

Your ATV / UTV Expert Witness Should Understand Safety Training Issues

**©2019 by Bill Uhl, Court-Qualified Expert Witness and Safety Trainer
regarding ATVs, UTVs, snowmobiles and motorcycles dirt bikes**

Critical Factors Regarding Your ATV and UTV Cases

If you are not personally an expert operator of all-terrain vehicles, snowmobiles or motorcycle dirt bikes and you take on a case involving an ATV, UTV, motorcycle or snowmobile, you'll most likely search for an Expert Witness who specializes in off-highway vehicle (OHV) cases. Consider the following.

- In addition to other discovery information you compile, identify what type of safety training the OHV operator in your case has or has not received. You'll want to know if they were adequately prepared to safely operate the ATV or UTV they were using when the incident occurred.
- If your case involves a recreational equipment rental facility or an OHV tour company, make sure the expert witness you select has experience working on similar cases.
- Involve your expert early in the case so they can help you ask the most helpful questions during discovery and depositions. When you hire a knowledgeable, experienced expert witness, you gain the advantage of securing the information you need during every phase of the litigation process.



Why an Expert Witness Who is a Safety Trainer Can Help You Win ATV and UTV Cases

1. According to manufacturers, **safety training is essential** in order to safely operate an ATV (all-terrain vehicle / quad / 4-wheeler). The information in this article is also relevant to your UTV cases. Even though manufacturers don't provide free training to purchasers of UTVs (also known as utility vehicles, side-by-sides, SxSs, RZR's and all-terrain vehicles), manufacturers highly recommend operator safety training in the owner's and operator's manuals for these vehicles.
2. When a new vehicle is purchased, manufacturers of ATVs provide free training for all family members of the minimum age to operate the machine. This is done to prevent liability issues related to a history of well-documented statistics about accidents, injuries and other safety problems. Safety training is part of the all-terrain vehicle's purchase price because training is absolutely necessary to prevent accidents and injuries when people operate these unique vehicles.
3. When manufacturers emphasize the need for safety training, they also stress that OHVs operate very differently than other vehicles like cars and trucks and thus require a learning curve that safety training can begin to address.
4. In fact, one item to note regarding all of your OHV cases is that **operator safety training is critical to safely operate all types of off-road vehicles (ATVs, UTVs, snowmobiles and motorcycle dirt bikes.)**

Even though manufacturers haven't been fully forthcoming about many known issues and dangers concerning OHVs, they have issued and posted warnings that safety training is necessary for operators, passengers and bystanders of many types of off-road vehicles. The expert witness you hire needs to understand the many diverse perspectives of OHV equipment manufacturers, retail sales personnel and OHV operators, whether they use their OHV on the job or for recreation.

Your expert witness also needs to comprehend what tour companies, tour guides, racing facilities, trail builders and maintainers, OHV rental facilities and equipment maintenance personnel should be doing to ensure safety. Your expert witness should understand what manufacturers do and often fail to do to ensure operator safety. All of these many components of OHV cases have been important in my professional work.

I have over 50 years of experience with all types of OHVs, including winning five gold medals as a competitive rider around the world, building trails, providing R&D functions for several manufacturers, co-owning an OHV retail store, serving as a Lead Mechanic and being inducted into the International AMA Hall of Fame. For many decades, I've **provided safety training** for all types of OHV riders, ranging from U.S. Special Forces personnel and other government agencies to OHV operators in corporations across the U.S. and Canada. (Contact us for a complete list of clients.)

Serving as a **Court-Qualified OHV Expert Witness** for many decades, consulting with attorneys, conducting site visits, assessing the merits of cases and providing depositions and court testimony have enhanced my expertise addressing a wide breadth of causes of OHV accidents and how to prevent them. I also help attorneys understand Consumer Product Safety Commission (CPSC) guidelines for ATVs, UTVs and snowmobiles. Although I'm frequently asked to provide many additional types of information, this

article is designed to address the specific issue of how the need for safety training may relate to your ATV or UTV cases.

Examples of Manufacturers' Warnings Related to the Need for Safety Training

ATV and UTV manufacturers say *ATVs and UTVs are not toys and can be hazardous to operate*. Manufacturers issue warnings like: *These vehicles handle differently than other vehicles, such as motorcycles and cars. A collision or rollover can occur quickly, even during routine maneuvers like turning* or driving on hills or over obstacles if an operator fails to take proper precautions.

Manufacturers provide multiple cautions in owner's / operator's manuals. They state that operators cannot rely on what the individual thinks they know about ATVs and UTVs from their past experience driving cars, trucks or even off-road motorcycles.

Manufacturer warnings include:

- Read your owner's manual. Understand all safety warnings, precautions and operating procedures before operating this off-highway vehicle (OHV). Keep the manual with the vehicle.
- Never operate an OHV without proper instruction. Take a training course.
- Never permit a guest to operate the OHV unless the guest has read the owner's manual, all product safety labels and has completed a certified safety-training course.

Manufacturers tell operators in owner's and operator's manuals that safety training is essential to prevent accidents, injuries and even death. These documents make it clear that specific knowledge, training and skill development are vital to the safety of the actual operator, passengers, bystanders and to other machine operators in the area.

Manufacturers include basic information regarding how to prevent accidents and injuries and what to do if someone in the area has a vehicle that veers out of control. Owner's and operator's manuals state that OHV operators must understand how to operate their vehicles properly in a variety of situations appropriate to the types of use they'll engage in. This includes diverse weather conditions, a wide variety of terrains and an understanding of how to navigate if other operators will be operating in the area, especially if these individuals will be in close proximity.

These are just a few examples of why an expert witness who is also a safety trainer can be beneficial to your cases. [Click here](#) to learn how I have assisted in over 81 other legal cases over the past 13 years. Contact us for your 15-minute complimentary case consultation regarding your ATV, UTV, snowmobile, motorcycle dirt bike, dual sport, motocross, mountain bicycle or street bike case. We welcome your request for a CV and letters of recommendation from other attorneys.

NOTE: This article is not intended to be all-inclusive, It is designed to provide a foundation for the reader to learn from.

To watch a video that goes with this article click on the video at the end of my listing in the video section titled Safety Trainer Your ATV/UTV Expert Witness Should Understand Safety Training Issues.

Bill Uhl is a Safety Trainer and Court-Qualified Expert Witness for cases involving all-terrain vehicles (ATVs), utility vehicles (UTVs / side by sides / ROVs / SxS / RZR), snowmobiles, motorcycle dirt bikes, dual sport bikes and off-road bicycles trails. Uhl has completed over 81 cases over the past 13 years while serving as an Expert Witness for both plaintiff and defense attorneys, providing site visits, depositions and trial testimony. [Click here](#) for more information.

Note: Most of this article was previously published by Bill Uhl on Experts.com and ATVexpertwitness.com.