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# What Every Minnesota Attorney Should Know About Bicycle & E-Bike Cases

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# Intro

- Practicing Attorney in the Twin Cities for the last 26 years
- Firm focuses on Personal Injury & Workers' Compensation Claims
- Developed a niche representing bicycle crash victims









**Brazil Sweeney**  
LAW GROUP



Minneapolis  
City of Lakes





## What is Bike Law?

- We are a network of independent bicycle crash lawyers who share a common approach to the law and to helping cyclists. Our bike crash attorneys have handled thousands of personal injury cases on behalf of cyclists. We know the difference between a bicycle accident and bicycle crash, and why it matters.



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# Outline

- Why Are Bike & E-Bike Cases Relevant?
- Common Bias Against Cyclists
- Which Insurance Pays?
- Types of Crashes, Defense Tactics, and Rebuttals
- Non-Crash Related Claims, Defense Tactics, and Rebuttals
- Strengthening the Claim: Investigation Essentials

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# Why Are Bike & E-Bike Cases Relevant?

Copenhagenize Index:  
Minneapolis Ranks 44th  
Internationally and 5th  
for North America

		Overall Score	Safe & Connected Infrastructure Pillar Score	Usage & Reach Pillar Score	Policy & Support Pillar Score
1	Montréal (15)	58.3	49.2	60.1	70.5
2	Québec (29)	51.1	45.1	43.2	68.1
3	Vancouver (30)	50.3	33.4	52.5	68.7
4	Portland (35)	49.1	50.7	37.0	70.0
5	Minneapolis (44)	45.2	50.8	31.3	59.3

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# New Biking Infrastructure Plans

Minneapolis alone has 89 miles of trails, 36 miles of curb-protected bikeways and paths, and over 140 miles of painted bike lanes.

By 2030, the goal is to have 141 miles of newer, upgraded bikeways throughout the city.





Is this an E-Bike or isn't it?



## Types of E-Bikes



Class 1

- 20 MPH
- Pedal Assisted
- No Electric Motor Assistance without Pedaling

Photos from eBikes.org

9/8/2025



Class 2

- 20 MPH
- Throttle Assisted
- Can Be Ridden Without Pedaling

City of Monticello



Class 3

- 28 MPH
- Pedal Assisted
- No Electric Motor Assistance without Pedaling

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## WHAT'S LEGAL AND WHAT'S NOT: ELECTRIC BICYCLE VS. E-MOTO

FEATURE	CLASS 1 / 2 / 3 ELECTRIC BICYCLE	E-MOTO
<b>Operable Pedals</b>	<b>Required</b>	<b>Not required (often fake)</b>
<b>Motor Power</b>	<b>≤ 750W</b>	<b>Often 1,000W–6,000W+</b>
<b>Top Speed</b>	<b>≤ 20–28 mph</b>	<b>30–65+ mph</b>
<b>Throttle</b>	<b>Class 2 only (≤ 20 mph)</b>	<b>Usually throttle-only</b>
<b>Licensing / Registration</b>	<b>No</b>	<b>Required (in most states)</b>
<b>Product Category</b>	<b>Consumer product</b>	<b>Motor vehicle</b>
<b>Street Legal for Minors?</b>	<b>Yes, in many states, depending on age</b>	<b>No, unless registered and licensed</b>



# Legislative Changes (SF 3236)

Failed in the house after passing through the senate. The Legislation is likely to be renewed next session and would establish the following:

- The bill began as a relatively narrow proposal requiring helmets for operators of electric-assisted bicycles under age 18. As it moved through the legislative process, it expanded significantly to address motorized bicycles, e-bike classifications, sales requirements, and safety regulation.
- Some of the notable provisions in the later engrossed versions included:
  - Mandatory helmets for e-bike riders under 18.
  - Additional regulation of "motorized bicycles."
  - Creation of a motorized bicycle safety coordinator.
  - Changes to Minnesota's definitions of micromobility devices and motorized bicycles.
  - More restrictive classifications based on power, weight, and speed.
- One provision that generated considerable discussion among e-bike advocates was the effort to distinguish conventional e-bikes from higher-powered "e-motos" and electric dirt-bike style vehicles. The bill moved toward treating some higher-powered vehicles more like mopeds or motorcycles rather than bicycles.

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Increased accessibility to cycling will  
lead to more injury claims

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## Biking Quick Stats

- 2025 Nationwide – 3 bicyclist deaths and 145 bicyclists' injuries per day nationwide.<sup>1</sup>
- People in Minneapolis make 3% of their trips by bicycle, **but account for 11%** of severe traffic injuries and deaths in the city.<sup>2</sup>
- In MN, bicycle-related crashes **increased by 37% (23 crashes)** between 2020 and 2022.<sup>3</sup>
- **In 2025 there were 13 fatal bike crashes**, which accounted for 12% of fatal road accidents in MN.<sup>4</sup>



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# E-Bike Related Injuries

- MN DOH Hospital data, drawn from 140 hospitals in the MN Hospital Association, covers the 18-month period from October 1, 2023, through March 31, 2025. During that time, 514 individuals were discharged with e-bike-related injuries:
  - Youth Ages 0-14: 64 injuries (12% of Total)
  - Youth Ages 15-17: 36 injuries (7% Total)
  - Adults 18+: 414 injuries (81% Total)
- Severity of these injuries:
  - 98% of injuries were treated in the emergency department only – no inpatient hospitalization
  - 2% of youth injuries resulted in inpatient hospitalization (compared to 18% for adults)
  - 7% involved TBI



