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. 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

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 apply 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. An auto accident attorney will compare the driver's conduct with the traffic laws of the state 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. 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 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 was negligent itself, such as by renting a car with known brake defects.

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, since the available coverage can depend on whether the app was on and a ride had been accepted. A motor vehicle accident attorney 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, which 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. 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 auto accident lawyer crash may have claims against either driver or both, including the driver of the car they were riding in. Coverage may come from the policy on the passenger's vehicle as well as 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, 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 small number still apply contributory negligence. States also differ in how fault is divided among several defendants. An automobile accident lawyer 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.