

I Was Injured By A Stoned Driver; What Are My Rights

Being injured in a car accident is a traumatic event, but it can be especially frustrating when the driver was stoned. Stoned driving is preventable; therefore, when someone is hurt, it is a senseless injury. Accident victims injured by stoned drivers have the same rights under California's personal injury laws as victims who are injured by drunk drivers. However, stoned driving can be more difficult to prove. Call our [California auto accident attorney](#) to discuss the steps you need to take to recover compensation for a stoned-driving accident.

## **Is Stoned Driving Illegal In California?**

Stoned driving is illegal in California, even though the state legalized recreational use of marijuana as of January 1, 2018. Under California's DUID laws, it is unlawful for any person who is under the influence of drugs to operate a motor vehicle. Drugs are defined as substances that can impact your brain, nervous system, or muscles. Illegal drugs, over-the-counter medications, and prescriptions can cause a driver to be charged with driving under the influence of drugs.

The penalties for stoned driving can be as severe as the penalties for drunk driving. Unfortunately, law enforcement agencies are struggling with how to enforce a Marijuana DUI because the law does not set a limit or level of drugs in a person's system to be considered "stoned." A person is guilty of drunk driving when his BAC is over the state's legal limit of 0.08. However, there is nothing in the law stating when a person is too drugged to operate a motor vehicle.

Law enforcement agencies are working to [train officers](#) to spot signs of stoned driving. Until the law is changed, the determination of whether a driver charged with Marijuana DUI was impaired will be left to juries and judges.

### **HOW DOES STONED DRIVING IMPACT A PERSONAL INJURY CLAIM?**

According to information supplied by the California Office of Traffic Safety ([OTS](#)), marijuana affects driving ability. Drivers impaired by marijuana experience several potentially dangerous effects from the drug, including slower reaction times, impaired judgment, and reduced perception. In some cases, stoned drivers take more risks, which put the driver and others in danger.

For you to recover compensation for injuries sustained in a car accident, we must show that the other driver's negligent acts caused the collision that resulted in your injury. This standard is the same whether the driver was stoned or sober. However, if the driver was arrested for DUI, this information can be used as evidence to prove negligence. A driver who knowingly gets behind the wheel after smoking marijuana knew or should have known he was putting other people at risk.

Unfortunately, proving a driver was stoned does not necessarily prove he was impaired, or he caused the crash. While a Marijuana DUI charge can be convincing evidence of negligence, we must also present evidence that the driver's actions contributed to the cause of the crash. For instance, the driver

failed to yield the right of way, was speeding, or following too closely. For this reason, a thorough accident investigation is still required in stoned driving accident cases.

## CALL A CALIFORNIA PERSONAL INJURY ATTORNEY FOR HELP WITH AN ACCIDENT CAUSED BY A STONED DRIVER

At [Deldar Legal](#), our personal injury attorneys are following the cases and law regarding stoned driving accidents very closely. We believe that accident victims injured by stoned drivers deserve to be compensated fully for all damages. We will aggressively pursue your injury case in every way possible to seek justice for you. [Contact](#) our experienced personal injury attorneys today to discuss your legal options.

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