Liability in Car Accident Claims Explained

Most car crash claims start 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 car accident lawyer accident attorney, because each party may have **auto accident lawyer** separate insurance.

The other driver

A negligence claim asks whether a driver failed to use reasonable care. Common examples include speeding, distracted driving, 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 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 where the crash happened.

Owners and rental companies

If the driver borrowed the car, the owner's insurance policy often covers permissive drivers. The owner may also face a negligent entrustment claim for lending a car to someone known to be unlicensed, impaired or unsafe. 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 itself was negligent, for example by renting out a car with a known brake defect.

When the driver was working

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 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.

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 cities, counties and states face 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. 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 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.

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. States also differ in how fault is divided among several defendants. 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.