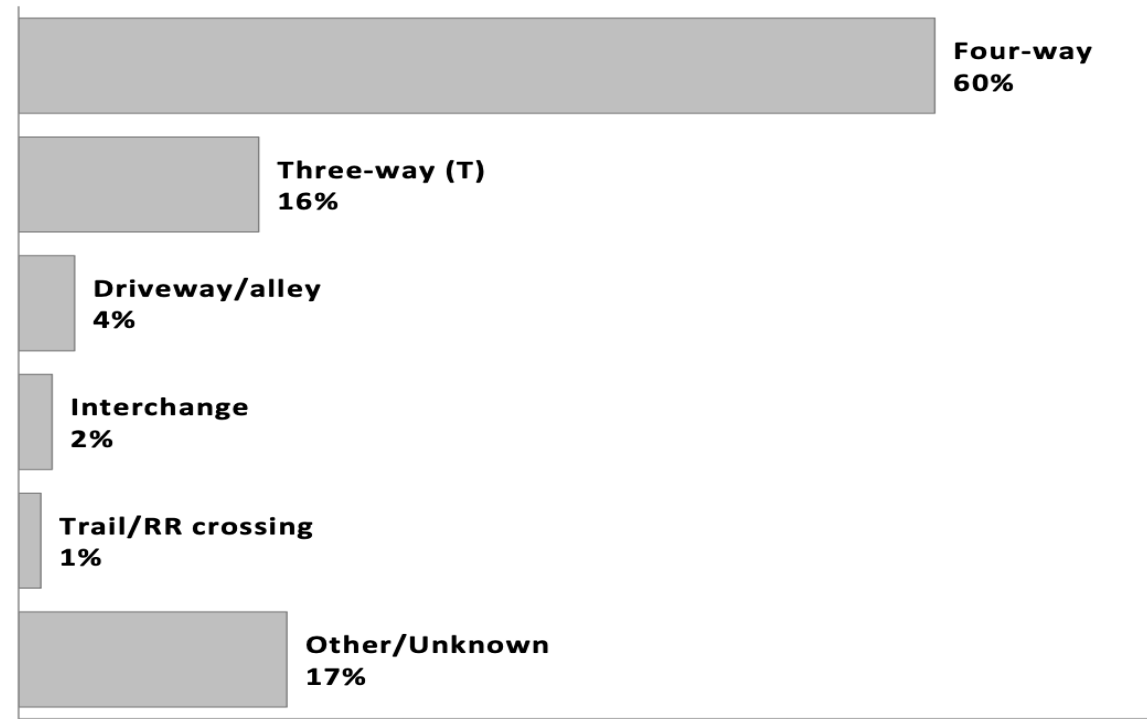
# What Causes Bike Accidents?

Focus Area	Bicyclist Crashes		All K+A Crash Types		Difference	Rank*
Intersection	274	75.3%	4,575	48.8%	+ 26.4%	↑ #1
Work Zone	8	2.2%	197	2.1%	+ 0.1%	—
Train	0	0.0%	18	0.2%	- 0.2%	—
Older Driver	59	16.2%	1,771	18.9%	- 2.7%	↓
Inattentive Driver	18	4.9%	735	7.8%	- 2.9%	↓
Commercial Vehicle	15	4.1%	824	8.8%	- 4.7%	↓
Younger Driver	33	9.1%	1,495	16.0%	- 6.9%	↓
Pedestrian	0	0.0%	1,037	11.1%	- 11.1%	↓
Head-on	0	0.0%	1,057	11.3%	- 11.3%	↓
Unlicensed Driver	22	6.0%	1,918	20.5%	- 14.4%	↓
Unbelted Occupant	0	0.0%	1,346	14.4%	- 14.4%	↓
Motorcycle	3	0.8%	1,572	16.8%	- 16.0%	↓
Impaired User	43	11.8%	2,616	27.9%	- 16.1%	↓
Speed	11	3.0%	2,154	23.0%	- 20.0%	↓
Single Veh. Run-off-road	0	0.0%	2,980	31.8%	- 31.8%	↓
Bicyclist	364	100.0%	364	3.9%	N/A	N/A



# Where do Crashes Occur?

Top Five Intersection Types (where intersection/interchange related)



# When Do Accidents Occur?

	3 AM to 6 AM	6 AM to 9 AM	9 AM to 12 PM	12 PM to 3 PM	3 PM to 6 PM	6 PM to 9 PM	9 PM to 12 AM	12 AM to 3 AM	Σ
January	0.0%	0.0%	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%	2%
February	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	0.0%	0.0%	0%
March	0.0%	0.3%	0.3%	0.3%	0.5%	0.8%	0.5%	0.0%	3%
April	0.0%	0.5%	0.5%	1.1%	0.8%	1.1%	0.5%	0.0%	5%
May	0.0%	0.3%	0.3%	2.7%	3.0%	1.1%	0.0%	0.0%	7%
June	0.0%	1.4%	2.7%	3.6%	3.8%	2.5%	1.1%	0.3%	15%
July	1.1%	2.5%	1.4%	1.6%	3.3%	2.7%	2.2%	0.5%	15%
August	0.8%	1.1%	2.2%	2.5%	4.7%	1.6%	2.7%	0.5%	16%
September	0.5%	1.4%	1.6%	3.6%	3.8%	3.6%	1.6%	0.8%	17%
October	0.0%	1.9%	1.6%	1.6%	3.3%	3.0%	1.1%	0.3%	13%
November	0.0%	0.5%	0.5%	0.3%	1.6%	0.5%	0.5%	0.3%	4%
December	0.3%	0.0%	0.3%	0.3%	0.8%	0.3%	0.0%	0.0%	2%
Σ	3%	10%	12%	18%	26%	18%	11%	3%	100%

