Who Is Liable in a Car Accident?

Most car crash claims begin 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. Sorting out who may be legally responsible is an early task for a car accident attorney, since each responsible party may carry its own insurance.

Claims against the driver

Negligence asks whether a driver failed to act with reasonable care. Typical examples include distracted driving, speeding, 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 treat it as negligence per se. A traffic citation helps a claim, but fault can be proven without one, and the effect of paying a ticket differs by state. An auto accident attorney will measure the driver's conduct against the traffic laws where the crash happened.

The vehicle owner

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 itself was negligent, such as by renting a car with known brake defects.

Drivers on the job

When a driver is working within the scope of employment, the employer is generally responsible for the driver's negligence under respondeat superior. This can cover delivery drivers, sales staff and others who drive as part of the job. Rideshare crashes raise separate coverage questions, because the coverage that applies can depend on whether the app was on and whether a ride had been accepted. An auto accident lawyer will typically request the employer's policy in addition to the driver's.

Other parties that may share fault

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

When a passenger is hurt

Passengers who are hurt may have claims against one driver or both, even the driver *car accident settlement* of their own vehicle. Coverage may come from the policy on the passenger's vehicle as well as 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. How fault is divided among several defendants also varies by state. An automobile accident lawyer looks at every possible party because one policy may not cover the full loss. This is general information and not legal advice, and it cannot predict how a claim will turn out.