

Car Accidents and Negligence: When You Are Liable for Another Person's Driving

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However, in some situations, the law can assign fault to someone who was not driving or even present in the car at the time of the accident. Although this sounds surprising, there are a number of common situations where this can occur.

When an Employee Drives the Car

The law holds employers responsible for wrongful acts, including negligent driving, when they are committed by an employee while the employee is performing job duties. (This comes under the theory of "vicarious liability," or "imputed negligence." When two parties have a certain relationship with one another, the law can hold one party liable for the misconduct of another.)

For example, if you are an employer and your employee runs a red light and hits another car while driving the company car during work hours, you will be responsible for the damages caused by your employee. Example: Dan is employed by ABC Bread Company to deliver bread to various stores each morning. On route, he rear-ends Jane, injuring her and damaging her car. ABC Bread Company will be responsible for Dan's actions, because at the time of the accident he was performing his job -- making a delivery. If the accident had occurred on the weekend, when Dan, without permission, drove the delivery truck to Vegas for a weekend of gambling and drinking, ABC Company would not be liable for Dan's actions.

In some states, car owners are legally responsible for negligent driving by anyone using the owner's car with the owner's permission. These state laws don't require that the parties have a relationship like that of employer-employee. Instead, in states with such laws, once you give someone permission to drive your car, you're on the hook for their actions.

In many states, parents are liable for their child's negligent driving when they let their child use the family car. There are several types of laws and legal theories that allow this to happen.

Negligent entrustment. If a parent lends the family car to a minor child knowing the child is incompetent, reckless, or inexperienced, the parent may be liable for damage caused by the child's driving. This legal theory is called negligent entrustment (see "When You Let an Incompetent or Unfit Driver Use Your Car," below).

The family purpose doctrine. Some states adopt the "family purpose" doctrine. In those states, when someone purchases and maintains a car for general family use, the owner of that vehicle (generally, dad or mom) is liable for negligent driving by any family member using the car.

Signing a minor's driver's license application. Some states have laws that make the person who signs a minor's driver's license application legally responsible for the minor's negligent driving. So, if a parent signs the application, the parent will be liable for the child's negligent driving.

If you lend your car to an incompetent, reckless, or unfit driver, and that driver, through his or her negligent driving, causes a car accident, you will be liable for injuries and damage resulting from the accident. This is called negligent entrustment.

In a negligent entrustment case, the plaintiff (the person bringing the law suit) must prove that the car owner knew, or should have known, that the driver was incompetent at the time that permission was given.

Lending your car to the following types of people can mean you have committed negligent entrustment, and you could be liable for any damages caused by the driver.

Intoxicated driver. Lending your car to someone who is drunk, or likely to become so, may be negligent entrustment.

Unlicensed and underage driver. Lending your car to a minor not old enough to legally drive is likely to be negligent entrustment.

Inexperienced driver. Letting an inexperienced driver -- such as a minor with only a learner's permit -- drive your car unsupervised is another example of negligent entrustment.

Elderly driver. Just as someone can be liable for lending a car to a minor, lending a vehicle to someone whose advanced age makes them unfit to drive (for example, an elderly driver with particularly slow reaction times) can constitute negligent entrustment.

Ill driver. Lending a car to a driver who suffers from an illness that affects his or her driving -- for example, a person prone to falling asleep at the wheel -- could constitute negligent entrustment.

Previously reckless driver. You could be liable for negligent entrustment if you lend your car to someone who you know has a history of reckless driving. [Getting Help](#)

If you have been involved in a car accident and are thinking of suing someone other than the driver of the other vehicle (or in addition to the driver of the other vehicle), you probably want to speak with a qualified personal injury lawyer. If you decide to consult a lawyer, go straight to [Nolo's Lawyer Directory](#).