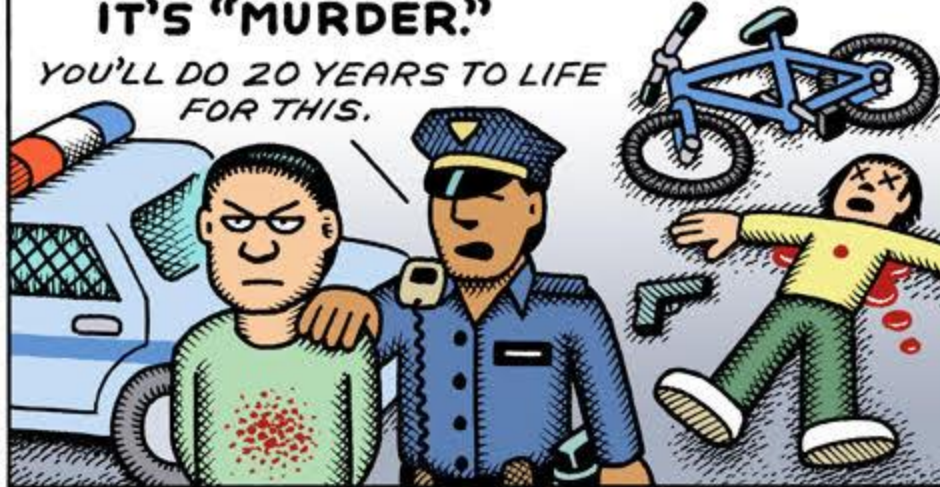
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# Common Bias Themes Against Cyclists in Crash Cases



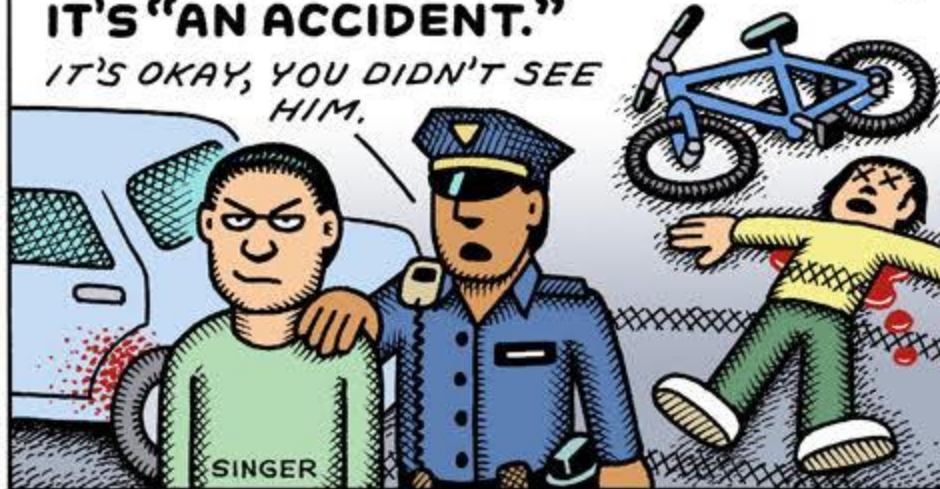
**IF YOU KILL SOMEONE WITH A GUN,  
IT'S "MURDER."**

*YOU'LL DO 20 YEARS TO LIFE  
FOR THIS.*



**IF YOU KILL SOMEONE WITH A CAR,  
IT'S "AN ACCIDENT."**

*IT'S OKAY, YOU DIDN'T SEE  
HIM.*



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The cyclist must have done something  
wrong

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Police reports often favor the driver's  
version first

# Misunderstanding Minnesota bike laws

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"Failure To See" gets normalized as non-negligence

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# Comparative fault gets overused against cyclists

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# The "Rule-Breaker" Stereotype

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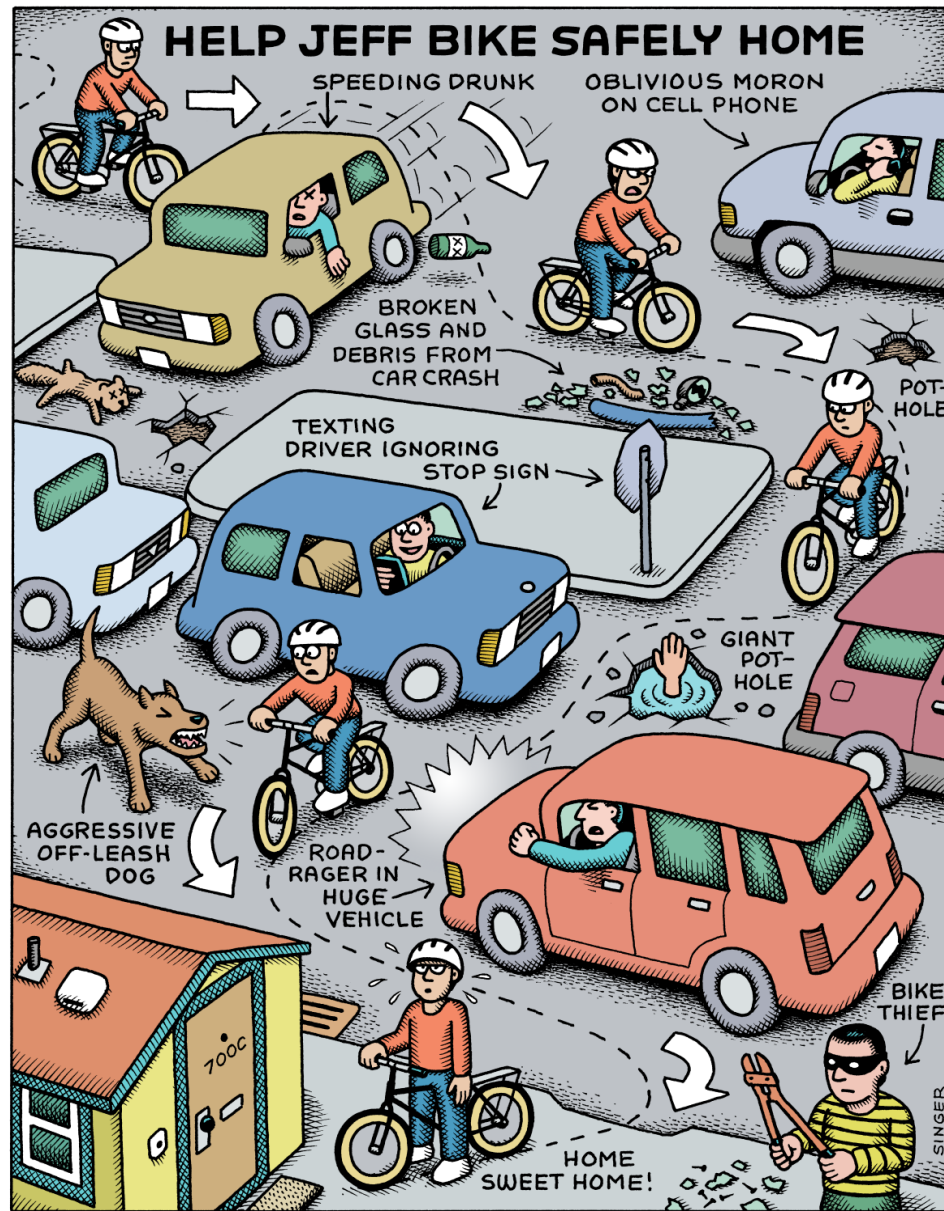
Property damage bias minimizes injury  
severity

