

How Indiana's Comparative Fault Rules Impact Your Car or Truck Accident Claim

Our Fort Wayne truck accident lawyers are ready to fight for you

Indiana [truck accidents](#) are often chaotic and confusing, and they frequently cause serious injuries and significant damage. That's why it's critical that truck accident injury victims receive the compensation they deserve for their accident-related expenses.

But when it comes to getting money for your financial losses, it's important to understand how Indiana's comparative fault system works when it comes to motor vehicle accidents in the state.

This strict, statewide system governs how compensation is awarded, who's responsible for paying, and how fault is assigned for car or truck accidents. Our Fort Wayne truck accident attorneys at [Boughter Sinak, LLC](#), explain how the system works in Indiana.

What Is Indiana's Modified Comparative Fault System?

Indiana follows a modified comparative fault system when it comes to compensation for motor vehicle accidents. Under this system, fault for a crash can be split between everyone involved. Instead of one person being 100 percent to blame, each party is assigned a percentage of fault. That percentage determines how much compensation you can recover after a serious car or truck accident.

Under Indiana's rule, you can pursue compensation as long as your share of fault is not greater than the combined fault of the other parties. That means you must be 50 percent or less at fault to recover money from the at-fault party or parties. If you're found 51 percent or more at fault, you are completely barred from recovering compensation from other drivers or the trucking company. That's why Indiana's modified comparative fault system is sometimes referred to as "the 51 percent rule."

Because of that 51 percent cut-off, fault is not just an abstract number. It has a direct impact on your bottom line. Trucking companies and their insurers know this, which is why they often push hard to shift blame onto you and drive your percentage of fault as high as possible.

Who Plays a Role in Determining Fault After a Crash in Indiana?

Several people and companies often have a say in who was at fault for causing the collision, but each one is looking at the incident through a different lens. This includes:

- **Law Enforcement:** The police officer who responds to the scene (often a local police officer or a state trooper from the [Indiana State Police](#)) often has the first say concerning who was at fault. The officer talks to drivers and witnesses, looks at the damage, notes any obvious violations, and prepares an accident report. That report

(officially called an [Indiana Officer's Standard Crash Report](#)) often influences how the rest of the case is viewed.

- **Insurance Companies:** Insurance companies perform their own reviews. The trucking company's insurer and your insurer will both study the police report, photographs, recorded statements, and any available video. Their goal is not to give you a neutral decision. Their goal is to protect their own financial interests by minimizing what they have to pay.
- **Trucking Companies:** Along with insurance companies, the trucking company that employs the driver involved in the collision will often conduct an independent investigation. Like insurance companies, the trucking company's investigation often focuses on finding details the company can use to shift blame away from its driver to you or other people involved in the collision.
- **Juries:** If the case cannot be settled, fault may ultimately be decided in an Indiana courtroom. There, a judge or jury listens to testimony, reviews the evidence, and assigns percentages of fault to each party. That final decision controls who pays what, which is why building a strong liability case early is so important after a truck accident.
- **Your Lawyer:** You don't have to simply sit on the sidelines and wait to see what everyone else finds after your accident. Your Indiana truck accident attorney can investigate your case and gather evidence that clearly shows what you already know – you didn't cause your collision and you shouldn't be held responsible for other people's actions.

How Is Fault Determined for an Indiana Car or Truck Accident?

Fault is based on evidence, not assumptions, and not just on what the other driver says happened. In a serious Indiana truck or car accident case, that evidence usually includes:

- The official Indiana police report for your accident
- Photos of the crash site
- Video footage of the accident
- Damage patterns on vehicles
- Statements from drivers and independent witnesses

All of this evidence helps tell the story of how the collision unfolded. With trucks, there's often additional technical evidence that can make a big difference in the outcome of your case. Data from the truck's electronic control module, GPS records, hours-of-service (HOS) logs, dispatch records, and onboard cameras can show speed, sudden braking, hours on the road, and what the driver was doing in the moments before impact. Cell phone records can reveal whether someone was texting or on a call when they should have been watching the road.

