

the most dangerous scenario

FOR MOTORCYCLISTS

By Attorney Michael T. Gibson

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As May is Motorcyclist Awareness month, I wanted to talk about one of the most dangerous accident scenarios we have seen in a number of our most serious motorcyclist injury cases. A high number of significant accidents have occurred when you have a semi or tractor trailer truck, turning left at an intersection, and failing to see, recognize or appreciate an oncoming motorcycle, who has the right of way. These accidents occur for a number of reasons, but a common theme in all is that the truck driver simply fails to see the motorcyclist, and to appreciate them, and initiates a left-handed turn when they should not. The result of this action is that the motorcyclist has merely split seconds to decide if an evasive maneuver is possible. In most of these cases, there simply is not enough reaction time available to the motorcyclist to see, appreciate and react to the hazard of the truck. Thus, it is imperative that the semi driver takes extra precaution and time when initiating a left-hand turn from any light or intersection.

The law in these cases is well-established by Federal and State regulations that control how truck drivers operate their vehicles. There are several publications which outline these rules and regulations and provide guidance and training to truck drivers on what to do in these common situations. One such publication is The Commercial Vehicle Preventable Accident Manual, published by the U.S. Department of Transportation, Federal Highway Administration. According to the same, truck drivers have a duty at the intersection to "give the right-of-way when entering traffic." They further have a duty to give the right-of-way when turning left in front of approaching traffic." Further, the truck driver should only proceed into their intended path or direction only after they have assured that they are not in conflict with other traffic. These rules and directions are also covered by the Federal Regulations, that govern the drivers of these trucks, specifically MCSR 383.110; 383.111; 383.113, and 383.115. Furthermore, the Florida CDL Handbook, which educates drivers on the standards to operate a commercial vehicle, state that truck drivers have to: (1) Check traffic in all directions; (2) Slow down smoothly and not coast; (3) Come to a smooth stop, and (4) Come to a complete stop behind the stop line. See Florida CDL Handbook at Section 13.1.1. Turns. Pursuant to the same, a truck driver (1) Should not let the vehicle roll, (2) Keep both hands on the steering wheel during the turn, and (3) Not allow his vehicle to move into oncoming traffic.

What we have found in our cases is that a number of these accidents begin with the lack of a complete, smooth stop by the truck driver. In other words, as the driver approaches the light or intersection, they perceive a lack of traffic in the opposite direction. So, instead of completely stopping the truck, they simply slow speed, but continue rolling, and begin initiating the turn. The problem with this is that the size of these trucks makes it so that it will take longer for the truck to complete the full turn, than say a normal size car or vehicle. Thus, greater look out time is needed before initiating the turn. Furthermore, and again, due to their massive size and weight, it takes longer to initiate the brakes on these trucks. Thus, even if the truck driver sees and

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alerta-

NUEVA LEY PORTACION ARMAS DE FUEGO SIN TENER UN PERMISO

Por Juan Jose Rodriguez, Abogado de Enlace

Usualmente, cuando se aprueban leyes que nos afectan, solamente publicamos un artículo con una explicación concisa de que significa la nueva ley y como nos puede afectar, tanto a las iglesias, como a la comunidad y cada uno de nosotros que vivimos en el Estado de la Florida. Pero este año, nos hemos visto obligado a prolongar con una educación continua y detallada para que al electorado ninguna de estas leyes los tome por sorpresa. Este gesto es parte de nuestro compromiso con la comunidad.

Comenzaremos explicando una nueva ley, utilizando como base la segunda enmienda de la Constitución de los Estados Unidos de América, la cual permite la portación de armas de Fuego. Esta enmienda, que es una sola frase y dice - (Parafraseando)- Establece que ni el gobierno federal de los Estados Unidos ni los gobiernos estatales y locales pueden infringir (violar-impedir) el derecho de portar armas.

La nueva ley, acabada de ser firmado por el gobernador de la Florida, Dessantis, permitirá a todo el que pueda tener legalmente un arma de fuego en Florida portarla sin licencia. Además, Ya no será necesario entrenamiento alguno. Para añadir, La revisión de antecedentes para portar armas en público es solamente un requisito si compra el arma de fuego a un dealer certificado de vender armamento. Si la compra en la calle, o hay intercambio de armas de fuego, o cualquier otra manera de obtenerla, no es requisito una investigación de los antecedentes penales.

