limits set the ceiling), and **your lawyer** (insurers track which firms actually try cases).

### NORTH CAROLINA'S CONTRIBUTORY NEGLIGENCE RULE — READ THIS TWICE

North Carolina is one of only a handful of states that still follows **strict contributory negligence**. If you are found even **1% at fault** for the crash, the

law allows the insurance company to deny your claim **completely**, no partial recovery, no reduced payout. This is far harsher than the "comparative negligence" rules most states use, and it's exactly why insurers in North Carolina fight so hard to pin any sliver of blame on the rider. Notably, simply not wearing a helmet is **not** automatically treated as contributory negligence under state law, but insurers will still try to use it against you. Never accept an insurer's assessment of fault without a lawyer reviewing it first.

Other factors adjusters weigh: the severity and permanence of your injuries, current and future medical bills, lost wages and earning capacity, your credibility, and the at-fault driver's conduct (impaired? distracted?).

## CHAPTER 9

# TIMELINE: HOW LONG UNTIL IT SETTLES?

- **Never settle too soon.** Insurers dangle quick low offers before you know the full extent of your injuries.
- **Wait for Maximum Medical Improvement (MMI).** Settle before you've healed as much as you will, and you're gambling with your future care.
- **After treatment, expect 3–6 months** to gather bills, build a demand, and negotiate.

## NORTH CAROLINA DEADLINE

You generally have **three years from the date of injury** to file a personal-injury lawsuit in North Carolina (N.C.G.S. § 1-52(16)); wrongful death claims must be filed within **two years**. Miss it and your claim is gone. Don't wait to get advice.

## CHAPTER 10

# DO I HAVE TO GO TO COURT?

"I'm not the suing type." We hear that a lot. The truth: **you're the boss**, and most cases settle before trial. But filing suit is sometimes how you make a stubborn insurer pay full value. It opens access to records, statements, and depositions, and it tells the

insurer you're serious. Having a firm willing to try the case is often what makes the difference, even if you never see a courtroom.

## CHAPTER 11

# EVIDENCE WINS CASES: YOUR POST-CRASH PLAYBOOK

## IMMEDIATELY AFTER A CRASH

- Photograph the scene, vehicles, your bike, your gear, and your injuries.
- Get witness names and numbers.
- Call police and get the crash report.
- Save your gear, don't toss the helmet, jacket, or gloves. They prove impact.

## MEDICAL EVIDENCE IS EVERYTHING

- Report every symptom, even "small" ones. Undocumented means denied. In North Carolina, an undocumented detail can also become an unfair excuse to blame you for the crash.
- Follow treatment. Keep a simple pain journal (pain, sleep, mobility).
- Helmet-cam or dash-cam footage can be a game-changer, especially where fault is contested.

## CHAPTER 12

# RALEIGH-DURHAM & NORTH CAROLINA RIDING RISKS

- **I-40/I-440 Beltline.** Raleigh's Beltline sees dense commuter merging and sudden slowdowns, a common spot for rear-end and lane-change collisions.
- **Research Triangle traffic.** The Raleigh-Durham-Chapel Hill corridor carries heavy commuter volume between the three cities, especially along I-40 and NC-147.
- **Rural Piedmont & Sandhills roads.** Great riding country, but watch for gravel shoulders, tobacco and farm equipment, and blind curves.
- **Sudden Piedmont storms.** Summer afternoon thunderstorms build fast and leave roads slick, especially where oil sheen collects at intersections.

North Carolina has a **universal helmet law (G.S. § 20-140.4)**, every operator and passenger must wear a DOT-compliant (FMVSS 218) helmet with a secured strap, regardless of age or experience. By statute, violating the helmet law is **not** automatically treated as negligence or contributory negligence in a civil case, but insurers will still try to use it against you if they can. Don't let them make that argument unchallenged.

## CHAPTER 13

# RIDE SAFER: PRO TIPS FOR NORTH CAROLINA RIDERS

## BRAKING & CORNERING

- Finish braking before you enter a curve.
- Avoid hard braking on painted surfaces and crosswalks.
- Practice emergency stops in a safe lot. Muscle memory saves lives.

## HEAT & SUDDEN STORMS

- Stay hydrated. Piedmont summer heat and humidity accelerate fatigue.
- Watch the sky, afternoon storms build fast in the summer and can flood low-lying roads.
- First rain after a dry spell is the most slippery. Ease off.

## GEAR & VISIBILITY

- Bright jacket and reflective tape change whether drivers see you at intersections.
- Add auxiliary lights to grow your profile in Beltline traffic.
- Check your tire date code (4-digit DOT) and replace tires every 5–6 years regardless of tread.

## CHAPTER 14

# RESULTS, REVIEWS & COMMUNITY

Ben Cochran manages Hardison & Cochran while continuing to personally represent injured North Carolina riders and workers. He is a Board Certified Specialist in Workers' Compensation, has been named a North Carolina Super Lawyer every year since 2009, and has been listed in Best Lawyers in America since 2013.

**For Ben's approval before publishing:** insert 2–3 real, firm-approved case results and a few verified client testimonials here. Per bar advertising rules and our own standard, we won't publish specific results or quotes that the firm hasn't reviewed and approved. Until then this section stays general.

## Chapter 15

### YOUR NEXT STEP: A FREE CASE REVIEW

If you've been hurt in a motorcycle crash, don't go it alone. The insurance company has a team of lawyers. So should you.

When you call Hardison & Cochran, you'll talk to a real person, get your questions answered, and learn your rights before you sign anything. No pressure, no obligation, and if we take your case, you don't pay unless we win.

**(919) 444-4444**

[lawyernc.com](http://lawyernc.com) · Raleigh, NC

#### APPENDIX

### QUICK REFERENCE

#### A • NORTH CAROLINA INSURANCE CHEAT SHEET

- Minimum: 50/100/50 · UM/UIM mandatory at matching limits.
- Recommended: 100/300 liability + UM/UIM above the mandatory minimum + MedPay.

#### B • AFTER-CRASH CHECKLIST

- Check for injuries, call 911.
- Photograph scene, vehicles, gear, injuries.
- Get witness info and the police report.
- Seek medical care the same day.

- Call Hardison & Cochran before giving any statement.

## C • GLOSSARY

- **MMI:** Maximum Medical Improvement, when you've healed as much as you will.
- **UM/UIM:** Uninsured / Underinsured Motorist coverage, mandatory in North Carolina.
- **MedPay:** Optional Medical Payments coverage that pays your own medical bills regardless of fault.
- **Contributory negligence:** North Carolina's rule that bars any recovery at all if you are found even partially at fault.

## D • ABOUT NAMIL

The National Academy of Motorcycle Injury Lawyers is a nationwide network of attorneys dedicated to injured riders. Membership is limited to firms committed to bikers' rights. Hardison & Cochran is NAMIL's member firm for the Raleigh-Durham market.

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This guide is general information for North Carolina riders, not legal advice, and does not create an attorney-client relationship. Laws change and every case is different; consult an attorney about your specific situation. Attorney advertising. Statutory references (N.C.G.S. § 20-279.21, § 20-140.4, § 1-52(16)) are provided for general reference and should be verified.