How Indiana's Comparative Fault Rules Affect Your Car Accident Claim

Fort Wayne Car Accident Lawyers Break Down Indiana's 51 Percent Rule

You're stopped at a four-way intersection when another driver rolls through the stop sign and clips your bumper. It should be simple. But then the other driver's insurance company calls and says your brake lights were dim, or that you were going too fast for the turn. Suddenly your car accident claim isn't so straightforward. That shift, from a clear-cut crash to a contested one, happens because Indiana decides compensation through a fault percentage, not a simple yes-or-no finding of blame.

Federal traffic safety research has found that driver behavior plays a role in the vast majority of crashes. When more than one person contributes to a collision, Indiana's comparative fault system provides a way to divide responsibility rather than necessarily assigning all the blame to one person.

Our Fort Wayne car accident lawyers at Boughter Sinak, LLC regularly handle fault disputes. We've seen how a few contested percentage points can swing a settlement by tens of thousands of dollars. That's why it's important to understand how Indiana's comparative fault rule works and what happens when both drivers share blame. It's just as important to know how insurance companies use fault percentages to pay out as little as possible.

What Is Indiana's 51 Percent Comparative Fault Rule?

Indiana uses what's known as a modified comparative fault system, which falls under Indiana Code § 34-51-2. Instead of one driver taking full blame for a crash, fault gets divided by percentage among everyone whose actions contributed to it. That division is based on the evidence, not on who happened to call their insurance company first.

You can still recover compensation as long as your own share of fault is 50 percent or less. Cross that line into 51 percent or more, and Indiana law bars you from recovering anything at all. It doesn't matter how badly you were hurt or how much the other driver also did wrong.

That cutoff is why insurance adjusters fight so hard over fault percentages in even minor car accidents. A few extra points assigned to you can mean the difference between recovering some compensation and recovering nothing at all. That's why fault should never be treated as a minor detail in a claim.

How Does a Fault Percentage Reduce What You Actually Get Paid?

Even when you stay under the 51 percent line, Indiana Code § 34-51-2-5 still reduces your compensation according to your percentage of fault. Indiana doesn't ignore your share of blame simply because the law still allows you to recover something for your injuries and losses.

Say your damages from a rear-end collision total $100,000 between medical bills, lost wages and vehicle repairs. Say an insurer argues that you were 20 percent at fault for stopping short, and that percentage is ultimately accepted in settlement negotiations or assigned by a jury. Your recoverable damages would then drop from $100,000 to $80,000.

Now compare that to a driver in the same crash who accepts a fault percentage without pushing back. If an adjuster talks that driver into agreeing to 35 percent fault when the evidence supports only 15 percent, those extra 20 points matter. They can quietly erase thousands of dollars from a settlement that never gets a second look from a lawyer.

This is exactly why insurance companies treat fault percentage as a negotiating tool rather than a formality. Every point they shift onto you is money they don't have to pay. That's why fault disputes often matter more to an adjuster than the actual severity of your injuries.

What Happens When Both Drivers Share Blame for the Crash?

Two-car accidents rarely involve a driver who did everything perfectly and another who did everything wrong. Shared fault is common, especially in intersection crashes, lane-change collisions, left-turn accidents and crashes where both drivers broke a traffic law at the same time.

When both drivers contributed to the crash, Indiana still allows the less-at-fault driver to recover compensation, reduced by their own percentage. A driver found 30 percent at fault can still recover 70 percent of their damages. A driver found 60 percent at fault, on the other hand, recovers nothing under the state's cutoff.

The tricky part is that both insurance companies are usually arguing the same thing at the same time, each trying to push more blame onto the other driver. That back-and-forth can drag out negotiations and leave an unrepresented driver stuck accepting whatever percentage the adjusters settle on between themselves.

How Do Insurance Adjusters Try to Inflate Your Percentage of Fault?

Insurance companies know exactly how much a shifted percentage point is worth. Adjusters may examine the police report, recorded statements, photographs, witness accounts, and other available evidence for information they can use to argue that you share responsibility for the crash.