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# Infrastructure Failures Get Ignored

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# Types of MVA and Bike Crashes



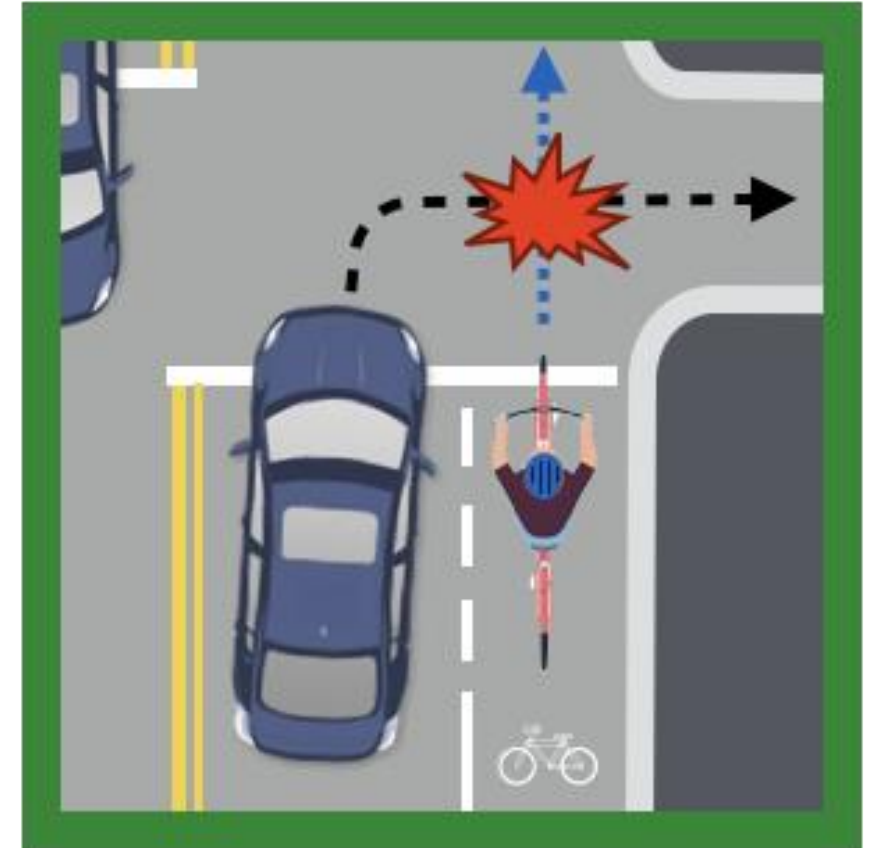
Comic by Andy Singer

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# Right Hook

Minn. Stat §169.19, Subd. 1(g):

Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall first signal the movement, then drive the motor vehicle into the bicycle lane prior to making the turn



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## Exercise Due Care

Minn. Stat. § 169.21 Subd. 3

(d) Notwithstanding the other provisions of this section every driver of a vehicle shall (1) exercise due care to avoid colliding with any bicycle or pedestrian upon any roadway.



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# Dooring

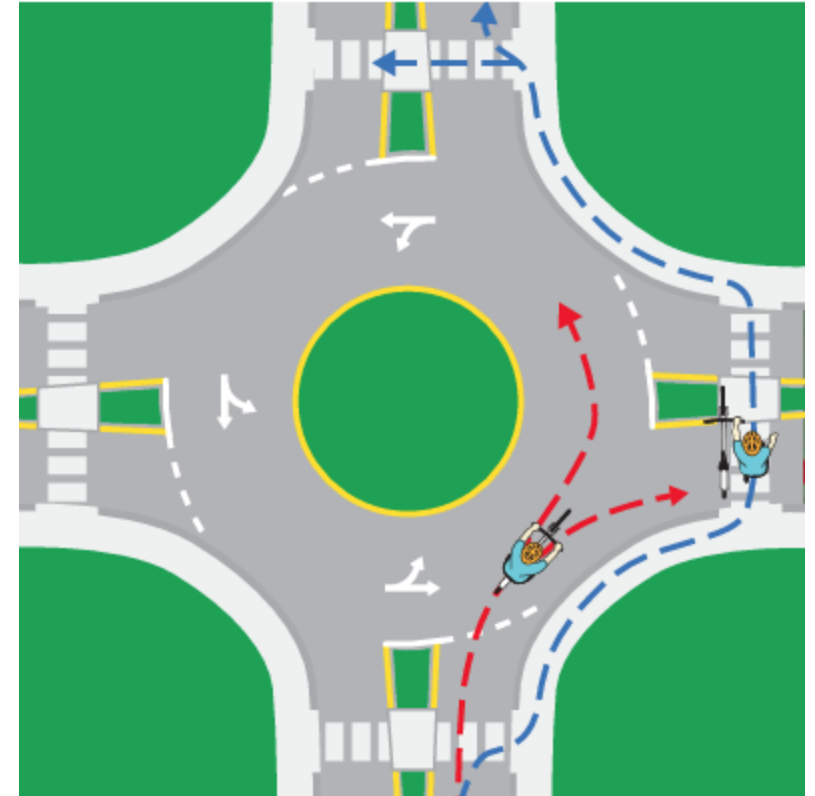
Minnesota Statute 169.315:



