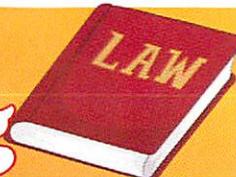
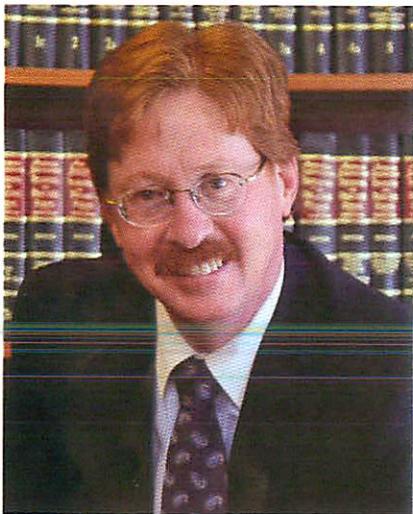




Around Our Town... Legally Speaking



Governmental Liability for Car Accidents



It happens every day: A driver runs a stop sign, changes lanes without looking, or fails to brake in time, and causes a collision. In most cases, the negligent driver is insured, and his or her insurance will pay for any injuries or damage caused. But what if the car belongs to the federal, state, or local government? The answer may be very different.

Most jurisdictions recognize a legal concept called “sovereign” or “governmental immunity.” Sovereign immunity is just what it sounds like—the government is immune from claims against it, even if the claim is based on the negligent acts of a government employee. This is true even if the government would be liable if it were a private individual. This immunity exists to prevent suing the government for some loss that would be satisfied with taxpayer dollars.

The government may choose to give someone who has been injured by one of its employees permission to sue, waiving the immunity it would otherwise enjoy. Rather than force every victim of a collision to petition Congress or the state legislature, most jurisdictions have passed what are called Tort Claims Acts, giving people injured in certain ways advance permission to sue the government for their losses.

Because car accidents happen so often, a common provision of most Tort Claims Acts is a condition

allowing people hurt in collisions to sue. However, even if the lawsuit is allowed, it works differently from the run-of-the-mill collision case, as Tort Claims Acts generally have strict and specific notice requirements that must be met and that involve different statutes. This is especially true where the vehicle involved belongs to the federal government, which has passed the Federal Tort Claims Act but which determines whether its driver is liable under state law.

No matter what the details, if your claim is a negligence claim against someone working for the government, it is wise to discuss the matter with a lawyer. A capable lawyer can help you navigate the particular laws and deadlines – or Statute of Limitations – that will apply to your claim and can make sure you receive your proper due.

Nothing in this article should be construed as legal advice. You must consult with an attorney for the application of the law to your specific



circumstances.

R. Michael Shickich is the founder of the Injury Law Firm located in Casper. The focus of his practice is personal injury and wrongful death cases.

THANKS FOR THE REFERRALS

Despite this modern age of marketing and advertising, the best source of our new business is word of mouth. We are grateful that many of our clients and friends feel confident in recommending our firm.

Unfortunately, when people need a good lawyer, they often do not know where to turn. If you or someone you know has been injured and needs legal help, call us.