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### Car Accident Basics

Automobile accidents give rise to the majority of personal injury claims in the U.S. This is not surprising, given that every 10 seconds someone in the United States is involved in a car accident, according to the National Highway Traffic Safety Administration (NHTSA).

#### **Motor Vehicle Accidents and the Law**

Legal claims arising from motor vehicle accidents are typically governed by the law of [negligence](#). Generally, people who operate automobiles must exercise "reasonable care under the circumstances." A failure to use reasonable care is considered negligence. A person who negligently operates a vehicle may be required to pay for any damages, either to a person or property, caused by his or her negligence. The injured party, known as the plaintiff, is required to prove that the defendant was negligent, that the negligence was a proximate cause of the accident, and that the accident caused the plaintiff's injuries.

#### **Negligence and Motor Vehicle Accidents**

As with other types of accidents, figuring out who is at fault in a traffic accident is a matter of deciding who was negligent. In many cases, your instincts will tell you that a driver, cyclist or pedestrian acted carelessly, but not what rule or rules that person violated. An attorney will look to a number of sources to help you determine who was at fault for your accident, such as police reports, state traffic laws, and witnesses.

Courts look to a number of factors in determining whether a driver was negligent. Some of these factors include, but are not limited to, the following:

- Disobeying traffic signs or signals
- Failing to signal while turning
- Driving above or below the posted speed limit
- Disregarding weather or traffic conditions
- Driving under the influence of drugs or alcohol

#### **Other Common Causes of Automobile Accidents**

*Reckless Driving* A driver may be liable for an accident due to his or her intentional or reckless conduct. A driver who is reckless is one who drives unsafely, with clear disregard for the probability that such driving may cause an accident. The NHTSA defines aggressive driving as a progression of unlawful driving actions such as:

- Speeding -- exceeding the posted limit or driving too fast for conditions;
- Improper or excessive lane changing: failing to signal intent, failing to see that movement can be made safely, or
- Improper passing -- failing to signal intent, using an emergency lane to pass, or passing on the shoulder.

*Drunk Driving* Every 30 minutes, someone in this country dies in an alcohol-related crash. Last year alone, over one million people were injured in alcohol-related traffic crashes. In a lawsuit arising from a drunk driving accident, in addition to the intoxicated driver's liability for the injuries he or she caused, a bar or social host may be liable for damages if they served an obviously intoxicated guest, who then drove and caused an accident. The fact that the person who served the intoxicated driver alcohol may be held liable does not relieve the intoxicated driver of liability, however. See [Dram Shop Laws](#) for more information about third party liability for drunk driving accidents.

Because attorneys are aware of the many laws governing legal responsibility, an attorney can help you identify who might be held responsible for your injuries, including people or businesses you might not have considered.

## **Accidents Not Caused by the Drivers Involved**

In certain cases, accidents are caused by factors unrelated to the conduct of any particular driver. For example, an automobile accident may occur due to a defect in someone's automobile. In such a case, an automobile manufacturer or supplier may be responsible for injuries caused by a [defect](#) in the automobile under the law of product liability. A product liability suit is a lawsuit brought against the seller of a product for selling a defective product that caused physical injury to a consumer or user. If a manufacturer of a product creates a defective product - either in designing, manufacturing, or labeling the product - the manufacturer is liable for any injuries the product causes, regardless of whether the manufacturer was negligent.

Other factors, such as poorly maintained roads and malfunctioning traffic control signals can contribute to cause an accident as well. Improper design, maintenance, construction, signage, lighting or other highway defects, including poorly placed trees and utility poles, can also cause serious accidents. In cases such as this, government entities may be potential defendants. Special rules apply to claims and lawsuits brought against governmental bodies, however, and proper legal advice is critical to preserving and winning such claims.

## **Getting Legal Help for a Motor Vehicle Accident Injury**

If you or a loved one have suffered a motor vehicle accident injury, you should speak with an experienced attorney to ensure that your legal rights to compensation are fully assessed and protected. Issues in your potential claim, including compliance with traffic laws, motor vehicle regulations, medical treatment issues, and liability determinations, all require the expertise of an attorney with knowledge of motor vehicle accident liability. In light of legal deadlines for filing injury claims, meeting with an attorney to evaluate your case as soon as possible is recommended.

To stay prepared, print out FindLaw's helpful pamphlet on [first steps after an auto accident](#) (PDF) and store it in your glove compartment.

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