Liability in Car Crash Claims Explained

Most car crash claims begin 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 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

Negligence asks whether a driver failed to act with 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 apply negligence per se. A traffic citation helps a claim, but it is not required to prove fault, and the effect of paying a ticket differs by state. A car accident attorney will measure the driver's conduct against the traffic laws where the crash happened.

Owners and rental companies

If the driver borrowed the car, the owner's insurance policy often covers permissive drivers. An owner who lends a car to someone known to be unlicensed, impaired or reckless may face a negligent entrustment claim. Rental and leasing companies are a special case. A federal law known as the Graves Amendment generally protects them from liability for a renter's negligence, unless the company itself was negligent, such as by renting a car with known brake defects.

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 apply to delivery drivers, sales staff and others who drive for work. 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. 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, 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.

When a passenger is hurt

A passenger hurt in a crash may have claims against either driver or both, including the driver of the car they were riding https://caraccidentlawyers.wiki/directory/metro-atlanta-law-firms/ in. Coverage can come from the policy on the car the passenger rode in and 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, which makes the wording of the policy important.

How shared fault affects the claim

Most states use comparative negligence, which car accident lawyer 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. A car accident attorney 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.