

## Can an unconscious driver be held responsible for a car accident?

Written by Australian Business

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If a person is hurt in a motor vehicle accident due to the negligence of the other driver, he or she should be compensated for any personal injuries suffered. However, what if the negligent driver was unconscious at the time of the accident? The recent Pennsylvania Superior Court case of *Shiner v. Ralston* discussed this issue.

### Heart trouble leads to an accident

This accident occurred when a pickup truck operated by the driver struck the victim's car. At the time of the accident, the driver was traveling in the southbound lane of Route 6026 when his vehicle left its lane of travel and began moving toward the grassy median dividing the north and southbound lanes. The vehicle traveled approximately 260 feet over the southbound rumble strip, through the grassy median, then across the northbound rumble strip before striking the victim's vehicle.

The victim-driver was injured in the collision, but the driver who caused the accident was pronounced dead after the accident. An autopsy found that the driver had suffered an irregular heartbeat related to severe coronary atherosclerosis which caused the driver to become unconscious while operating his vehicle.

The driver's vehicle was leased to his employer by a leasing company, so the victim brought a negligence action against the driver's estate, the driver's employer and the leasing company. The defendants claimed that the collision was the result of an unforeseeable medical emergency; therefore, neither the employer nor the leasing company should be liable. The trial court agreed, granting judgment for the defendants before the victim even had his day in court. The victim appealed this decision.

Was the unconsciousness unforeseeable?

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The Superior Court of Pennsylvania noted that federal courts applying Pennsylvania law had recognized and applied unconsciousness as a defense and that numerous other jurisdictions recognized a similar defense. When a person is unconscious and unable to act, he or she is incapable of negligence. An unforeseeable loss of consciousness, if proven, is a complete defense to negligence.

However, it is the defendant who bears the burden of establishing the evidence that makes this defense applicable. In this case, the trial court had improperly placed the burden upon the victim to disprove that the loss of consciousness was sudden and unexpected, rather than placing the evidentiary burden upon the defendants.

In addition, the defendants did not conclusively establish that the driver never experienced symptoms prior to the date of the vehicle collision, and at least one doctor's report suggested that the driver might have been experiencing exacerbated signs and symptoms for a sustained and prolonged period.

The doctor's opinion further demonstrated that there were still issues of fact for a jury to decide. Thus, the trial court's decision against the victim was reversed, and the victim would have his day in court.

Seeking the compensation you deserve

Even a seemingly straight-forward car accident can involve multiple complex legal issues. For example, could the employer of the driver potentially be liable for the accident as where, for example, the employer knew of the driver's illness? Or, as in this case, which party has the burden of proof on a key issue?

To protect your interests regardless of the circumstances of your case, you should seek an experienced personal injury attorney who has the knowledge and skill to ensure that you receive the compensation you deserve.