

Motorcycle Accident Claims in Ontario: How Lane Splitting and Rider Bias Affect Liability

Our Toronto Motorcycle Accident Lawyers Explain Rider Bias

Insurance adjusters have a go-to explanation whenever a motorcyclist gets hurt in a crash. The rider must have been taking unnecessary risks on the road like lane splitting. This assumption can show up in police reports, insurance files, and official statements. That bias against motorcyclists often runs through many [motorcycle accident](#) claims in Ontario, and it almost never favours the rider.

This is important since many motorcycle accident claims involve serious injuries. Even though motorcycles only make up a small number of vehicles on the road in Canada, motorcycle accidents result in more fatalities and serious injuries than crashes involving other vehicles, according to [Transport Canada](#) data.

Our Toronto motorcycle accident lawyers at [Smitiuch Injury Law](#) understand the risks and biases riders face in the GTA. That's why we take such cases so seriously on behalf of injured motorcyclists and their families. We understand how Ontario law treats lane splitting, rider conduct, and liability in these cases. We also know how to push back when a driver or an insurance company blames the rider without real evidence.

Why Do Insurance Adjusters and Others Have a Bias Against Motorcyclists?

Motorcyclists face a kind of bias that drivers of cars rarely encounter. Many people assume a rider was speeding, weaving, or riding recklessly simply because a crash involved a motorcycle. This assumption can influence how a crash is initially perceived and how fault is later disputed.

This bias carries real financial weight. Ontario law reduces a person's compensation based on their share of fault in a crash. Compensation here means the money awarded to cover a person's losses, including medical bills, lost income and other expenses tied to the crash. Every percentage point of fault an insurer can shift onto the rider lowers what that company ultimately has to pay.

A rider who accepts this bias at face value can end up settling for far less than a claim is worth. Independent evidence should decide how fault gets divided after a crash. That's why injured Toronto motorcyclists need a lawyer who can help set the record straight.

What Is "Lane Splitting" and Why Do Insurers Bring It Up So Often?

Lane splitting means riding a motorcycle between two lanes of stopped or slow-moving traffic. It is different from simply riding within a single lane, even when that lane feels

narrow or crowded. Confusing the two is common, and it works against riders more often than not.

Insurance companies bring up lane splitting because it shifts the conversation away from what the driver did. Once a rider is accused of an unsafe riding position, the focus moves off the driver's own conduct. That shift benefits the insurer, not the family trying to recover from a serious injury.

The accusation does not need to be accurate to cause damage. A vague mention of lane splitting in a police report can shape how an entire claim gets valued. This can happen long before any evidence has been tested.

What Do Insurance Companies Often Mistake for Lane Splitting?

Several ordinary riding positions get mistaken for lane splitting, even when nothing illegal occurred. Recognizing these patterns helps separate a real violation from an unfair label. Common mix-ups include:

- **Riding near one edge of a lane** - A rider positioned toward the side of a single lane has not left that lane, regardless of how close a nearby vehicle appears in photos.
- **Riding within a wide lane** - A motorcycle may remain entirely within the marked boundaries of a lane even when another vehicle is nearby, which is not necessarily the same thing as riding between two marked lanes.
- **Passing slow traffic on a paved shoulder** - This may raise separate legal questions, but it is a different manoeuvre from riding between two marked lanes of traffic.
- **Filtering to the front at a red light** - Moving to the front of stopped traffic at an intersection is a distinct riding pattern from splitting lanes of moving vehicles.

These situations are not necessarily the same as lane splitting between two lanes of traffic. Mistaking one for the other can unfairly shift blame onto a rider. Depending on the circumstances, the rider may not have violated Ontario's rules of the road at all.

Is Lane Splitting Illegal Under Ontario's Highway Traffic Act?

Ontario's [Highway Traffic Act](#) does not specifically use the term "lane splitting." However, lane splitting may violate provisions governing lane use and safe movement between lanes and, depending on the circumstances, could result in a traffic charge.

Riding between two lanes of stopped or slow-moving traffic may result in a traffic charge depending on the circumstances. A rider could potentially be cited under existing provisions of the Highway Traffic Act rather than for a specific lane-splitting offence. Any resulting charge could later become relevant in a civil claim.

