



SOUTH DAKOTA PERSONAL INJURY LAWYERS

SOUTH DAKOTA CAR ACCIDENT LAW GUIDE



FAULT • EVIDENCE • INSURANCE • COMPENSATION • DEADLINES



KNOW THE LAW. PROTECT YOUR RIGHTS.



A SERIOUS CRASH INVOLVES MORE THAN AN INSURANCE CALL



START HERE

Five questions shape most serious car accident claims

Car accident claims often involve fault, evidence, insurance, injuries and deadlines. These cases can be complex because multiple parties may be involved and the impact on your life can be significant. This guide follows these five questions in order so you can understand how the legal issues connect.

1

FAULT

2

EVIDENCE

3

INSURANCE

4

INJURIES

5

DEADLINES
& HELP

Why Car Cases Need Closer Review

- **Fault may be disputed.** Determining who caused the crash is not always straightforward. Different drivers may have different accounts, and the evidence may tell a more complete story.
- **More than one person may share blame.** Under South Dakota law, multiple drivers or other parties can be responsible for a car accident, and fault may be divided.
- **Injuries can worsen over time.** Some injuries are not immediately apparent and can become more serious days or weeks after the crash.
- **Insurance issues can be more complex than they first appear.** Multiple insurance policies may apply, and insurers often investigate carefully before offering a settlement.
- **Early evidence matters.** Photos, witness statements, vehicle data and medical records can be lost over time, so taking prompt action helps protect your claim.

At a Glance: What Makes a Car Case Different



LIABILITY QUESTIONS

Determining who caused the crash can involve multiple drivers, conflicting accounts and a careful review of the evidence.



EVIDENCE MATTERS

Photos, witness statements, vehicle data and other records help show what happened and who was at fault.



INSURANCE ISSUES

Multiple policies may apply, and insurance companies often investigate claims closely before paying a settlement.



SERIOUS LOSSES

Car accidents can cause significant medical bills, lost income, and long-term physical and financial challenges.

Key Takeaway

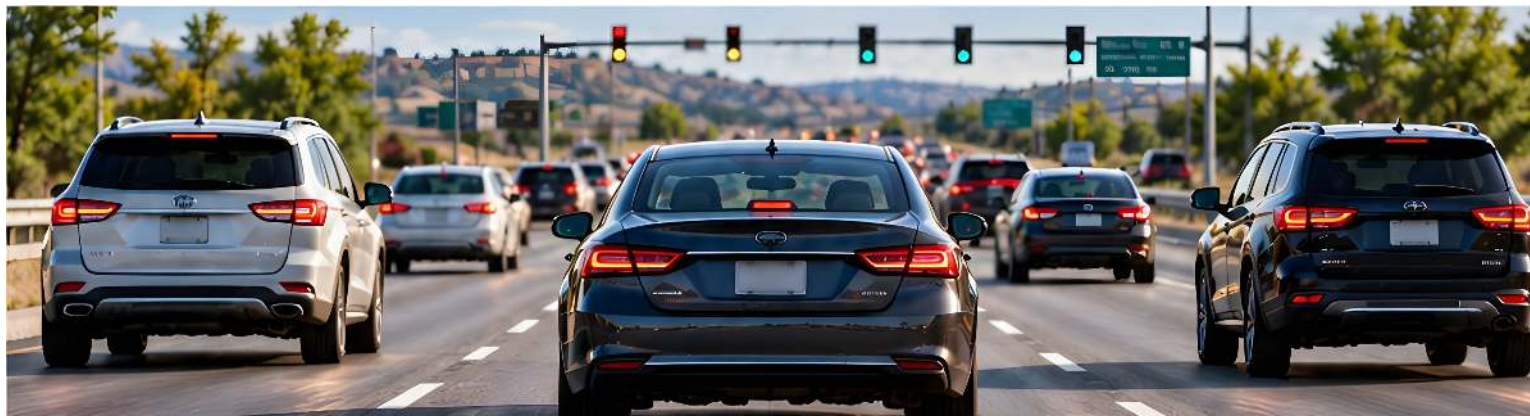
A South Dakota car accident claim may involve fault, evidence, insurance, injury documentation, and deadlines all working together.



