There is no doubt the traffic is getting more congested on the roads around Raleigh, Durham, Wilmington, and other metropolitan areas of North Carolina. It takes longer to get places. We sit stopped in traffic more often or creep along at speeds well below the limit.

One solution that has been proposed to reduce traffic congestion is to allow lane splitting and lane filtering for motorcycles. The practice is common in Europe, and it is legal in California in certain situations. But if you practice lane filtering or lane splitting in North Carolina, you could run into serious problems. However, lane sharing is legal, so it is important to understand your rights and how lane positioning can affect liability in a motorcycle accident case.

Understanding Lane Filtering and Lane Splitting

Lane splitting and lane filtering, which are also known as white-lining, occur when a motorcycle rides between two lanes of vehicles moving in the same direction, usually on a large, high-speed road. The motorcycle is creating an additional avenue of traffic in between two rows of cars or other standard-width vehicles.

The practice is generally referred to as lane splitting when the motorcycle operates between lanes of traffic that are moving. When a motorcyclist rides between lanes of stopped traffic, the practice is known as lane filtering.

If you ride a motorcycle, when traffic is stopped or slowed on a major multilane road, it might make perfect sense to ride between the lanes of cars because it is a more efficient use of the road space and can reduce traffic. Or even when traffic is moving at closer to a normal speed, you might believe that your bike is more visible to motorists when you ride on the white lines between lanes.

However, lawmakers in our state have rejected these arguments. Lane splitting and lane filtering are both prohibited by North Carolina law. That can have some consequences beyond traffic citations.

Lane sharing refers to two motorcycles riding side by side within a lane. This is legal in North Carolina, but it could still affect accident liability.

North Carolina Traffic Laws

Section 20-146.1 of the North Carolina Statutes permits motorcycles to operate two abreast in a single lane, which is referred to as lane sharing.

Unlike some states, North Carolina has not enacted a statute that specifically addresses lane splitting or lane filtering. However, in Section 20-146(e) of the North Carolina Statutes, lawmakers state that all vehicles must operate within a single lane. That means lane straddling is not allowed for drivers of cars, trucks, or anything else, including motorcycles. Drivers are only supposed to cross the line when changing lanes.

Incidentally, on highways with two lanes of traffic heading in the same direction, the law also requires all vehicles to ride on the right half of the highway unless they are passing another vehicle or there is an obstruction in the right lane. If any vehicle does not stay within a lane but crosses the line at the edge of the road or the line dividing lanes, it is considered a traffic violation that gives police reasonable suspicion to stop a vehicle. It can also create a presumption of negligence per se which can be extremely important in a car or motorcycle accident case.

How Lane Splitting or Sharing Can Affect Liability in a Motorcycle Accident

A legal claim for damages after someone has been injured in an accident focuses primarily on establishing who is at fault for causing the injuries. The severity of the injuries does matter, but it is important to settle the question of liability. Motorcycle accidents often result in catastrophic injuries, but even if an accident victim is killed or suffers permanent paralysis, if the court determines that the accident victim's actions were part of the reason the victim got hurt, then the injured person is not eligible to receive compensation from a personal injury claim.

Liability for Causing the Collision

The attorney handling a motorcycle accident case will be gathering evidence that can be used to demonstrate whose actions caused the collision. Often, motorcycle accidents occur because drivers of larger vehicles don't look carefully before changing lanes, and they do not notice the narrow profile of a motorcycle already positioned in the lane they are attempting to move into. When the only reason a collision occurred is that the driver of a car failed to look appropriately before crossing into another lane of traffic, then that driver could be held liable for negligence. If an injured motorcyclist can show that their injuries resulted from the collision that was caused solely by the driver's negligence in making a lane change, that motorcyclist may be able to recover compensation for the injuries, including damages for pain, suffering, and loss of enjoyment of life.

Contributory Negligence

North Carolina follows an old doctrine known as the contributory negligence rule that can make it very difficult for accident victims to recover. If attorneys representing the driver at fault or that driver's insurance company successfully argue that the victim's actions contributed to the cause of their injuries, the victim's contributory negligence prevents them from recovering. This makes it vital for accident victims to work with an attorney who is experienced in successfully challenging assertions of contributory negligence.

Is Lane Splitting Negligent?

Failing to stay in a single lane can be presumed to be negligent, and the defense team will certainly argue that it was. In fact, if you were legally lane sharing rather than lane splitting, they will probably also try to argue that lane sharing was conducted negligently and that was what caused the accident. If you are injured in an accident when you have been lane splitting or lane filtering, you face an uphill battle to recover. But with the right attorney on your side, all hope is not lost.

The presumption of negligence can be rebutted with appropriate evidence and arguments. It may be possible to show, for instance, that by being positioned in between the lanes, the motorcyclist reduced potential injuries. Or there may have been a dangerous condition in the road that required the motorcyclist to move toward the center line and a car may have moved up next to the motorcycle so that the car effectively forced the motorcycle to split the lanes. Attorneys often need to bring in traffic engineers and accident reconstruction experts who can explain how the evidence proves liability on the part of a driver other than the accident victim.

Start Working on Your Recovery with Martin & Jones

If you've been hurt in any type of accident, it is essential to collect and preserve evidence as soon as possible. It is also important to understand your rights and know what you should avoid doing to preserve your ability to recover compensation for your losses.

At Martin & Jones, we know that every detail matters when it comes to securing your recovery after a motorcycle accident, and it is never too soon to start working on your case. If you or a loved one were hurt in a motorcycle accident, contact us online or call us today at 800-662-1234 for a free consultation where we can explain what may be possible in your case.

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