

What If the At-Fault Driver Was Working at the Time of the Crash?

Our Houston car accident lawyers explain employer liability in Texas crashes

A serious [car accident](#) on I-10, the Gulf Freeway, or a busy Houston intersection doesn't just leave you dealing with injuries and medical bills. It often leaves you trying to understand who's actually responsible for what happened. In many cases, the answer isn't limited to the driver who hit you. Sometimes, the person who caused your crash was working at the time, and that changes everything about your case.

When a driver's on the clock, making deliveries, driving a company vehicle, or running a work-related errand, liability (legal responsibility) can extend beyond the individual driver. That means a business, employer, or corporate insurance policy may be involved. And that's where many car accident claims shift from a basic case into something much more serious, with higher stakes and more complex legal issues.

Our legal team at [Smith & Hassler](#) regularly handles complex legal cases like this throughout Texas. A Houston car accident lawyer from our firm knows how to investigate whether a driver was working at the time of the crash and how to pursue compensation from every responsible party. That matters because the difference between a personal insurance policy and a commercial policy can be the difference between limited recovery and full financial compensation.

How does employer liability work in a Texas car accident case?

When a driver causes a crash while working, the legal concept that comes into play is called [vicarious liability](#). That simply means an employer can be held legally (and financially) responsible for the actions of an employee if those actions occurred within the scope of the job.

In practical terms, this often means that if a driver was performing job duties at the time of the crash, the employer may be responsible for the harm caused. That responsibility can open the door to additional insurance coverage and a stronger claim.

There are several common situations where employer liability may apply:

- The driver was operating a company-owned vehicle during work hours.
- The driver was making deliveries, service calls, or sales visits.
- The driver was traveling between job sites or appointments.
- The driver was running an errand for their employer.
- The driver was transporting equipment or materials for work purposes.

Each of these situations can connect the crash to the employer, not just the driver, and that connection is critical because it expands the sources of compensation available to you. This is

important since accident-related expenses can add up fast and can continue to accumulate in the future.

When is an employer not responsible for a crash in Texas?

Not every crash involving a working driver automatically makes the employer liable, which means legally responsible for paying for the harm caused by the crash. Insurance companies and defense attorneys often try to argue that the driver was acting outside the scope of employment at the time of the collision.

This is where many cases become contested. The key issue is whether the driver was actually performing job-related duties or doing something personal.

For example, an employer may try to avoid responsibility by claiming:

- The driver was off the clock at the time of the crash.
- The driver was using the vehicle for personal reasons.
- The driver had deviated from their assigned route or task.
- The driver was commuting to or from work.

These arguments are designed to shift liability back onto the individual driver and limit the amount of insurance coverage available. That's why a thorough investigation matters. Your lawyer must look at work schedules, GPS data, delivery logs, and employer policies to determine what the driver was actually doing at the time of the crash. If the facts show the driver was working, those defense arguments often fall apart.

Our Houston law firm understands the urgency and complexity of these legal cases. That's why we're eager to meet with you and get to work establishing who's legally responsible for compensating you for your crash.

What about delivery drivers, contractors, and gig workers?

One of the most common defenses used by employers involves classifying a driver as an [independent contractor](#) instead of an employee. Companies use this distinction to try to avoid legal responsibility for crashes caused by drivers working on their behalf.

An independent contractor is not treated the same as an employee under the law. That means the company may argue it's not responsible for the driver's actions. But that argument doesn't always hold up in court or other legal venues.

In real cases, the distinction between employee and contractor is often blurred. The law looks at factors such as:

- How much control the company had over the driver's work.

- Whether the company provided the vehicle or equipment.
- Whether the driver followed company schedules or routes
- Whether the work performed was central to the business.

For example, a delivery driver working full-time under company direction may still be treated as an employee for liability purposes, even if labeled as a contractor on paper. This is especially important in cases involving rideshare drivers, food delivery drivers, and other gig economy workers because these cases often involve layered insurance coverage and aggressive defense strategies, which makes legal representation essential.

How do you prove the driver was working at the time of the crash?

