McLEOD LAW LLP

PUBLICATION

What happens if you're injured as a passenger in another person's vehicle?

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Passengers can be injured in car accidents too. And sometimes the driver of the vehicle they were in, is responsible for causing the accident. This can happen in multiple vehicles or single vehicle accidents where no other cars are involved. When this happens, the passenger has rights to what is called a "passenger hazard" claim against the driver of the vehicle they were in.

In this scenario, the passenger rarely has any liability because they were not in control of the car. But if the passenger distracted or touched the driver, grabbed at the steering wheel or interfered with the driver's safe operation of the vehicle, the passenger can bear some responsibility and be liable to some extent.

In these types of claims, it's advisable to *not* discuss the details of your injury claim with the driver who is the "at-fault" party - which can be awkward if they are friends or family but is important to protect their rights.

A "passenger hazard" claim is essentially when a passenger files a claim against the driver and owner of the car they were in. If the passenger was also the vehicle owner, then the passenger would only sue the driver because you cannot sue yourself. In a case like this, the vehicle owner's insurance company must act as both:

1. the injured passenger's own insurance company (Section B) and
2. the at-fault driver's insurer (Third Party).

Two separate auto insurance adjusters should be appointed within the same insurance company to assume these two distinct roles and they should not share information with each other without the injured passenger's consent.

From that point forward the claim is administered just as any other claim. The passenger deals with the Section B adjuster for the first 2 years to receive funding for treatment costs and disability, if eligible, and the main claim still proceeds against the third party insurer for the rest of the passenger's compensation (i.e. pain and suffering damages, lost income, future care costs, etc.) which often takes more than 2 years to resolve especially when chronic pain or more severe injuries are involved.

"Passenger hazard" situations can become complicated and confusing quite quickly for injured parties, even with insurers who have the best of intentions. It is often helpful to consult with a lawyer to gain a better

understanding of your rights, obligations and risks in a situation like this, and to make sure you are properly protected from parties who are adverse in interest to you.

McLeod Law offers a free consultation - call a lawyer in our Personal Injury group. If we are able to take your case, you do not pay a fee, unless we win.