En resumen, **La Legislatura de Florida aprobó una nueva ley que permitirá portar un arma cargada oculta en cualquier lugar sin un permiso y sin investigar los antecedentes penales.** Si bien seguirá siendo obligatorio un período de espera de tres días y una revisión de antecedentes estos requisitos son solamente para quienes deseen hacer la compra a un vendedor autorizado, ya que no será requisito para transacciones privadas, transacciones por internet, o canjes de armas. Según esta nueva ley, denominado "portación constitucional" **las personas solo necesitarían tener una identificación válida mientras portan un arma oculta. El no hacerlo conlleva una multa de \$25.** La ley entra en vigor el 1 de julio 2023.

Nuestra recomendación es tener un letrero bilingüe que avisen en las entradas que No se permiten armas de fuego y además están prohibidas en la iglesia. Hay varios letreros disponibles, nosotros recomendamos uno emitido por OSHA (S-6022) el cual informa tanto en español como en Inglés, que está prohibido el portal armas dentro del templo. Si usted es dueño de negocio, también pueden poner letreros con el mismo fin.

Por último, si usted desea que le llevemos un seminario, sin costo para la Iglesia, sobre esta y otras muchas leyes nuevas que han sido aprobadas en el Estado de la Florida, nos puede llamar al 407-422-4529, o a mi teléfono personal- 407-744-3946.

Que Dios los continúe bendiciones. ■

"The most dangerous scenario for motorcyclists" continued from page 1.

responds to another vehicle coming from the opposite side of traffic, there would likely not be enough time for the driver to fully engage the truck's braking system, and avoid the accident. Thus, coming to a full stop, and making sure the opposite lane of traffic is completely clear is extremely important before the truck driver begins his left-hand turn.

For motorcyclists, it is important to be aware that large trucks making these turns often fail to perceive motorcyclists in this situation. Thus, it is important to take extra caution when approaching any intersection and look far in advance of that intersection. It is also important to not speed through and around such intersections. Studies have shown that it takes almost up to 2 full seconds to see, perceive, and react to an obstacle in your right-of-way. Limiting speed and staying around the speed limit will allow the motorcyclist greater time to react and take evasive action in the event of a right-of-way violation at an intersection. Again, treat all intersections like potential hazards and approach with caution. Many times, we find that the motorcyclist is obeying all traffic laws and traveling at a reasonable rate of speed. The common defense in these case though is to blame the motorcyclist and say they were speeding.

These rules are all simple, common sense measures, that we should all employ when operating a vehicle on our roads. However, it is often simple, little inadvertent errors that lead to tragic results. It is important that all of us drivers, whether on motorcycles, cars, or semi-trucks, remember that we all share the roads, equally, and together. And our collective safety requires all of us to pay attention, follow the rules of the road, and to look out for one another. Large, commercial tractor trailers have special rules and regulations due to their massive size and weight, and the risk they pose to smaller vehicles. The risk of injury is much greater in a crash with vehicles of this size, and the injuries in such accidents are often severe to catastrophic.

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HOCKEY, DANCE AND A

milestone b-day

By: Attorney Michael T. Gibson



Spring is in full fling in the Gibson house these days. And as one season ends for one child, another kicks up for the other child. Brady and I concluded his travel hockey season with an appearance in the State Championship tournament. Ultimately, the weekend did not go well for us on the scoreboard, as we lost all three games and were eliminated before the semi-finals. But both Brady and the team played well, including playing the eventual state champs to a 2-1 final. Brady finished the season on fire, scoring over 20 goals in the final ten games. He is already training hard for next season. We are very proud of his efforts this season. It was also a great experience for me, being behind the bench and coaching. I look forward to hopefully continuing the same next season. As Brady's hockey season ends, Eme's dance competition season begins. So now it is Jen's turn to drive all over the state and stay in the hotels. Eme has worked so hard to perfect her performances and was recently chosen to perform her solo dance in the same. We are all excited and proud for her to display her hard work. And lastly, we had a pretty significant birthday in our house this month, as Eme turned 10. It is hard for us to believe our baby is now in double digits. This means that for the first time in 14 years, we do not have anyone in single digits in the house. To celebrate, Jen gave Eme and her cousin a girls weekend, complete with a trip to Animal Kingdom and a girls spa day. Eme had a blast during the same. We are so proud of the sweet, young lady she is growing up to be. May God continue to bless and watch over her. We hope you and your family are enjoying our lovely spring weather and getting to make memories of your own. Watching our baby turn 10 reminds us that their childhood goes by so very quickly, and to take time to enjoy the ride where you can. ■

