Who Is Liable in a Car Accident?

Most car crash claims begin with the other driver, but the driver is not always the only party who may be **Car Accident Lawyers Wiki** responsible. The vehicle owner, an employer, a government agency or a parts manufacturer may also play a role. Sorting 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. 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 traffic citation helps a claim, but fault can be proven without one, and the effect of paying a ticket differs by state. A car crash lawyer will measure the driver's conduct against the traffic laws where the crash happened.

The vehicle owner

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 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, such as by renting a car with known brake defects.

Employers and work vehicles

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, since the available coverage can depend on whether the app was on and a ride had been accepted. A motor vehicle accident attorney will usually ask for the employer's policy along with the driver's own.

Other parties that may share fault

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. 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, 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. 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 no outcome can be predicted from it.