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# Round-About

Bicyclists can use roundabouts either as a pedestrian or in the same manner as a motorized vehicle.



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# Intersection Gridlock

Minn. Stat. §169.15

Except as provided in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a traffic-control signal until the driver is able to move the vehicle immediately, continuously, and completely through the intersection without impeding or blocking the subsequent movement of cross traffic



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# Who Pays?

- No-Fault (MVA/ Bike)
- 3<sup>rd</sup> Party Liability Coverage (Tortfeasor/At-Fault Party)
- Underinsured Motorist Coverage (UIM)
- Uninsured Motorist Claims (Includes Phantom (Hit/Run) Vehicle)
- Homeowners ( Bike v. Bike)



# No-Fault Benefits

- First-party benefits Available regardless of fault
- Pays medical expenses, wage loss, and replacement services Minimum \$40,000 in benefits (\$20,000 medical + \$20,000 non-medical)

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## 3<sup>rd</sup> Party Liability – When Can I Pursue a Claim Against the At-Fault Party?

- In Minnesota, a bicyclist injured by a motor vehicle generally must satisfy the No-Fault tort threshold before recovering noneconomic damages (pain, suffering, disability, emotional distress) from the at-fault motor vehicle owner or driver. The claim arises out of the operation, ownership, maintenance, or use of a motor vehicle, so Minn. Stat. § 65B.51 applies.
- **The threshold is met if any one of the following is present:**
- **Medical expenses exceed \$4,000 (excluding diagnostic imaging and certain other excluded expenses under the statute);**
- **Permanent injury;**
- **Permanent disfigurement;**
- **Disability for 60 days or more; or**
- **Death.**



# Underinsured Motorist Claims

- **In Minnesota, UIM is "excess" coverage. The injured person must first recover the at-fault driver's liability limits, and then can pursue UIM benefits for damages that exceed those limits, subject to the available UIM coverage.**
- **Example:** If a cyclist suffers \$250,000 in damages, the negligent driver has \$100,000 in liability coverage, and the cyclist has \$250,000 in UIM coverage, the cyclist may recover the \$100,000 liability limits and then seek up to \$150,000 in UIM benefits.



# Uninsured Motorist Benefits (UM)

- **In Minnesota, UM coverage applies when the at-fault vehicle is uninsured, a hit-and-run vehicle, or in certain other situations where liability coverage is unavailable. The claim is made directly against the injured person's own insurer for damages legally recoverable from the uninsured driver.**
- **Example:** A cyclist is struck by a hit-and-run driver and suffers \$100,000 in damages. If the cyclist has \$100,000 in UM coverage, the cyclist may pursue a UM claim directly against their own insurer because there is no liability insurance available from the at-fault driver.

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# Phantom Vehicle (Hit & Run)

