

## Liability in Personal Injury, An Overview

*When you become injured as a result of someone else's negligence or carelessness, the person who caused the injury is known as "liable". A board certified civil trial attorney can help pursue your right to compensation!*

There are dozens of ways one can become injured by no fault of their own. It's simply a hazard of living in a world where others are careless and act negligently without considering the safety of others. When this occurs, the person at-fault is considered "liable".

### Liability 101: retaining counsel, the statute of limitations

When you sustain injuries at the fault of another, a board certified civil trial attorney who practices Personal Injury law can pursue damages for your pain and suffering. An attorney with experience can navigate the legal system on your behalf when things become less straightforward and require the knowledge of a professional.

When you become injured as the result of an accident in which you were not at-fault, it's necessary to retain legal counsel as quickly as possible.

The statute of limitations begins as soon as you become injured in an accident and you must act timely to avoid your case being dismissed by the judge. In this article we'll look at some areas of liability and briefly explain why each one is different.

### What are some different types of liability?

The liability we'll discuss within this article are as follows:

- Premises liability
- Social host liability
- Trucking carrier liability
- Hit-and-run liability

### Premises liability

From slip and falls at shopping malls to a day at the zoo ending in tragedy and everything in between, the one thing these incidents have in common is that the property owners are liable for the injuries sustained on their premises during business hours.

While private property (place of residence) owners can be held liable for injuries in certain situations, liability ultimately depends on the laws laid out in every state. Usually, there are different laws when it comes to injuries that are sustained by guests visiting a home as opposed to injuries sustained at a place of business.

If a shopper at a mall slips and falls because the 'Wet Floor' sign was not posted, the mall becomes liable for the injuries (broken leg, for example) sustained on their premises.

## Liability of social hosts

Quite a few states have instated specific laws that hold the person hosting a party that intends to serve alcohol to minors liable for alcohol-related injurious behavior sustained as a result of this negligent practice. Not only can the host be held liable for injuries or the death of a minor, but they are also responsible for any injuries or death the intoxicated minor caused while under the influence.

Most social hosting laws are more often than not enacted to reduce the rate of drunk-driving deaths and accident related injuries sustained by minors who should not have been served alcohol in the first place.

There are certain states that extend this liability to hosts of parties who serve alcohol to those of legal drinking age as well.

The state of Florida specifically holds any vendor that serves alcohol to a minor responsible (“liable”) but not extend this to private citizens who serve alcohol to minors in their own homes or at their own private gatherings.

## Trucking carrier liability

In our [FMCSA blog series](#) we discussed trucking liability at length, but to summarize the liability specific to trucking carriers, let’s recap:

A great deal of truck driving is federally regulated, and drivers must consistently abide by a specific set of rules and standards laid out for them before they can perform their duties. These rules are put in place by the FMCSA (“Federal Motor Carrier Safety Administration”).

They range from the number of licenses allowed to be acquired by the truck driver (**one** license in the driver’s home state only), physical requirements that govern their health and safety (**ten-hour** breaks between shifts are required to avoid fatigue-related road accidents), and special training specific to trucking.

## Hit-and-run liability

The legal consequences of a hit-and-run are far more nuanced and much more serious than standard traffic accidents. The biggest civil consequence in personal injury cases relating to a hit-and-run is collecting “punitive damages”.

These damages are made available to the plaintiff in the case when the person at-fault (the “defendant”) is found to have driven recklessly enough to cause serious bodily harm or acts in a manner that can be considered careless, and then flees the scene of the accident before any information can be exchanged, to avoid being penalized for their negligent actions.

Aside from the high cost of medical expenses for the injuries sustained by the plaintiff due to the negligence of the defendant found to have committed the hit-and-run, punitive damages in hit-and-run liability are calculated in two other ways:

1. In proportion with the defendant's lack of moral conduct
2. By how much it would take financially to punish the defendant for their lack of morality in committing the act; this calculation is usually considered the most important in a civil hit-and-run trial

**Contact us to schedule a complimentary consultation. There's no obligation. Take the first step and call today: (877). 529-0080**

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