

Does California Car Insurance Go Up If the Accident Wasn't Your Fault?

Getting Hit Is Bad Enough Without Worrying About Higher Insurance Rates

A crash can create immediate concerns about vehicle repairs, medical bills, missed work, and dealing with insurance adjusters. For many drivers, another question quickly follows: Will insurance rates go up even though the accident was not their fault?

The short answer is that California generally provides protections for drivers who are not responsible for causing a collision. However, that does not mean every driver walks away without seeing any change in insurance costs. The answer often depends on how fault is determined and why rates increase in the first place.

While many drivers assume a not-at-fault accident cannot affect their insurance costs, the reality is often more complicated. Questions about fault, liability, and insurance company decisions can arise after almost any collision. In some situations, speaking with a [California car accident lawyer](#) may help clarify what happened, protect important evidence, and address disputes that could affect both an injury claim and financial recovery.

California Generally Prohibits Surcharges for Accidents You Didn't Cause

California law provides important protections for drivers who are not principally at fault for an accident.

In most situations, an insurance company cannot impose an accident-related surcharge when its policyholder is found to be less than principally responsible for causing the collision. In other words, drivers who did not cause the crash should generally not face the same premium consequences as drivers who did.

This distinction matters because insurance companies rely heavily on fault determinations when evaluating risk. If another driver caused the collision, California's insurance regulations generally recognize that the accident should not be treated the same way as a crash caused by the policyholder.

That protection, however, depends on fault being properly determined. If fault becomes disputed, the situation can become more complicated.

Why Fault Matters So Much After a Bay Area Crash

Determining fault is one of the most important parts of any car accident claim.

Insurance companies do not simply accept one driver's version of events. Instead, they conduct investigations and review available evidence before deciding who was responsible for causing the collision.

Several types of evidence may influence that decision:

- **Police Reports:** Officers often document their observations, witness statements, and preliminary findings regarding fault.
- **Witness Statements:** Independent witnesses can provide valuable information about how the crash occurred.
- **Photographs And Videos:** Images from the accident scene may reveal vehicle positions, road conditions, and traffic control devices.
- **Vehicle Damage:** Damage patterns can help explain how a collision occurred.
- **Surveillance Footage:** Traffic cameras and nearby businesses sometimes capture important evidence.
- **Accident Reconstruction Analysis:** Experts may be used in serious cases to determine how the crash happened.

The stronger the evidence supporting fault, the more difficult it becomes for an insurance company to shift blame to an innocent driver.

Rate Increases and Accident Surcharges Are Not Always the Same Thing

Many drivers assume any increase in their premium must be related to their accident. That is not always the case.

Insurance companies regularly adjust rates for reasons that have nothing to do with an individual driver's conduct. A driver may receive a premium increase after a not-at-fault accident even though the accident itself did not trigger the increase.

Several factors can affect insurance pricing:

- **Statewide Rate Changes:** Insurance companies periodically adjust rates across entire markets.
- **Rising Repair Costs:** Modern vehicles often cost more to repair after collisions.
- **Increased Medical Expenses:** Higher healthcare costs can influence claim payouts.
- **Vehicle Replacement Costs:** Inflation and supply chain issues can affect vehicle values.
- **Regional Risk Factors:** Insurers may adjust rates based on trends within a particular geographic area.
- **Policy Changes:** Coverage modifications can impact premiums.

As a result, seeing a higher premium after a crash does not necessarily mean the accident caused the increase.

What Happens When Fault Is Shared?

Not every accident is completely one-sided.

California follows a comparative negligence system, which means fault can be divided between multiple parties. If both drivers contributed to the collision, each may be assigned a percentage of responsibility.

For example, a driver may have been speeding while another driver made an unsafe turn. Both actions could contribute to the crash.

Shared-fault situations commonly arise in:

- **Intersection Accidents:** Drivers may dispute who had the right-of-way.
- **Lane-Change Collisions:** Both drivers may claim the other entered the lane improperly.
- **Multi-Vehicle Crashes:** Determining fault can become more complicated when several vehicles are involved.
- **Merging Accidents:** Questions often arise regarding driver positioning and yielding responsibilities.

When fault becomes disputed, insurance companies may attempt to assign a greater percentage of blame to reduce their financial exposure. That can affect both compensation claims and insurance consequences.

Insurance Companies Often Try to Shift Blame

Insurance companies have a financial incentive to minimize payouts whenever possible.

One way they do this is by arguing that an injured driver shares responsibility for the crash. Even when fault appears obvious, insurers frequently look for facts that support a comparative negligence argument.

Common tactics include:

- **Questioning Driver Statements:** Insurers may focus on inconsistencies in post-accident accounts.
- **Mischaracterizing Evidence:** Photographs or witness statements may be interpreted in a way that supports their position.
- **Highlighting Minor Mistakes:** Small driving errors may be exaggerated to create fault disputes.

- **Using Recorded Statements:** Comments made shortly after the crash can be taken out of context.
- **Disputing Injury Claims:** Insurers sometimes argue that injuries are unrelated to the collision.

These disputes are often about more than insurance premiums. They can directly impact the compensation available to an injured victim.

Steps Drivers Should Take After a Not-At-Fault Accident

The actions taken immediately after a collision can play an important role in protecting both an insurance claim and a potential injury case.

Whenever possible, drivers should focus on preserving evidence and documenting what happened.

Important steps include:

- **Call Law Enforcement:** An official accident report may help establish fault.
- **Seek Medical Attention:** Some injuries do not become apparent until hours or days after a crash.
- **Take Photographs:** Pictures of vehicles, injuries, road conditions, and traffic controls can be valuable evidence.
- **Gather Witness Information:** Independent witnesses may help confirm how the collision occurred.
- **Report the Accident Promptly:** Timely reporting helps preserve important details.
- **Keep Records:** Medical bills, repair estimates, and other documentation may become important later.

Taking these steps can make it more difficult for an insurance company to dispute liability or challenge the extent of a driver's damages.

Serious Injury Cases Involve More Than Insurance Premiums

While concerns about insurance rates are understandable, drivers injured in serious accidents often face much larger financial issues.

Medical treatment, lost wages, rehabilitation expenses, and future care needs can quickly exceed the cost of any premium increase.

A serious injury claim may involve compensation for:

- **Medical Expenses:** Current and future healthcare costs.
- **Lost Income:** Wages lost while recovering from injuries.

- **Reduced Earning Capacity:** Limitations that affect future employment opportunities.
- **Pain and Suffering:** Physical pain and emotional distress resulting from the crash.
- **Property Damage:** Vehicle repairs or replacement costs.
- **Long-Term Care Needs:** Ongoing treatment and support services.

For accident victims facing significant injuries, proving fault often becomes far more important than concerns about insurance premiums.

Protecting Your Rights After a Bay Area Car Accident

A driver who is not responsible for causing a collision will generally receive greater protection under California's insurance rules than a driver who caused the crash. However, those protections often depend on fault being properly established.

For more than 20 years, [Clancy & Diaz, LLP](#) has represented injured drivers throughout Walnut Creek, Antioch, Pittsburg, Benicia, and communities across the Bay Area. The firm understands how insurance companies investigate claims, dispute fault, and attempt to limit payouts.

Insurance companies may say a driver was partially responsible. They may challenge injuries. They may dispute damages. These issues can have a significant impact on both compensation and financial recovery.

Our legal team investigates accidents, gathers evidence, and builds strong cases designed to hold negligent drivers accountable. [Contact us](#) today for a free consultation. There is no fee unless compensation is recovered.