Liability in Auto Accident Claims Explained

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. Identifying every party with legal responsibility is an early task for a car accident lawyer, because each party may have separate insurance.

Driver negligence

A negligence claim asks whether a driver failed to use reasonable care. Typical examples include distracted driving, speeding, impaired driving, following too closely and failing to yield. In many states, violating a traffic law can be evidence of negligence, and some states apply negligence per se. A citation can help a claim, but fault can be proven without one, and paying a ticket is treated differently from state to state. An auto accident attorney will compare the driver's conduct with the traffic laws of the state caraccidentlawyers.wiki where the crash happened.

Owners and rental companies

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 treated differently. Under a federal law called the Graves Amendment, they are generally shielded 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

When a driver is working within the scope of employment, the employer *car accident lawyer* is generally responsible 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, because the coverage that applies can depend on whether the app was on and whether a ride had been accepted. A car accident lawyer will usually ask for the employer's policy along with the driver's own.

Government agencies and manufacturers

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, and those rules 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

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 sometimes from the passenger's own policy too. Some policies limit claims between members of the same household, which makes the wording of the policy important.

Comparative negligence and multiple parties

Most states apply comparative negligence, which may reduce a recovery by the injured person's percentage of fault, while a few jurisdictions still follow contributory negligence. How fault is divided among several defendants also varies by state. A car accident attorney reviews every possible party, since a single policy may not cover the whole loss. This article is general information, not legal advice, and it cannot predict how a claim will turn out.