Who Can Be Held Responsible for a Car Accident?

Most car crash claims begin with the other driver, but the driver is not always the only responsible party. The vehicle owner, an employer, a government agency or a parts manufacturer may also play a role. Sorting out who may be legally responsible is an early task for a car accident attorney, 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 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 crash lawyer will measure the driver's conduct against the traffic laws 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 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, for example by renting out a car with a known brake defect.

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, since the available coverage can depend on whether the app was on and 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 https://caraccidentlawyers.wiki/reference/claim-and-settlement/ 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. Some states have dram shop laws that allow claims against a bar that served a visibly intoxicated driver.

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 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.

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 small number still apply contributory negligence. How fault is divided among several defendants also varies by state. An automobile accident lawyer reviews every possible party, since a single policy may not cover the whole loss. This is general information and not legal advice, and it cannot predict how a claim will turn out.