Who Determines Fault in a California Car Accident?

A Police Report or Insurance Decision Does Not Always Settle Fault

Minutes after a crash, the other driver is already insisting the collision wasn't his fault. The officer at the scene spends only a few minutes with each person, and within a day the other driver's insurance adjuster is on the phone. People assume someone official makes a single ruling on fault after a car accident. In California, police and insurance companies can assess fault. If the case goes to trial, a judge or jury decides it.

That matters because California follows a pure comparative fault system, adopted by the California Supreme Court in *Li v. Yellow Cab Co.* (1975). Fault can be divided among everyone involved, and each person's recovery is reduced by his or her share of the blame. A driver who is injured and assigned 30% of the fault doesn't lose the claim, but that 30% comes straight off the compensation. For many injured people, speaking with a Bay Area car accident lawyer early is what keeps an unfair fault split from becoming the final word.

Fault is rarely decided in one moment. It takes shape in stages, starting at the scene and continuing through insurance investigations, negotiations, and sometimes a courtroom. The evidence gathered at each stage determines how much blame lands on each driver, and knowing who makes these decisions shows where a claim can be won or lost.

Who Has a Role in Determining Fault After a California Crash?

Several people may investigate or evaluate responsibility, but they serve different purposes:

- **Police Officers:** Responding officers document the scene, speak with drivers and witnesses, and may identify traffic violations or contributing causes. Their findings can help an investigation without conclusively deciding a civil injury claim.
- **Insurance Adjusters:** Adjusters review available information and decide whether their company will accept liability, dispute the claim, or assign some responsibility to the injured person.
- **Car Accident Lawyers:** An injured person’s lawyer gathers evidence, examines the applicable traffic rules, and challenges unsupported allegations. The lawyer advocates for the client but does not independently issue a binding fault decision.
- **Judges and Juries:** When disputed liability reaches trial, the jury generally decides factual questions about fault. In a trial without a jury, the judge makes those determinations.

Many claims resolve through negotiated settlements without a trial. However, an insurance company’s assessment remains a position that can be challenged, rather than a court ruling.

Common Fault Myths After a California Car Accident

A few widespread beliefs lead injured people to accept less than they deserve or give up on valid claims:

- **The Rear Driver Is Always at Fault:** California has no automatic rule. A sudden, unnecessary stop, broken brake lights, or an unsafe lane change in front of another car can shift some or all of the blame.
- **Apologizing Means You Admitted Fault:** An expression of sympathy, such as “I’m sorry you were hurt,” is inadmissible as evidence of liability in a civil case. A separate statement admitting fault, such as “I ran the red light,” may be admissible, even if it was made in the same conversation. Be careful about what details you share with the other driver at the scene.
- **No Ticket Means No Fault:** Civil fault is decided separately from traffic citations. A driver who wasn't cited can still be found mostly or entirely responsible.
- **Being Partly at Fault Means You Can't Recover:** Pure comparative fault allows recovery even when you share the blame.

Believing any of these myths can lead people to walk away from compensation they're entitled to. A lawyer can explain where you actually stand before an insurance company's version of events becomes the accepted story.

What Evidence Shows Who Caused the Accident?

Fault depends on what each driver did and how that conduct contributed to the collision. Relevant questions may include whether a driver failed to yield, followed too closely, entered an occupied lane, or drove too fast for traffic conditions.

For example, after a sideswipe on I-680, both drivers may insist they remained in their lanes. After an intersection crash in Walnut Creek, each may claim to have had a green light. The investigation needs evidence that can help distinguish between those accounts.

Depending on the circumstances, a lawyer may examine:

- **Scene and Vehicle Photographs:** The location of damage, debris, road markings, traffic signs, and sight obstructions can help explain the vehicles’ movements.
- **Video Footage:** Dashcams and nearby business or residential cameras may show the impact or the moments leading up to it. Available footage must be identified promptly because recordings may be overwritten.
- **Witness Accounts:** Independent witnesses may have observed a signal change, an unsafe turn, or the first impact in a crash involving several vehicles.
- **Police Findings:** Scene measurements, diagrams, observations, and recorded statements can provide a starting point for further investigation.

- **Vehicle Data and Expert Analysis:** Available electronic crash data and accident reconstruction may help evaluate speed, braking, or the sequence of impacts when those issues are disputed.

No single piece of evidence necessarily tells the entire story. A photograph may show where vehicles came to rest without showing how they collided. A witness may have heard the impact but missed what happened immediately beforehand. Comparing the available evidence helps reveal both supporting facts and gaps that still need investigation.