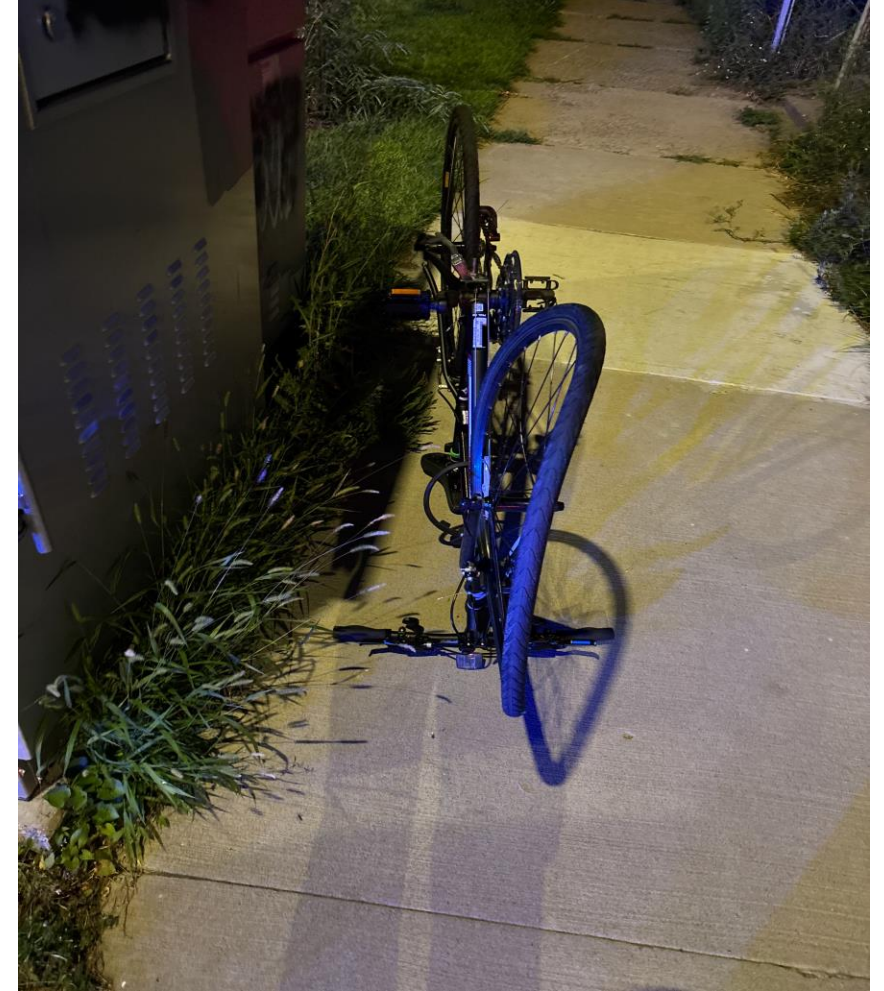
- **UM Coverage Protects Injured Cyclists:** Minnesota law requires all automobile policies to include uninsured motorist coverage, which expressly applies to injuries caused by uninsured and hit-and-run motorists. (*Minn. Stat. §§ 65B.49, subd. 3a; 65B.43, subd. 18*).
- **Hit-and-Run Drivers Are Covered Motorists:** A cyclist injured by an unidentified driver who leaves the scene may pursue a UM claim even when the driver's identity is never discovered. (*Minn. Stat. § 65B.43, subd. 18; Russell v. Sentinel Ins. Co., 906 N.W.2d 543 (Minn. Ct. App. 2018)*).
- **No Physical Contact Required:** UM coverage applies even when the fleeing vehicle never strikes the cyclist, such as when a motorist forces the cyclist off the road and then leaves the scene. (*Halseth v. State Farm Mut. Auto. Ins. Co., 268 N.W.2d 730 (Minn. 1978)*).
- **Bicyclists Are Not Subject to UM Exclusions for Uninsured Vehicles:** The statutory exclusions applicable to insureds occupying uninsured motor vehicles or motorcycles do not apply because a bicycle is not a motor vehicle under the No-Fault Act. (*Minn. Stat. § 65B.49, subd. 3a(7)–(8)*).
- **Focus on Proving Negligence and Causation:** The key issues in a cyclist hit-and-run UM claim are establishing that the unidentified driver caused the crash and that the cyclist would have been legally entitled to recover damages from that driver. (*Minn. Stat. § 65B.43, subd. 18; Russell, 906 N.W.2d 543*).



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# Property Damage

- Property damage claims allow injured cyclists to recover the costs of repairing or replacing their damaged bicycle.
- Damages are typically calculated using written repair or replacement estimates prepared by reputable bicycle shops
- Other Evidence Sources: Original purchase receipts, Comparable prices for same bike from different shops, receipts for upgraded equipment after original purchase
- **DO NOT ALLOW THE BIKE THE SHOP TO FIX OR ALTER THE BIKE UNTIL THE CLAIM IS RESOLVED.**



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# Non MVA Crash Related Claims

# Premises Liability

- **The Single Standard of Care:** Private landowners and occupiers (like construction firms possessing a site) owe a duty of **reasonable care** to all lawful entrants, including cyclists, to keep the land safe and foresee potential hazards.
- **The Duty to Inspect and Warn:** Private actors must actively inspect their property for hidden dangers. If a construction company creates a temporary hazard (e.g. parking vehicle on bike path or leaving a trench open across a bike path), they are liable if they do not display highly visible warnings.
- **The Open and Obvious Defense:** Private defendants will heavily weaponize Minnesota's **comparative fault rule (Minn. Stat. § 604.01)**, arguing that a pothole or construction barrier was "open and obvious."



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# Municipal Road Defect Claim

- **The Right to Sue: Minn. Stat. § 466.02** waives municipal sovereign immunity, explicitly allowing injured cyclists to bring negligence lawsuits against municipalities for not maintaining safe roadways.
- **Equal Rights on the Road:** Under **Minn. Stat. § 169.222, Subd. 1**, cyclists possess all the same rights as motorists, legally requiring cities to keep streets and bike lanes to a safe standard for bicycle travel.
- **The Trail Immunity Hurdle: Minn. Stat. § 466.03, Subd. 6e** grants cities sweeping recreational immunity for off-road trails; cyclists cannot win unless they prove the city knowingly left a hidden, dangerous "trap."
- **No Car, No Auto Insurance:** Because **Minn. Stat. § 65B.44** requires a motor vehicle to trigger No-Fault medical benefits, a cyclist crashing solely due to a road defect receives zero automatic insurance coverage and must recover 100% of damages directly from the city.



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# Municipal Road Defect Claim – Complex Procedure

- **The Cause of Action:** Under **Minn. Stat. § 3.736, Subd. 1**, the state accepts liability for personal injuries caused by the negligence of state employees (such as MnDOT road crews) acting within their scope of employment.
  - Claims against municipal employees follows the same timeline
- **The 180-Day Notice Rule: Minn. Stat. § 3.736, Subd. 5** requires the cyclist to serve a formal written Notice of Claim to the Minnesota Attorney General within 180 days of the crash, or the case is permanently barred.
  - For claims against municipalities notice must be presented to the legal entity that is being sued, this can create a complication when determining who is at fault: County? City? Or other Municipal board?



