Who Is Liable in a Car Crash?

Most car crash claims start with the other driver, but the driver is not always the only responsible party. 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

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 treat it as negligence per se. A traffic citation helps a claim, but fault can be proven without one, and paying a ticket is treated differently from state to state. A car accident attorney will compare the driver's conduct with the traffic laws of the state where the crash happened.

## The vehicle owner

If the driver borrowed the car, the owner's insurance policy often covers permissive drivers. An owner who lends a auto accident lawyer car to someone known to be unlicensed, impaired or reckless may face a negligent entrustment claim. Rental and leasing companies are a special case. Under a federal law called the Graves Amendment, they are generally shielded from liability for a renter's negligence, unless the company itself was negligent, for example by renting out a car with a known brake defect.

## 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. A motor vehicle accident attorney will usually ask for the employer's policy along with the driver's own.

## 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 public bodies come with 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. 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.

### Claims by passengers

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.

## How shared fault affects the claim

Most states apply comparative negligence, which may reduce a recovery by the injured person's percentage 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.