Liability in Auto Accident Claims Explained

Most car crash claims start with the other driver, but the driver is not always the only party who may be responsible. The vehicle owner, an employer, a government agency or a parts manufacturer may also play a role. Identifying every party with legal responsibility is an early task for a car accident lawyer, since each responsible party may carry its own insurance.

Driver negligence

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, a traffic law violation can serve as 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 the effect of paying a ticket differs by state. A car crash lawyer will compare the driver's conduct with the traffic laws of the state 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 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, 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 their own coverage questions, because the coverage that applies can depend on whether the app was on and whether a **car accident attorney** ride had been accepted. A motor vehicle accident attorney will typically request the employer's policy in addition to the driver's.

Other parties that may share fault

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, 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. 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

Passengers who are hurt may have claims against one driver or both, including the driver of the car they were riding 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. Some policies limit claims between members of 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 few jurisdictions still follow contributory negligence. States also differ in how fault is divided among several defendants. An automobile accident lawyer 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.