Who Can Be Held Responsible for 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 accident lawyer, 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 **tax on car accident settlement** of negligence, and some states apply negligence per se. A traffic citation helps a claim, but fault can be proven without one, 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.

When someone else owns the car

When the driver borrowed the car, the owner's policy often covers permissive users. 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, 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. A motor vehicle accident attorney 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 public bodies come with 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. 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

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 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 use comparative negligence, which may reduce a recovery by the injured person's percentage of fault, while a few jurisdictions still follow 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 no outcome can be predicted from it.