Common tactics adjusters use to inflate your share of fault include the following:

- **Recorded Statements** - Asking leading questions early, before you've seen the police report, hoping you'll say something that sounds like an admission.
- **Speed and Following Distance** - Arguing you were driving too fast or following too closely, even without solid evidence to support the claim.

- **Delayed Reactions** - Suggesting you could have braked sooner or swerved to avoid the collision, based on hindsight rather than what was reasonable in the moment.
- **Minor Traffic Violations** - Pointing to an expired tag, a burned-out light or another unrelated issue to paint you as partly responsible.

Even when these arguments are disputed, they can become part of settlement negotiations and may be used to justify a greater share of fault for the injured driver. Even a relatively small increase in the disputed fault percentage can reduce a settlement by thousands of dollars.

Can Fault Be Split Among More Than Two Drivers in a Car Accident?

Adjusters have an easier time pointing fingers when only two drivers are involved, but that gets far messier once a third vehicle enters the picture. Not every car accident involves just two vehicles. Chain-reaction crashes and multi-car pileups on the highway can spread fault across more than one at-fault party at once. So can accidents involving a third negligent driver who cut someone off.

Indiana's comparative fault system allows fault to be allocated among multiple people who contributed to an accident. In litigation, a jury can assign percentages of fault to the claimant, defendants, and qualifying nonparties who are not defendants in the lawsuit. The number of people sharing fault does not itself limit your damages, but each at-fault party generally is responsible for its allocated share.

That structure means a driver hurt in a three-car pileup may need to pursue claims involving more than one driver and insurance policy. The amount attributable to each responsible party can depend on how fault is ultimately allocated.

What Happens If You're Found 51 Percent or More at Fault?

Crossing the 51 percent threshold doesn't reduce your compensation gradually the way a lower fault percentage does. It eliminates your recovery completely, regardless of how serious your injuries are or how much the other driver also did wrong.

This all-or-nothing cutoff is why insurance companies push so hard to get a driver's fault percentage as close to that line as possible. If an insurer succeeds in establishing that an injured driver was more than 50 percent at fault, Indiana's comparative fault rule can bar that driver from recovering damages altogether.

Because so much rides on a handful of percentage points, a fault determination near the halfway mark deserves the same scrutiny as a disputed injury diagnosis. The stakes are simply too high to accept an adjuster's first assessment without a real fight, especially when that assessment arrives before your medical treatment is even finished.

What Evidence Can Lower the Fault Percentage Assigned to You?

Fighting back against an inflated fault percentage starts with evidence that tells a clearer story than an adjuster's assumptions about who did what in the seconds before impact.

The evidence that tends to carry the most weight in a fault dispute includes the following:

- **Police Crash Report** - The responding officer's account of how the crash happened and any citations issued at the scene.
- **Dashcam or Traffic Camera Footage** - Video that shows exactly how the collision unfolded, removing guesswork from the equation.
- **Witness Statements** - Independent accounts from bystanders or other drivers who saw the crash happen.
- **Vehicle Damage Patterns** - Physical evidence showing the direction and force of impact, which often supports or contradicts a driver's version of events.

Building this evidence file early matters, since traffic camera footage gets overwritten within days and witness memories fade quickly after a stressful crash. A well-documented case gives your lawyer real leverage to push back against an inflated fault percentage before it gets baked into a final settlement offer.

How Can an Indiana Car Accident Lawyer Protect Your Fault Percentage?

Fault disputes in Fort Wayne, Warsaw and across Indiana often decide a car accident case before the injury damages ever get discussed. That timing makes an early, aggressive response to an unfair fault allocation critical to the value of your entire claim.

At Boughter Sinak, LLC, our Indiana car accident attorneys gather evidence quickly and challenge inflated fault percentages before they get locked into a settlement position. We prepare every case to go to trial in case it needs to go in front of an Indiana jury. Our preparation gives insurance companies a compelling reason to negotiate fairly instead of banking on a driver accepting the first settlement offer.

If an insurance company is trying to pin blame on you for a crash you didn't cause, don't back down. The same goes if they're shifting more blame onto you than you actually deserve. Contact us and put a fighter on your side.