

Can You Sue After a Car Accident in a Florida Rental Vehicle?

Get trusted legal help from a Palm Beach County lawyer with decades of experience

Getting into a [car accident](#) is stressful enough. But when it happens in a rental vehicle in Florida, things can get even more complicated. You might be wondering who is responsible for the damage or your injuries and whether you can sue. The short answer is yes, you generally can sue after a car accident in a rental car in Florida. However, several specific laws and insurance rules will affect how you move forward.

Here's how Florida's no-fault insurance system applies, when you can step outside of it, who can be sued, and what to expect with insurance coverage.

What does Florida's no-fault law mean after a rental car accident?

Florida follows a no-fault insurance system. This means that after a car accident (whether you were in your own car or a rental), you typically start by filing a claim with your own insurance provider. Personal Injury Protection (PIP) coverage pays for medical bills and a portion of lost wages, no matter who caused the crash.

If you're driving a rental, your personal auto insurance or the PIP policy offered by the rental company will usually kick in. PIP typically covers up to \$10,000 in medical expenses and lost wages combined. However, this amount may not be enough if your injuries are serious.

You can step outside Florida's no-fault system and file a lawsuit against the at-fault driver if your injuries meet the "serious injury threshold." This includes permanent injuries, significant disfigurement, loss of important bodily function, or death. If your injuries fall into one of these categories, you may be eligible to pursue compensation through a personal injury lawsuit.

When can you sue the at-fault driver?

If another driver caused the rental car accident and your injuries are severe enough to meet the threshold, you have the right to sue that driver. This is true whether you were in a rental car or not. In your lawsuit, you can seek compensation for losses that PIP doesn't cover, such as long-term medical treatment, pain and suffering, and future lost income.

For example, if a distracted driver rear-ended you while you were in a rental vehicle, and you sustained a serious neck or back injury, you could sue them for damages that go beyond what PIP pays.

Now let's say you were the one driving the rental and you're found at fault. In that case, other injured parties might sue you. Your personal auto insurance often extends to rental cars, covering both liability and collision. If you purchased extra insurance through the rental

company (for example, a collision damage waiver or supplemental liability coverage), those may also help cover the costs.

Florida law requires rental companies to provide minimum liability coverage (typically \$10,000 for property damage), but that amount may be far too low in a serious crash. If the damages exceed your policy limits, you could be held personally responsible for the remaining costs. That's why it's important to have adequate insurance in place whenever you rent a vehicle.

Can the rental car company be held liable?

In most cases, rental car companies are protected from being sued for accidents caused by renters. This protection comes from the federal [Graves Amendment](#). It prevents rental and leasing companies from being held vicariously liable just because they own the car involved in a crash.

Before this law, Florida's "dangerous instrumentality doctrine" made vehicle owners responsible for the actions of drivers. Now, that doctrine doesn't apply to rental companies unless they were negligent in some direct way.

There are a few key exceptions, including:

- **Negligent maintenance:** If the rental company failed to keep the car in safe working condition (such as ignoring worn brakes or bald tires), they can be held liable if that failure caused the crash.
- **Negligent entrustment:** If the company knowingly rented a vehicle to someone who was unfit to drive, they could be sued for putting that driver on the road.

To sue a rental company successfully, you must prove that their actions (not just vehicle ownership) contributed to the crash. Most rental-related injury claims will focus on the drivers involved and their insurance coverage.

How does insurance coverage work after a rental car accident?

After a car accident in a rental vehicle, several types of insurance may come into play. Understanding who pays what is key to getting fairly compensated. This might include the following:

- **Your personal auto insurance:** Most policies extend coverage to rental cars. If you have liability insurance, it will usually cover damage or injury you cause. If you have collision or comprehensive insurance, it may cover damage to the rental car itself. And your PIP will typically cover your own medical bills up to the state minimum.
- **Coverage through the rental company:** Rental companies often offer additional coverage. For example, a collision damage waiver covers physical damage to the rental car. And supplemental liability insurance increases the amount of liability coverage you

have if you cause an accident. These are both optional, but they can help cover gaps in your personal policy.

- **Credit card insurance:** Some credit cards offer rental car coverage if you use the card to pay for the rental. This coverage usually only applies to collision or theft, not liability for injuries. Still, it can be helpful in certain situations.

Be sure to report the crash to the rental company as soon as possible. Failing to do so could void your coverage or violate your rental agreement. Also, Florida law requires you to report accidents involving injury or significant property damage to the police. A police report will serve as important evidence if you decide to pursue legal action.

What steps should I take after a rental car accident?

If you're involved in a crash in a rental car, your priority should be safety. Call 911, seek medical help, and move to a safe location if possible. Once those steps are handled, you should:

- File a police report, especially if someone is injured or there's major damage.
- Notify the rental car company and your personal auto insurance provider.
- Document the scene by taking photos of vehicle damage, road conditions, and injuries.
- Get contact information from any witnesses and all involved drivers.
- Seek medical attention, even if you feel fine. Some injuries take time to surface, and having documentation helps your claim.
- Get legal help from an experienced car accident lawyer in Florida, and never give a recorded statement to insurance companies without representation.
- Follow all medical and legal recommendations to avoid compromising your claim.

Need legal help? Talk to the Law Offices of Casey D. Shomo

If you or a loved one were injured in a Florida car accident involving a rental vehicle, the [Law Offices of Casey D. Shomo](#) is here to help you every step of the way. Based in Palm Beach Gardens, Attorney Casey Shomo has more than 30 years of experience representing crash victims and has recovered over \$85 million on their behalf. He understands how to build strong claims, even in complicated rental car accident cases.

When you hire Casey Shomo, you're getting a dedicated advocate who personally works with each client and partners with skilled investigators and medical professionals to ensure that every detail of your case is handled properly. Whether it involves a negligent driver, a rental company, or multiple insurance companies, he'll fight to hold the right parties accountable.

[Contact us online](#) or call us today to book a free consultation. You'll speak directly with an experienced car accident attorney who understands Florida law and will work to get you the compensation you deserve. Time is limited, so act quickly to protect your rights and begin the path toward financial recovery.

"Mr. Shomo showed a great deal of compassion and patience in the most difficult time of our lives. He went above and beyond in every aspect, and we are so thankful and grateful." - K.R.,

