Liability in Auto Accident Claims Explained

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

The other 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, violating a traffic law can be evidence of negligence, and some states treat it as negligence per se. A citation can help a claim, but fault can be proven without one, and the effect of paying a ticket differs by state. A car accident attorney will measure the driver's conduct against the traffic laws where the crash happened.

When someone else owns the car

If the driver borrowed the car, the owner's insurance policy often covers permissive drivers. 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. 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.

Employers and work vehicles

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 separate coverage questions, because the coverage that applies can https://caraccidentlawyers.wiki/topics/claims/ 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.

Road defects and product defects

A broken traffic signal, a missing stop sign or a dangerous road defect may involve a government agency. Claims against public bodies come with special immunity rules and short notice deadlines, and those rules 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. 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 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. Some policies limit claims between members of the same household, so the exact policy language matters.

How shared fault affects the claim

Most states apply comparative negligence, which can reduce a recovery by the injured person's share of fault, while a few jurisdictions still follow 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 is general information and not legal advice, and no outcome can be predicted from it.