

## WHY DID YOU PAY ON MY CLAIM? *I WASN'T AT FAULT!*

We understand this question and the frustration it may cause. The answer often comes down to two legal principles called: **Joint and Several Liability** and **Pure Comparative Negligence**.

### **JOINT AND SEVERAL LIABILITY: Why Economic Damages Fall On One Party in California**

In California, if two or more parties are involved in an accident, an injured person who did **not** contribute to the accident (such as a passenger) may choose **which party to collect damages from**—even if that party is only **1% at fault**. Under California's *Joint and Several Liability* rules, you may still be responsible for a larger portion, or all, of economic damages, even if minimally at fault.

### **PURE COMPARATIVE NEGLIGENCE – How California Assigns Fault Between Drivers**

California also follows a pure comparative negligence system, meaning each party is responsible for damages in proportion to their percentage of fault—no matter how small. Even a slight degree of fault can create financial exposure, which is why commercial vehicles often end up paying on claims despite appearing to have little or no responsibility.

#### **HOW FAULT IS APPLIED**

##### **1. Economic damages (medical bills and lost wages)**

Once an attorney establishes the truck shares a **portion of fault**, if the economic damages are substantial, the commercial policy limits may be exhausted.

*Example: In a \$10M loss, if any attorney convinces a jury that the truck is 10% at fault, the commercial policy may still pay the full \$1M limits.*

##### **2. Non-economic damages (pain and suffering)**

These are typically split based on each party's percentage of fault.

##### **3. Passenger exposure under comparative negligence**

Passengers can assign fault to the truck and recover full economic damages and proportional non-economic damages, creating significant exposure even when the truck's role is minimal.

#### **WHY COMMERCIAL TRUCKERS ARE IMPACTED MORE**

- Commercial vehicles carry high liability limits (**\$750,000 to \$1M+**).
- Passenger vehicles often carry only **\$30,000** per person in coverage.
- When serious injuries occur, those **smaller policies are quickly exhausted**—and attorneys will look for ways to assign at least **1% fault to the truck** to reach the larger policy.

#### **HOW TO PROTECT YOURSELF**

- ✓ **Report ALL claims/incidents immediately** – even minor incidents can escalate later
- ✓ **Perform regular inspections** – keep lights, reflectors and safety equipment clean and functional
- ✓ **Consider a cloud-based dash camera** – your best witness when fault is disputed



#### **OUR COMMITMENT TO YOU**

All carriers follow the same liability laws. What sets us apart is **the financial strength** behind our policy - supported by National Claims Management with **claims expertise** built specifically for the commercial trucker.

**When the unexpected happens, experience, stability, and specialized claims handling make the difference.**

#### **REAL WORLD EXAMPLE**



Your truck stopped at a red light and is rear-ended by another

That vehicle later claims injury.

*Even when you did nothing wrong*

##### **An attorney can argue:**

- The truck “stopped short”
- Brake lights were dirty or partially obscured
- Reflective DOT tape was worn and damaged
- Vehicle visibility could have been improved
- CAB violations can be used to claim the carrier has a history of unsafe operations

Small details like these can give an attorney what they need to argue **the truck carried some share of fault** – opening the door to **major financial exposure**.