Ontario law does not specifically create an exception allowing motorcycles to filter through congestion. Depending on the circumstances, the same lane-use and traffic rules may apply whether traffic is moving slowly or stopped at a red light.

Does a Lane-Splitting Ticket Automatically Decide Fault in a Civil Claim?

No. A traffic ticket and a finding of civil fault are two different things under Ontario law. A court may consider several other factors when deciding who caused a crash, including:

- **What the driver was doing** - A driver who changed lanes without checking a mirror can still be found primarily at fault, even if the rider was lane splitting at the same moment.
- **Whether the driver had time to react** - A driver who had a clear opportunity to see and avoid the rider may bear more responsibility than one caught in a sudden, unavoidable situation.
- **Whether the violation caused the crash** - A technical violation that had nothing to do with how the collision actually happened may carry far less weight than one directly tied to the impact.
- **How clear the lane markings were** - Confusing or poorly marked lanes can affect how a court views a rider's position at the time of the crash.

A lane-splitting ticket is one piece of evidence among several. It is not a final verdict on fault by itself. Treating it as the whole story ignores everything else that happened in the moments before impact, including the driver's own conduct.

What Happens When a Driver Falsely Blames a Rider for Lane Splitting?

A driver facing liability for a crash has an obvious incentive to introduce doubt about the rider's conduct. Claiming the rider was lane splitting, even without proof, can muddy an otherwise clear case. It can also slow down a fair settlement considerably.

These accusations often surface well after a crash. Sometimes they only appear once a driver realizes how strong the rider's claim is. A driver's initial statement to police, taken at the scene, may contradict a lane-splitting story introduced months later.

Comparing early statements against later ones is one of the simplest ways to expose a false accusation. A driver who changes their account after learning the size of a potential claim raises real questions about credibility.

Can a Rider Still Recover Compensation If They Were Lane Splitting?

Yes. Ontario law does not require a rider to be completely blameless in order to recover compensation. Under the province's [Negligence Act](#), fault in a motorcycle accident can be divided between both parties. That division depends on what each person actually did.

A court may find a rider partly responsible for a crash. That rider's compensation gets reduced by their percentage of fault rather than eliminated completely. A rider found 20 percent at fault, for example, would still recover 80 percent of the compensation their injuries would otherwise support.

Insurance companies frequently argue for a higher percentage of rider fault than the evidence supports. Doing so lowers what they ultimately have to pay out on a claim. Riders without strong evidence often accept an inflated fault percentage without ever realizing it.

What Kind of Evidence Can Disprove an Unfounded Lane-Splitting Accusation?

Because this accusation is so easy to make and so hard to walk back, specific evidence matters more here than in most motorcycle claims. The following can help disprove a false claim:

- **Helmet camera or dashcam footage** - Footage from the rider's own helmet camera or a nearby vehicle's dashcam can directly show lane position in the moments before a crash.
- **Vehicle damage patterns** - The location and angle of damage on both vehicles often reveal whether a rider was travelling within a single lane or between two of them.
- **Independent witness accounts** - A bystander with no connection to either party may provide valuable independent evidence about the rider's position and how the crash occurred.
- **The driver's earliest statements** - Comparing what a driver told police at the scene against what they claim later can expose inconsistencies in a lane-splitting story.

Gathering this evidence quickly matters, since footage gets deleted and memories fade not long after a crash. A rider who acts early is in a much stronger position to shut down a false accusation. That evidence can otherwise disappear before it ever gets used.

How Can a Toronto Motorcycle Accident Lawyer Help Fight Rider Bias?

Motorcycle accident claims in Ontario often turn into a fight over rider conduct rather than a straightforward question about who caused the crash. Insurance companies rarely give riders the benefit of the doubt, even when the facts clearly favour the rider over the driver who hit them.

Our Toronto motorcycle accident lawyers at [Smitiuch Injury Law](#) investigate these crashes thoroughly. We gather video footage and witness statements and analyze accident debris whenever possible before it disappears. And we push back hard when

an insurance company tries to use lane splitting or rider bias as a substitute for actual evidence.

[Contact us](#) for a free consultation to discuss what happened and learn more about your legal options. We can review the details of your Ontario motorcycle accident and walk through what makes sense for your specific situation.