Who May Be Responsible for a Car Crash?

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THE OTHER DRIVER MAY NOT BE THE ONLY RESPONSIBLE PARTY



When More Than One Party May Be Liable

- A **negligent driver** may be liable for speeding, distraction, impairment, following too closely, or unsafe turns.
- An **employer** may be liable when a driver was working at the time of the crash. Employers can be responsible for the actions of their employees under certain circumstances.
- A **vehicle owner** may share responsibility in some situations, such as when they allowed an unfit driver to use the vehicle or knew about a dangerous condition.
- **Poor maintenance or repair** may contribute to a crash. Mechanics, repair shops, or other service providers may be liable if brake, tire, steering, or lighting failures played a role.
- **Road design, traffic-control problems, or other outside factors** may also matter. Government entities or other parties may be responsible for hazardous road conditions, poor signage, or malfunctioning traffic signals.

Questions That Can Help Identify Responsibility



KEY QUESTIONS TO INVESTIGATE

- Who had the right of way?
- Was the driver distracted, speeding or impaired?
- Was anyone driving for work?
- Did a vehicle defect or poor repair contribute?
- Are there roadway or visibility issues that matter?

South Dakota Shared Fault Still Matters

In South Dakota, fault may still be analyzed under the state's slight-in-comparison rule. This means your ability to recover compensation can be affected if you are found to be more at fault than the other parties combined. Because multiple parties and factors can be involved in a car accident, the evidence plays an important role in how responsibility is evaluated under this rule.

Key Takeaway

A car accident claim may require looking beyond one driver to the other people, vehicles, and conditions that may have contributed to the crash.



EARLY EVIDENCE CAN SHAPE A CAR ACCIDENT CLAIM



START HERE

The evidence can help show how the crash happened and how the injuries affected your life.

Photos, witness statements, police reports, vehicle data and medical records can all provide important information about what happened, who may be at fault, and the full extent of your damages. Collecting and preserving this evidence early can help protect your rights and support a stronger claim.

1



PHOTOS AND VIDEO

Images and videos can show vehicle damage, road conditions, traffic signs and signals, and the overall crash scene.

2



POLICE REPORT

The police report may include the officer's observations, statements from those involved, and a diagram of the crash.

3



WITNESS STATEMENTS

Independent witnesses may provide valuable information about how the crash happened and who may be responsible.

4



VEHICLE / PHONE DATA

Event data from the vehicles and data from cell phones may show speed, braking, location and other details before the crash.

5



MEDICAL RECORDS AND BILLS

Medical records can show the nature and extent of your injuries, treatment received, and the related financial costs.

What the Evidence May Help Show

- **Fault and right-of-way issues.** Evidence can help show which driver may have violated traffic laws or failed to yield.
- **Vehicle positions and damage.** Photos, measurements and reports can show where the vehicles were and the severity of the impact.
- **Road, weather, and visibility conditions.** Evidence may show how conditions at the time of the crash contributed to what happened.
- **The seriousness of the injuries.** Medical records and treatment history can help demonstrate how the crash affected your health and daily life.
- **The connection between the crash and the losses.** Evidence can help link the crash to your medical bills, lost income and other damages.

Why Preservation Matters



Camera footage can be overwritten, witness memories can fade, damaged vehicles can be repaired or sold, phone data can be lost, and medical documentation can become harder to obtain over time. Important evidence may also be deleted or destroyed as part of routine business practices. Taking action early can help preserve this evidence and protect your claim.

Key Takeaway

Photos, reports, witnesses, electronic records, and medical documentation often become the foundation of a strong car accident claim.



THE DETAILS OF HOW THE CRASH HAPPENED CAN DEFINE LIABILITY



The facts behind a crash can become part of the liability story.

Car crashes may involve distracted driving, speeding, failure to yield, impairment, weather and other circumstances. Each of these factors can help explain how a collision happened and why a particular driver or other party may be responsible.