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# Recreational Immunity

- **Broad Protection for Landowners:** Minnesota's recreational-use immunity statute limits the liability of landowners who make land available for recreational activities, including bicycling. (*Minn. Stat. §§ 604A.20–.27*)
- **Applies to Bike Trails and Recreational Areas:** The statute expressly covers bicycling and recreational trail use, making it a common defense in bicycle-crash cases occurring on parks, trails, and other recreational property. (*Minn. Stat. § 604A.22*)
- **No General Duty to Make Land Safe:** Covered landowners generally have no duty to inspect for hazards, maintain the property in a safe condition, or warn recreational users of dangers. (*Minn. Stat. § 604A.23*)
- **Key Exception—Known Dangerous Conditions:** Immunity may not apply if the landowner willfully or maliciously fails to guard or warn against a known dangerous condition, use, structure, or activity. (*Minn. Stat. § 604A.23(3)*)



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# Strengthening the Claim: Investigation Essentials



## What evidence is most commonly overlooked in bicycle cases?

- Bike computer data.
- Strava records.
- Surveillance video.
- Helmet camera footage.
- Vehicle infotainment data.
- Scene measurements.
- Road design records.

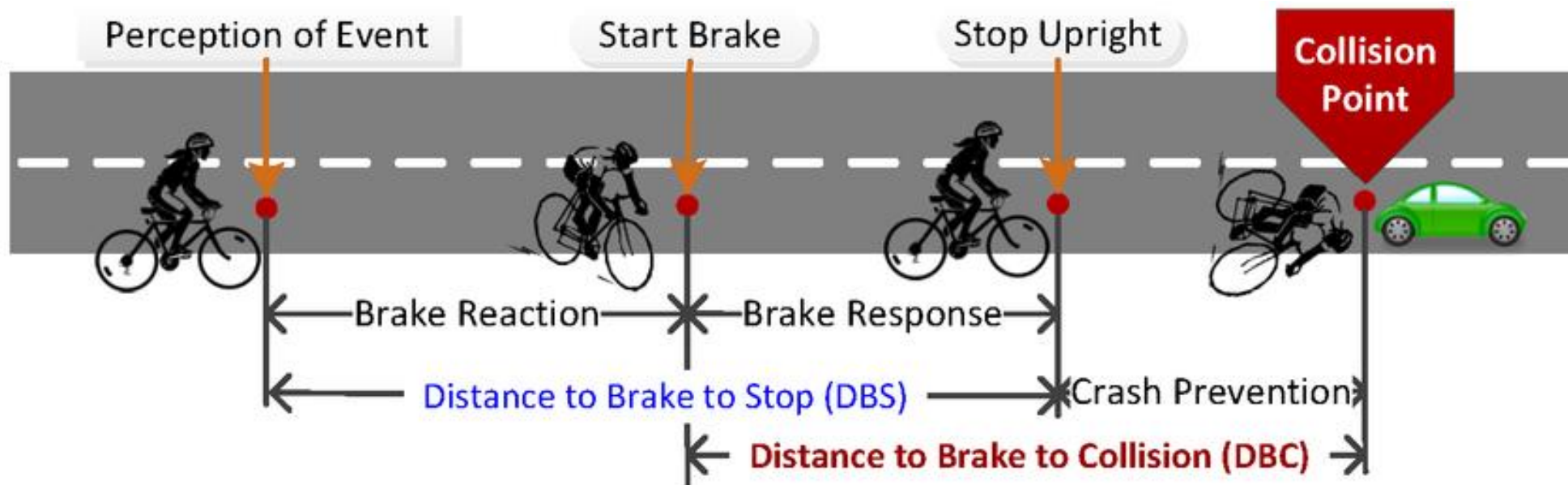
Many cases are won or lost before the attorney ever gets involved.


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# Blackbox Data

- Speed at the time of crash
- GPS Location
- Brake application and throttle position
- Impact forces and sudden deceleration
- Airbag deployment
- Driver behavior patterns

# Experts: Perception/ Response Time





Why is perception response effective in establishing liability?

### It Helps Establish Visibility

Suppose a cyclist is visible for 6 seconds before impact. An accident reconstructionist may testify that a reasonably attentive driver needed only 1.5 seconds to perceive and react.

That leaves 4.5 seconds available for braking, steering, or yielding.

