Who Is Liable in a Car Crash?

Most car crash claims start with the other driver, but the driver is not always the only party who may be responsible. An employer, the vehicle owner, a government agency or a parts maker can also play a role. Finding every responsible party is one of the first jobs of an auto accident lawyer, because each party may have separate insurance.

Claims against the driver

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 ***car accident lawyer*** https://caraccidentlawyers.wiki/topics/claims/ a traffic law can be evidence of negligence, and some states apply negligence per se. A traffic citation helps a claim, but it is not required to prove fault, and paying a ticket is treated differently from state to state. A car crash lawyer will measure the driver's conduct against the traffic laws 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 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 itself was negligent, for example by renting out a car with a known brake defect.

Employers and work vehicles

When a driver is working within the scope of employment, the employer is generally responsible for the driver's negligence under respondeat superior. This can cover delivery drivers, sales staff and others who drive as part of the job. Rideshare crashes raise separate coverage questions, because the coverage that applies can depend on whether the app was on and whether a ride had been accepted. An auto accident lawyer will typically request the employer's policy in addition to the driver's.

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. 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, 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 sometimes from the passenger's own policy too. Certain policies restrict claims between relatives who live in the same household, so the exact policy language matters.

How shared fault affects the claim

Most states use comparative negligence, which can reduce a recovery by the injured person's share of fault, while a small number still apply contributory negligence. States also differ in how fault is divided among several defendants. A car wreck 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.