

Hitting an Illegally Parked Car: Who Is at Fault?

Description

Getting into a car wreck is never a good experience, even if you don't suffer from a personal injury. There's a lot of paperwork involved, being without your car while it's getting fixed, and figuring out who's at fault for the accident. And let's be honest; getting through all that is not a pleasing experience, especially if you are not well-versed with the related laws. In that case, having a personal injury lawyer by your side can help you streamline the entire process. They'll use their expertise to study every aspect of your case and help you with it. You can [visit website](#) and learn more about how associating with experienced legal professionals during such situations can turn out to be good for you.

But what happens if you drive into a car that has been illegally parked? Is it their fault for parking somewhere they shouldn't be or is it your fault for driving into them? It can get complicated if you're not sure of the law in your state.

Determining Fault

The prime factor in determining fault in a car accident is by figuring out who was negligent. To be negligent is to act or fail to act in a way that violates a duty that you owe to another individual. The professionals at <https://1800injured.care/fort-lauderdale> explain this as- suppose a pedestrian enters the crosswalk. In that case, you have a duty of care to stop your car.

In the case where you hit a car that has been illegally parked, both parties are at fault and are therefore both negligent. The owner of the parked car had a duty to park their car in a legal spot, and the driver had a duty to pay attention and avoid a collision. However, depending on what state you live in, there are two different formulas that are used to calculate damages paid by both parties. To know which camp you fall under, seek out the guidance of [car accident lawyers with many years of experience](#).

Comparative Fault

The first ideology is that of [comparative fault](#). Fault is assessed by the court and apportioned among the guilty parties, forcing them all to share liability. In this case, the total amount of damages is divided between the person who parked illegally and the driver who hit the parked car depending on the basis of fault. Fault is determined by the court and then awarded damages are reduced based on that fault.

For example, if the owner of the parked car is found to be 10% liable for the accident, then the driver will only have to compensate 90% of the damages to the owner of the parked car.

Modified Comparative Fault

In some states, this is a middle ground; if the injured party was more than 50% liable for the damages caused, then they are not allowed to receive any damages whatsoever. This is because it would be unfair to force the defending party to pay damages when the injured party is more at fault for the accident.

Contributory Negligence

This is the other theory of attributing fault in an accident like this. If the conduct of the injured party (the person who parked their car illegally) contributes to the negligence of the person who hit their car, then they cannot receive any damages whatsoever, even if they are only 1% at fault. This is to say that because of the actions of the injured party, they should not be allowed to recover for their own [contributory negligence](#).

Regardless of whether you have hit someone else's illegally parked car or had your car hit, you should contact an experienced car accident attorney immediately so that you can take care of your legal matters as soon as possible. For reference, Colorado Injury Law is a [Denver personal injury attorney](#) that will stand by your side every step of the way to ensure you receive proper treatment.

Date Created

2020/07/08

default watermark