1

DISTRACTED DRIVING



Texting, phone calls, app use and other distractions can take a driver's attention off the road, leading to a crash.

2

SPEEDING / FOLLOWING TOO CLOSELY



Driving above the speed limit or too close to another vehicle can reduce reaction time and increase the severity of a crash.

3

FAILURE TO YIELD / INTERSECTION ERRORS



Running red lights, ignoring stop signs, or failing to yield the right of way are common causes of serious collisions.

4

IMPAIRED OR FATIGUED DRIVING



Alcohol, drugs, certain medications, or fatigue can slow reaction times, impair decision-making and make crashes more likely.

5

WEATHER / ROAD CONDITIONS



Snow, ice, rain, fog and poor road conditions can reduce traction and visibility, contributing to a crash even for cautious drivers.



Why These Details Matter

The exact cause of a collision can affect fault, insurance positions and how the case is presented. Determining whether the crash involved phone distraction, traffic-signal issues, tailgating, impairment, or poor conditions can help explain why the collision occurred and who may be responsible.



Serious Injury Risks Can Follow Even a "Routine" Crash

Even crashes that seem minor at first can lead to serious injuries. Neck injuries, back injuries, head trauma, fractures and other losses may not be immediately apparent, but they can cause lasting pain, require medical treatment and significantly impact your life.

Key Takeaway

A car accident investigation is not just about the impact itself. It is also about the decisions, conditions, and conduct that led up to the crash.



COVERAGE, SERIOUS LOSSES AND THE NEED TO ACT EARLY



A car accident claim may involve more than one source of coverage and more than one category of loss.

Depending on the circumstances, a claim may include the at-fault driver's liability coverage, uninsured/underinsured motorist (UM/UIM) coverage, and other applicable insurance policies. Serious crashes often result in significant medical losses, lost income, and long-term pain and suffering. Preserving evidence and understanding the applicable deadlines are important steps in protecting your rights.

Potential Coverage Sources



AT-FAULT DRIVER LIABILITY COVERAGE

The at-fault driver's auto insurance policy may provide coverage for your medical bills, property damage, and other losses.



EMPLOYER OR OTHER BUSINESS COVERAGE

If the at-fault driver was working at the time of the crash, the driver's employer or another business may have commercial insurance coverage that applies.



UMBRELLA OR OTHER AVAILABLE POLICIES

Additional coverage may be available through an umbrella policy or other applicable insurance policies, which can increase the limits available for your claim.



UNINSURED / UNDERINSURED MOTORIST COVERAGE

Your own auto insurance policy may provide UM/UIM coverage if the at-fault driver has little or no insurance, or if your losses exceed their policy limits.

What the Claim May Include



MEDICAL LOSSES AND FUTURE CARE

This can include emergency care, surgery, hospital stays, rehabilitation, ongoing treatment and future medical needs.



LOST INCOME AND REDUCED EARNING ABILITY

Serious injuries can prevent you from working temporarily or permanently, which can lead to substantial lost income and reduced earning capacity over time.



PAIN, DISABILITY AND DISFIGUREMENT

A serious crash can cause life-changing injuries that result in ongoing pain, permanent disability or visible disfigurement.



WRONGFUL DEATH DAMAGES

When a fatal crash occurs, certain family members may be able to seek compensation for their devastating loss, including funeral expenses, lost financial support and loss of companionship.

Deadlines Still Matter

South Dakota car accident claims still have filing deadlines. Waiting too long can result in lost or destroyed evidence, faded memories, and missing records, which can put your rights and your ability to recover compensation at risk.

This Is Usually Not a DIY—or AI—Investigation

While AI tools can provide general information, they cannot investigate the crash, preserve critical evidence, identify all applicable insurance policies, reconstruct the collision, or evaluate the full value of your claim. A thorough investigation requires experience, resources and a clear understanding of the law.

Not Sure Whether You Have a Claim?

A careful review of the crash, the injuries, the coverage, and the available evidence may reveal issues that are not immediately obvious.

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