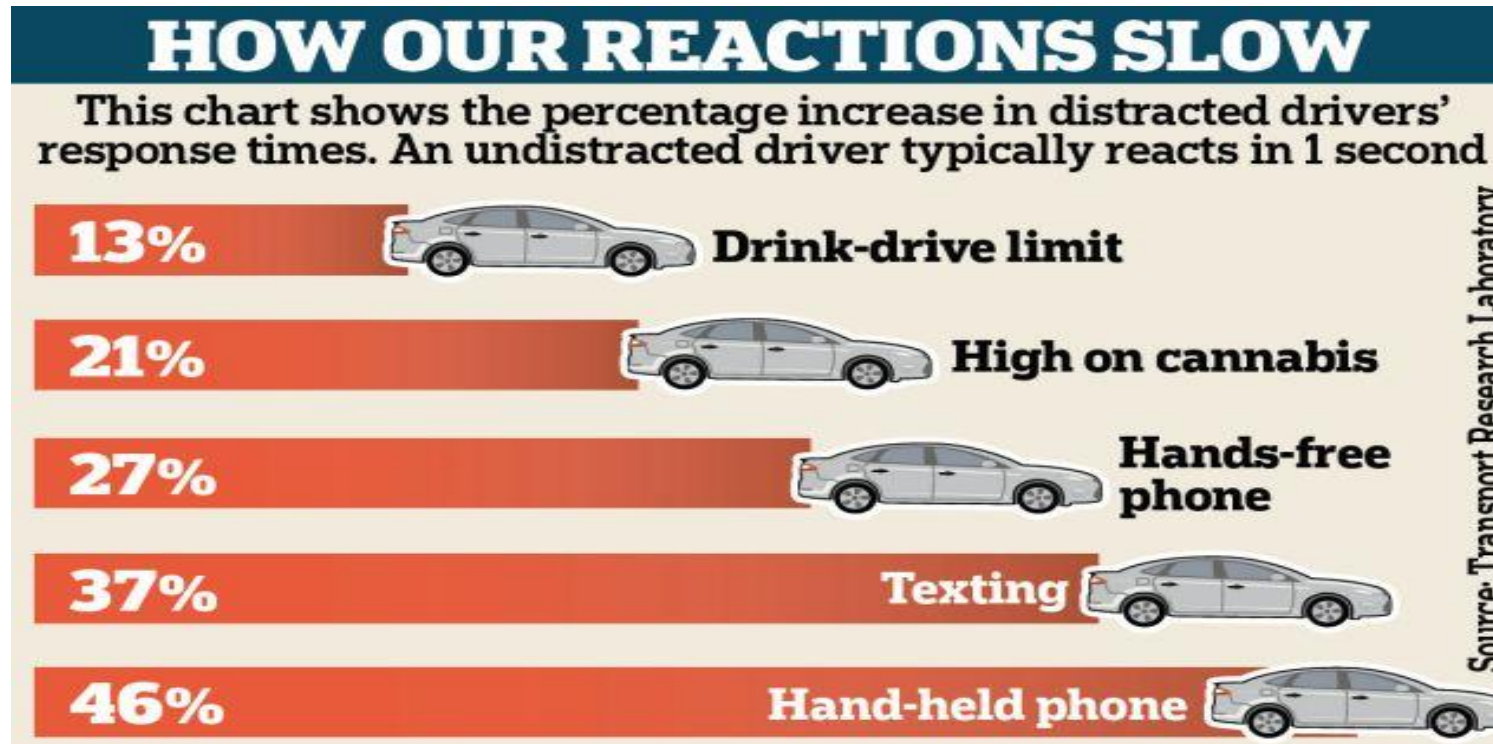
The case becomes much stronger because the focus shifts from:

"The cyclist appeared suddenly."

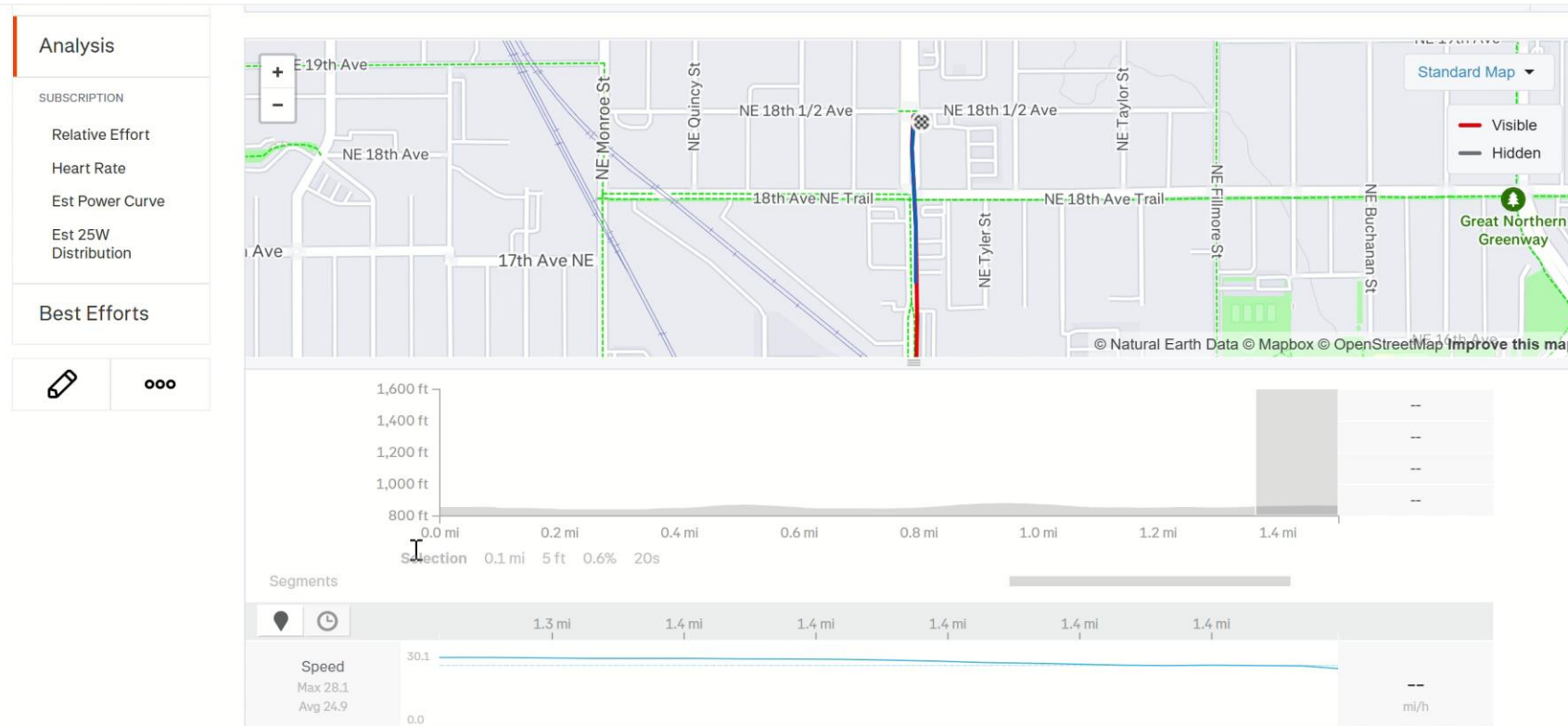
to:

"The cyclist was visible long enough for a reasonable driver to avoid the crash."

# Driver Response Times



# App Data- Strava, Garmin, Etc.



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# Visibility