All of this information is compared against Indiana traffic laws and federal trucking regulations, including [Title 49 of the Code of Federal Regulations](#). If a truck driver was speeding, following too closely, driving while fatigued or ignoring state or federal safety rules, that conduct

becomes the basis for assigning fault to the driver and potentially to the trucking company that put that driver on the road.

Can I Be Compensated If I'm Partially at Fault for Causing My Car or Truck Accident?

Yes. In Indiana, you can still recover compensation, even if you share some responsibility for the crash, as long as your share of fault does not exceed 50 percent. Your recovery is reduced by your percentage of fault, but it is not wiped out entirely unless you cross that 51 percent fault line.

For example, if a jury finds that your total damages (the legal term for financial losses) are \$400,000 and you are 25 percent at fault while the truck driver and trucking company are 75 percent at fault, your recovery would be reduced by 25 percent. Therefore, you would receive \$300,000 instead of the full \$400,000.

The trouble starts when an insurance company argues that your share of fault is higher than it should be. If they can push your percentage over 50 percent, they can avoid paying you anything under Indiana's modified comparative fault rule. That's one of the main reasons why it's important to have an experienced Indiana truck accident lawyer challenge any unfair blame placed on you.

How Does Compensation Work If There's More Than One At-Fault Party?

Truck accidents often involve more than one at-fault party who did something wrong. The truck driver might have been speeding or not paying attention. The trucking company might have pushed unrealistic delivery schedules, failed to maintain the vehicle or hired a truck driver with a poor safety record. A separate driver in another vehicle may also have contributed to the chain of events that caused your collision.

In those situations, the total fault is divided among all responsible parties. A jury might decide, for example, that the truck driver is 40 percent at fault, the trucking company is 40 percent at fault and another driver is 20 percent at fault. Your compensation for financial losses (damages) stays the same, but each at-fault party is responsible for their share. Your lawyer then pursues each party and their insurer to collect the full amount you are legally owed.

When multiple companies and insurers are involved, each one will often try to shift responsibility onto others and away from itself. If you don't have someone pushing just as hard on your side, you could end up being underpaid. A careful, evidence-based allocation of fault is essential to make sure all responsible parties contribute to your recovery.

Can I Challenge My Fault Determination For My Car Accident?

You're not stuck with the first fault determination an insurance company hands you. Adjusters often start by claiming that you're partly to blame, especially in crashes involving large trucks,

because every percentage point they can pin on you lowers what they have to pay. If that allocation does not match what actually happened, you have every right to push back.

Challenging a fault determination usually starts with strong evidence. That can mean obtaining additional photos or video, tracking down witnesses who were not listed in the police report, securing truck data and phone records, or having an accident reconstruction expert analyze the collision. When new facts come to light, an insurance company can often be convinced to change its position on assigning fault.

If the insurance company refuses to negotiate in good faith, the next step is often filing a car accident lawsuit and letting a judge or jury decide. In court, fault is no longer controlled by an insurance adjuster sitting behind a desk. It's decided based on sworn testimony and evidence presented according to Indiana law. That process takes work, but it can often be the best way to correct an inaccurate fault determination and protect your right to full compensation.

How Can a Fort Wayne Truck Accident Attorney Help Me?

Assigning fault after an Indiana truck accident can often quickly turn into a fierce legal battle between insurance companies, trucking companies, and attorneys involved in the case. That's why it's critical that you have someone speaking up for your rights and making sure fault is assigned correctly for your accident.

An experienced Fort Wayne truck accident lawyer at Boughter Sinak, LLC, can make sure you're taken seriously after your collision. We know how Indiana's legal system works, what evidence can make or break a case, and how to present the facts to insurance companies and courtroom juries if necessary. Our [case results](#) clearly demonstrate our ability to get the job done right, including one \$12 million truck accident settlement.

To learn more about how an Indiana truck accident lawyer can help you, simply [contact us](#) and schedule your [free consultation](#). We work on a [contingency fee](#) basis. That means you don't pay us unless we win. It's that simple.