

Passenger Rights After a Car Accident: Can You File a Claim?

Our Maryland attorneys explain what to do if you're hurt in a crash

Being a passenger injured in a [car accident](#) can be a scary situation. You likely had no control over what happened, but you still have rights. You may wonder who will pay for your medical expenses or whether you can file a claim at all. The good news is that passengers often have an easier path to compensation than drivers since they are rarely at fault for a crash.

If you were injured as a passenger, here's what you need to know about your legal options, who may be responsible for paying your damages, and how to file a claim for the compensation you deserve. As a passenger, you have the right to seek compensation for your injuries, including:

- Medical expenses (hospital bills, physical therapy, prescription medications)
- Lost income if your injuries prevent you from working
- Pain and suffering, including emotional distress or long-term trauma

Who can I file a claim against?

Because you weren't driving, you don't need to worry about proving liability. Instead, your main concern is figuring out who should compensate you. If you're a passenger injured in a crash, any of the following parties may be liable:

1. The driver of the car you were in

If the person driving your vehicle caused the crash, their liability insurance may cover your injuries. Maryland law requires drivers to carry minimum liability coverage, which includes compensation for injured passengers.

Many passengers hesitate to file a claim when a friend or family member was driving. You may worry about damaging your relationship but remember: you're not suing them personally. Their insurance company is responsible for paying, not them. They have insurance for situations like this, and filing a claim doesn't mean you're blaming them.

2. Another driver who caused the crash

If another driver hit your vehicle and was at fault, you can file a claim against their insurance. This process works the same as any car accident claim, except you don't have to argue over liability.

However, Maryland follows a contributory negligence system, which means that if you are found even 1% at fault, you may be barred from recovering compensation. While this rule usually applies to drivers, insurance companies may try to argue that a passenger's actions

contributed to their injuries, such as not wearing a seatbelt. An experienced Maryland passenger injury lawyer can help fight back against these arguments.

3. Multiple at-fault drivers

Some crashes involve multiple vehicles, which makes liability more complicated. If more than one driver contributed to the car accident, you may be able to file claims against multiple insurance policies to maximize your compensation.

This is especially important if the at-fault driver's policy doesn't have enough coverage to fully compensate you. Maryland requires drivers to carry minimum liability insurance, but in serious crashes, these limits may not be enough. If multiple injured passengers file claims, the available funds may run out quickly.

4. Third-party liability claims

Sometimes, your car accident wasn't entirely caused by a driver. If another factor played a role, you may be able to file a claim against:

- **A vehicle manufacturer:** If a defective part (for example, faulty brakes or an airbag that failed to deploy) contributed to your injuries, you may have a product liability claim.
- **A government agency:** If the crash happened due to dangerous road conditions, missing traffic signs, or poor road maintenance, the Maryland State Highway Administration or a local government could be liable. However, filing a claim against a government entity has strict deadlines and procedures, so it's important to act quickly.

What insurance coverage can help me as a passenger?

In Maryland, the at-fault driver's liability insurance should cover your injuries, but minimum coverage limits (\$30,000 per person and \$60,000 per accident) may not be enough, especially if multiple passengers were hurt. If your medical costs exceed these limits, you may need other insurance options.

Medical Payments Coverage (MedPay) can help with medical bills regardless of fault. If you or the driver you were with have MedPay, it may cover your expenses, but it doesn't pay for lost wages or pain and suffering.

If the at-fault driver has no insurance or insufficient coverage, you may file a claim under your Uninsured/Underinsured Motorist (UM/UIM) coverage. Maryland requires insurance companies to offer at least \$30,000 per person and \$60,000 per accident in UM/UIM coverage unless declined in writing.

Maryland also requires Personal Injury Protection (PIP), which covers medical bills and lost income regardless of fault. Policies must include at least \$2,500 in PIP unless waived. If the driver you were with has PIP, you may qualify for benefits. Since multiple coverages may apply, reviewing all available options can help you secure full compensation.

How do I file a passenger injury claim?

Filing a passenger injury claim may feel overwhelming, but taking the right steps can help you recover compensation for your medical bills, lost wages, and other damages. Here's what you should do after a car accident as a passenger to protect your rights and maximize your claim.

1. Gather evidence at the scene

If possible, collect:

- Photos of the vehicles, road conditions, and any visible injuries
- Contact information from witnesses
- A copy of the police report

This information helps prove liability and strengthens your claim.

2. Get medical attention immediately

Even if you feel fine after the crash, see a doctor as soon as possible. Some injuries don't show symptoms right away but can become serious if left untreated. A doctor can diagnose hidden injuries and start treatment early, which may prevent future complications.

Delaying treatment can give the insurance company a reason to argue that your injuries weren't serious or weren't caused by the crash. Getting checked out right away helps ensure both your health and your ability to recover compensation.

3. Report the accident to the insurance companies

You don't always have to report the crash to your own insurance company unless you're using MedPay or UM/UIM coverage. However, you will likely need to contact the at-fault driver's insurance.

When speaking with insurance adjusters:

- Stick to the facts and don't speculate about fault or your injuries.
- Ask for a copy of the at-fault driver's insurance policy.
- Never accept an early settlement offer without reviewing your damages.

4. Talk to a Maryland lawyer

You may think your claim is simple, but insurance companies often try to pay less than you deserve. A lawyer in Maryland can:

- Identify all possible sources of compensation.
- Negotiate with insurance companies to get you a fair settlement.

- File a lawsuit if the insurance company refuses to pay.

Injured as a passenger? Get the legal help you deserve!

If you were injured as a passenger in a car accident, you have legal rights, and you shouldn't have to shoulder the financial burden caused by someone else's negligence. The Maryland car accident injury lawyers at [Goldberg Finnegan](#) fight for passengers and help them recover the compensation they deserve.

We have a strong track record of holding negligent parties accountable and winning large settlements for injury victims in Silver Spring and throughout Maryland. We'll thoroughly investigate your case, gather evidence, and aggressively pursue maximum compensation on your behalf.

Our law firm offers a free consultation, so you can discuss your case with an experienced car accident lawyer at no cost. Plus, we work on a contingency fee basis, which means you don't pay us anything unless we win your case. Time is limited to take legal action, so don't wait. [Contact us](#) today to learn how we can help you get the justice and financial recovery you deserve.

"Above and beyond, best describes the joint efforts of Ryan and Isia, my "dream team" at Goldberg Finnegan. Many thanks for your continued responsiveness and caring considerations throughout my litigation process. Job well done!!" — ML, ★ ★ ★ ★ ★