Who Is Liable in a Car Accident?

Most car crash claims start with the other driver, but the driver is not always the only responsible party. An employer, the vehicle owner, a government agency or a parts https://caraccidentlawyers.wiki/reference/lawyers-and-fees/ maker can also play a role. Sorting ***car accident lawyer*** out who may be legally responsible is an early task for a car accident attorney, since each responsible party may carry its own 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 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.

The vehicle owner

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. 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, for example by renting out a car with a known brake defect.

Drivers on the job

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, since the available coverage can depend on whether the app was on and a ride had been accepted. An auto accident lawyer 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 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

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.

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. How fault is divided among several defendants also varies by state. 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.