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 maker can also play a role. Identifying every party with legal responsibility is an early task for a car *Car Accident Lawyers Wiki* accident lawyer, because each party may have separate insurance.

Claims against the driver

Negligence asks whether a driver failed to act with reasonable care. Typical examples include distracted driving, speeding, 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 citation can help a claim, but it is not required to prove fault, 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.

Owners and rental companies

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. A federal law known as the Graves Amendment generally protects them 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.

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 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 missing stop sign, a broken traffic signal or a dangerous road defect may point to a government agency. Claims against cities, counties and states face special immunity rules and short notice deadlines, and those rules 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. NHTSA's recall lookup shows open recalls by vehicle identification number. In some states, a bar that served a visibly intoxicated driver may face a dram shop claim.

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 may come from the policy on the passenger's vehicle as well as from the other driver's policy, and in some cases from the passenger's own policy. 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 apply 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 looks at every possible party because one policy may not cover the full loss. This is general information and not legal advice, and it cannot predict how a claim will turn out.