




What A Passenger Injured In A Car Accident Needs To Know



If you suffered injuries as a passenger, while your friend or acquaintance was behind the wheel, you're probably entitled to compensation from their insurer.

This is sometimes known as a "passenger vs. driver" case. And as with any other collision case, it takes proper planning to get maximum compensation for your injuries and treatment. We recommend that you consult an experienced attorney before negotiating with anybody.

Whose insurance will cover your injuries?

Generally, your compensation will come from the policy of the liable driver(s).

Washington law affirms that drivers owe due care to you, the passenger. That means they're legally responsible for maintaining a safe speed, avoiding hazards, and doing whatever they reasonably can to keep you and others safe.

When a driver causes harm by breaching this duty, it leaves them liable to everyone who suffers as a result. Consequently, if your friend contributed to the car accident, then your friend's policy is expected to cover your injuries. The same goes for any other driver who played a role in the collision, too.



Determining liability for passenger injuries

Determining liability can be complicated, since Washington law espouses comparative negligence. That means each driver's liability is proportionate to their role in causing the accident.

Let's say your friend was 30% responsible and another driver was 70% responsible. Theoretically, you would receive 30% of your due compensation from your friend's insurer and the remaining 70% from the other driver's insurer. Of course, this becomes more complex when **multiple vehicles** are involved, but the basic principle is the same.

(Note that Washington no longer recognizes the principle of last clear chance. If your friend and the other driver share responsibility, then it *does not legally* matter who had the last opportunity to avoid a collision. Compensation depends solely on their comparative negligence.)

All this means you will not receive compensation until fault is established. Sometimes it's straightforward; other times it's nuanced, and hotly contested. **Our personal injury team can help you move toward compensation as quickly, smoothly, and fairly as possible.**




Do you have to sue the driver?

If the collision hasn't strained your friendship enough, then the prospect of suing the driver certainly could. **Fortunately, you can receive compensation without suing your friend. Working with an attorney does not necessarily mean you're suing.**

That said, just because you needn't sue your friend doesn't mean you can't. In fact, there are situations in which it's helpful or even necessary.

The most common is if the driver's policy is withholding your rightful compensation. We can limit the claim to the policy amount, so you're not obligated to go after your friend's personal assets. It's often more of an administrative affair than an acrimonious, personal one. In fact, this sort of suit might serve everyone's best interest by forcing a quick and final settlement.

Another scenario is if your injury expenses exceed your friend's policy limits (or if they lacked a policy altogether). Some accidents entail months or years of **delayed injuries**, treatment expenses, ongoing therapy, and lost productivity. If the driver's insurance and your medical coverage don't suffice, then it may be worth exploring a lawsuit to recover further compensation. This requires particular care and planning to avoid forcing your friend into bankruptcy.



A far rarer situation is if you suspect the driver actually intended to harm you. This raises completely different legal matters from a standard accident-injury claim. It is not something to explore lightly. Still, if you suspect your (former) friend set out to harm you, then it's essential to share that information with your legal team.

Whatever the details, our personal injury experts can help you decide whether a lawsuit is worth considering in your individual circumstances.

What if your friend was uninsured or underinsured?

If you carry uninsured/underinsured motorist coverage, then your own policy may compensate you for your injuries. If you didn't have such coverage at that time, then your options are limited.

Compensation may still be available through other avenues, up to and including a suit, as discussed above. Your legal team will help you evaluate and pursue these options if necessary.

Can you be liable as a passenger?



It's highly unlikely that you'd be found liable as a passenger. Within the bounds of normal, rational behavior, there is not much that could cause an accident without the driver breaching their duty of care.

However, it's not impossible.

For instance, if the driver argues that your actions made them lose control or overlook a hazard, then you may be held at fault. This would require markedly aggressive or abnormal behavior, so it's not a common scenario. But if you believe your own actions could have contributed, then it's critical to discuss this with your legal team.

However, you may receive less or no compensation if you weren't wearing a seat belt when the accident happened, or if you willingly rode with an impaired driver. Those factors do not make you legally responsible for the accident, but may still have a significant financial impact

(Keep in mind that personal responsibility for seat belt use applies from age sixteen and up. If you were under sixteen, then the driver—not the passenger—is on the hook.)

Getting legal help for your injuries as a passenger

Bridge Law specializes in quickly obtaining rightful compensation for car accident injuries.



Before talking to insurers, and before attempting to “take care of it” informally with your friend or any other parties, reach out to our legal team.

Accident claims are highly time-sensitive, so we encourage you to get in touch immediately.

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