Who Can Be Held Responsible for an Auto Accident?

Most car crash claims start with the other driver, but the driver is not always the only party who may be responsible. An employer, the vehicle owner, a government agency or a parts maker can also play a role. Finding every responsible party is one of the first jobs of an auto accident lawyer, since each responsible party may carry its own insurance.

Claims against the driver

Negligence asks whether a driver failed to act with reasonable care. Common examples include speeding, distracted driving, impaired driving, following too closely and failing to yield. In many states, a traffic law violation can serve as evidence of negligence, and some states apply negligence per se. A citation can help a claim, but it is not required to prove fault, and the effect of paying a ticket differs by state. A car crash lawyer will measure the driver's conduct against the traffic laws where the crash happened.

When someone else owns the car

When the driver borrowed the car, the owner's policy often covers permissive users. An owner who lends a car to someone known to be unlicensed, impaired or reckless may face a negligent entrustment claim. Rental and leasing companies are a special case. A federal law known as the Graves Amendment generally protects them from liability for a renter's negligence, unless the company was negligent itself, for example by renting out a car with a known brake defect.

When the driver was working

If the driver was acting within the scope of employment, the employer is usually answerable for the driver's negligence under respondeat superior. This can apply to delivery drivers, sales staff and others who drive for work. Rideshare crashes raise their own coverage questions, since the available coverage can https://caraccidentlawyers.wiki/reference/claim-and-settlement/ depend on whether the app was on and a ride had been accepted. A car accident lawyer will usually ask for the employer's policy along with the driver's own.

Other parties that may share fault

A broken traffic signal, a missing stop sign or a dangerous road defect may involve a government agency. Claims against cities, counties and states face special immunity rules and short notice deadlines, which vary by state. If a defective tire, brake or airbag contributed to the crash or the injuries, the manufacturer may face a product liability claim. Open recalls can be checked with the vehicle identification number on the NHTSA recall lookup. In some states, a bar that served a visibly intoxicated driver may face a dram shop claim.

When a passenger is hurt

A passenger hurt in a crash may have claims against either driver or both, even the driver of their own vehicle. Coverage can come from the policy on the car the passenger rode in and from the other driver's policy, and in some cases from the passenger's own policy. Certain policies restrict claims between relatives who live in the same household, which makes the wording of the policy important.

How shared fault affects the claim

Most states use comparative negligence, which can reduce a recovery by the injured person's share of fault, while a small number still apply contributory negligence. States also differ in how fault is divided among several defendants. A car wreck lawyer looks at every possible party because one policy may not cover the full loss. This article is general information, not legal advice, and no outcome can be predicted from it.