"The most dangerous scenario for motorcyclists" continued from page 2.

As I mentioned above, we have handled a number of these cases. In any case involving a semi-truck or tractor trailer, it is imperative to hire an attorney as soon as possible. These trucks contain certain video equipment and data recording systems. Often, these systems record the accident, and record the driver's actions in the cab leading up to the accident. These two pieces of evidence are crucial in order to prove what the truck driver saw, what they should have seen, and the actions they took before the accident. When we are retained in a case like this, our first moves are always to draft evidence preservation letters to the trucking company and the police agency and insurance companies involved, in order to make sure this crucial evidence is preserved, and that we can obtain the same. There are other digital pieces of evidence that are also important. Driver logs and vehicle maintenance records are critical to showing if the trucking company was complying with or potentially violating any industry rules and regulations. A preservation request should also be made for the truck driver's cellphone from the date of the accident.

Another important thing to know about these types of cases is that the larger trucking companies often have their lawyers on retainer, and they will have the lawyer on the accident scene that day, within an hour or two of the accident, to start to prepare their defense. It is not uncommon that these lawyers are dispatched to the accident scene within minutes of such an accident. Therefore, it is imperative that if you or a loved one is in an accident with one of these trucks that you retain counsel as soon as possible. No matter how fast we act, the trucking company's lawyers are always ahead of us. Experienced counsel in these cases knows what evidence to ask for and the steps to make sure the trucking company's lawyers turn over the same.

The left-hand turn at an intersection is one of the most common, accident scenarios we see. I hope that sharing some of what we have learned in our years handling these cases helps to prevent some of these accidents from occurring in the first place. If, unfortunately, a loved one is involved in this type of accident, our firm has a team that has developed a playbook for this exact scenario. We know exactly the evidence we need, and what driver actions we are looking for. This allows us to target in on the same very quickly, and move to secure the necessary evidence to prove such a case. ■

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riding under the stars

MAY IS MOTORCYCLE SAFETY AWARENESS MONTH

Riding a motorcycle at night can be exhilarating: fresh air, stars, moonlight, less traffic, etc. But safety-wise, it's trickier, too.

Obviously, visibility is hindered — nothing lights up the landscape quite like sunshine. That means less time to react to road hazards. Potholes, downed branches, wet leaves, manhole covers, loose gravel, puddles, ice patches, and dead animals are frequently more hazardous to motorcyclists than motorists, given motorcycles are less stable and riders way more exposed. Streetlights and oncoming headlights might create glare or be blinding, too.

Temperature fluctuations after dark can also impair visibility. For instance, fog could cause condensation on a rider's visor, windshield, and rearview mirrors; applying antifog solution is wise. Falling roadway temperatures can also reduce tire traction.

Motorcyclists are already behind the eight ball when it comes to being seen. Make sure all reflective gear and equipment are up to speed and all lights are in good working order.

Nightfall also ushers in an upswing in drunk drivers who have exited bars, restaurants, parties, and barbecues. Driving under the influence puts everyone on the road at risk, especially motorcyclists.

Nocturnal creatures may scamper or mosey across roadways. Some freeze in the headlights of an approaching vehicle, as their eyes need time to adjust from complete darkness to sudden illumination.

After a long day, drowsiness might overtake motorists and cyclists alike, which is as dangerous as driving while intoxicated. Reaction time, judgment, and awareness are compromised, and if a driver nods off...

If you are injured due to the negligence of another driver, contact our office to protect your rights. ■



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