Does the Police Report Decide Who Is at Fault?

A police report can influence an insurance company's decision, but it does not automatically establish liability. An officer who arrives after the collision may need to reconstruct events from physical evidence and statements that conflict.

The distinction between an observation and a reported account matters. An officer's description of visible damage differs from a driver's statement that the other vehicle was speeding. A lawyer can examine which conclusions are supported by evidence and which depend on someone's version of events.

If the report contains a factual error or omits a witness, the injured person's attorney can investigate the discrepancy and determine whether additional information should be submitted to the investigating agency. Footage or other evidence discovered later may also challenge the report's conclusions.

The absence of a police report or traffic ticket does not, by itself, prevent an injury claim. Likewise, a citation does not resolve every question about how the crash occurred or whether more than one person contributed to it.

What Happens When Both Drivers Share Fault?

California follows a pure comparative negligence rule. An injured person's damages are reduced by their percentage of responsibility, but sharing fault does not automatically prevent recovery from another responsible party.

For example, assume an injured driver has $100,000 in proven damages and is found 20% responsible for the accident. The comparative fault reduction would leave $80,000. The example illustrates the reduction; the amount actually recoverable also depends on the circumstances of the claim.

This makes the assigned percentage important. An insurance company's claim that the injured driver was speeding, distracted, or slow to react may substantially reduce its offer. Those allegations need to be examined against the evidence, including whether the alleged conduct contributed to the collision.

Conflicting accounts do not automatically mean fault should be divided equally. A 50/50 allocation is a conclusion that requires support, not a default answer whenever drivers disagree.

What If the Insurance Company Blames the Injured Driver?

An injured person may receive a denial or shared-fault assessment while still arranging treatment and dealing with a damaged vehicle. The insurance company may rely heavily on its policyholder's account, a brief report, or an interpretation of the damage that deserves closer examination.

A lawyer can evaluate the stated reasons for that decision and identify what is missing. In a rear-end collision involving several cars, for example, the investigation may need to establish whether the injured driver struck the vehicle ahead independently or was pushed into it. In a merging crash, the key issue may be which vehicle crossed the lane line.

Challenging fault involves more than repeating that the other driver caused the accident. It may require obtaining footage, locating a witness, comparing vehicle damage, or consulting an expert. New evidence can support further negotiations; unresolved disputes may require a lawsuit.

An injured person should also distinguish communications with their own insurance company from requests made by the other driver's company. Policy obligations may require cooperation with their own insurance company. Calls and requests for a statement from the other driver's insurance company should go to a lawyer, since anything said can be used to shift blame.

What to Do Before Important Crash Evidence Disappears

Medical care comes first after an injury. When circumstances allow, preserving basic information can also help a lawyer investigate the collision:

- **Get Medical Care:** Report symptoms accurately and follow treatment recommendations. Medical records help document the injuries and their effects.
- **Keep Original Photos and Recordings:** Save available crash photographs and dashcam files without editing or deleting the originals.
- **Save Witness and Report Information:** Keep witness contact details, the responding agency's name, and the police report number.
- **Document What Happened:** Write down remembered vehicle movements, traffic signals, road conditions, and conversations. Separate what was personally observed from assumptions.
- **Preserve Insurance Correspondence:** Keep letters, emails, and messages explaining a denial or fault assessment so an attorney can review the company's reasoning.
- **Seek Legal Help Early:** A lawyer can pursue available recordings and determine whether a vehicle inspection or preservation request is needed before repairs or disposal change the evidence.

California's courts identify scene photographs, medical records, witness statements, and police reports as useful evidence in personal injury cases. Injured people do not need to collect every item themselves before contacting an attorney.

Every Case Deserves a Strong Finish

When an insurance company disputes fault, the details can determine whether an injured person receives compensation for medical bills, lost income, and lasting harm. Clancy & Diaz, LLP builds cases through careful investigation, thorough preparation, and a willingness to challenge insurance companies.

We have represented Northern California injury victims since 2007, and our case results include a $2.6 million auto accident recovery. Every case depends on its own facts, but our commitment remains the same: investigate what happened, prepare for negotiations or trial, and fight for the recovery our client deserves.

If another driver or an insurance company is blaming you for a crash, contact us for a free consultation. We serve Walnut Creek and communities throughout the Bay Area. If your injuries prevent an office visit, we can meet at your home or hospital.