Proving that a driver was working is one of the most important parts of these cases. Without that connection, the employer may not be held responsible. And you could be left paying for your accident out of your own pocket.

Your legal team can focus on gathering evidence that shows exactly what the driver was doing at the time of the crash. In many cases, that evidence can include:

- Employment records showing work schedules and assignments.
- GPS data from the vehicle or mobile device.
- Delivery logs, invoices, or service records.
- Employer communications such as emails or text messages.
- Vehicle ownership and insurance records.

For example, if a driver claims they were off duty, but GPS data shows they were on a delivery route at the time of the crash, that evidence can directly contradict their story. Timing matters here because some of this evidence can be lost or overwritten quickly. That's why acting early after a crash is critical, and a Houston car accident lawyer can send preservation letters and take steps to secure this evidence before it disappears.

Why do these cases often involve larger insurance policies?

When a crash involves a working driver in Texas, the available insurance coverage often increases significantly. That's because many Texas businesses typically carry [commercial insurance policies](#) with higher limits than individual drivers.

This matters because serious injuries often come with serious financial consequences. Medical bills, lost income, long-term care, and pain and suffering can quickly exceed the limits of a standard personal auto policy.

In these cases, compensation may include money for:

- Medical expenses, including future treatment costs.
- Lost income and reduced earning capacity.
- Property damage and out-of-pocket expenses.
- Pain and suffering, including physical and emotional impact.

When a commercial policy is involved, there is often more coverage available to fully account for these losses. That's one of the main reasons these cases are considered high-value. But higher coverage also means stronger resistance from insurance companies, and businesses and their insurers will fight aggressively to avoid paying large claims.

Why do insurance companies fight employer liability claims?

Insurance companies understand what's at stake in these cases. If employer liability is established, the value of the claim can increase dramatically.

As a result, insurers often take a defensive approach from the start. They may:

- Deny that the driver was working at the time of the crash.
- Argue that the driver was acting outside job duties.
- Dispute the severity of your injuries.
- Shift partial blame onto you to reduce compensation.

These tactics are not random. They are designed to limit financial exposure. That's why having a legal team that understands how to build these cases is so important. When the evidence clearly shows the driver was working, it becomes much harder for insurers to deny responsibility.

What should you do after a car crash with a working driver in Texas?

The steps you take after a car accident in Texas involving a driver who was working at the time can directly affect your ability to prove employer liability and how much compensation you recover for your collision.

If you suspect the other driver was working at the time of your crash, it's important to gather as much information as possible at the scene and soon after:

- Ask whether the driver was working and note their response.
- Look for company logos, uniforms, or vehicle markings.
- Call the police and ask them to respond to your car accident.
- Take photos of the vehicle, including license plates and branding.

- Get contact information from witnesses.
- Request a copy of the police report.

Even small details can become important later in car accident cases involving people working at the time of the crash in Texas. For example, a company logo on a vehicle or a delivery package in the back seat can help establish that the driver was on the job. You should also avoid giving recorded statements to insurance companies before speaking with a Houston car accident attorney. That's because many insurance companies often ask questions designed to limit your claim, shift blame, or deny your case altogether.

How can a Houston car accident lawyer help build your case?

Cases involving working drivers in Texas require more than a basic investigation. They require a legal strategy that connects the driver's actions to the employer and builds a clear case for liability, which means who's legally responsible for paying for the harm caused by the crash. And in many cases, that might be the driver's employer.

Our Houston car accident attorneys at Smith & Hassler know how to handle these complex legal cases from start to finish. We investigate the facts, preserve key evidence, identify all responsible parties, and pursue every available source of compensation.

We also understand how to deal with corporate insurance carriers and defense teams that are focused on minimizing payouts. If necessary, we are prepared to take your case to court and fight for the full compensation if you decide to file a Houston car accident lawsuit.

If you were injured in a crash and believe the at-fault driver was working at the time, don't wait to take action. Evidence can disappear, and insurance companies will move quickly to protect their interests. [Contact](#) our Houston law firm and schedule an appointment to discuss your case. We only get paid if we recover compensation for you, so you have nothing to lose by speaking with us.