Who Can Be Held Responsible for an Auto Accident?

Most car crash claims begin with the other driver, but the driver is not always the only party who may be responsible. 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, since each responsible party may carry its own insurance.

Driver negligence

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, a traffic law violation can serve as 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.

When someone else owns the car

When the driver borrowed the car, the owner's policy often covers permissive users. 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. A federal law known as the Graves Amendment generally protects them from liability https://caraccidentlawyers.wiki/topics/claims/ 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

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 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. 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.

When a passenger is hurt

Passengers who are hurt may have claims against one 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, which makes the wording of the policy important.

Comparative negligence and multiple parties

Most states use 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.