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Car Accident Liability: Proving Fault in a Car Crash

In almost all car, bike or motorcycle accidents, it is important to be able to prove who carries the car accident liability. In other words: who made the mistake or was negligent.

It may be obvious to all parties involved who was at fault in an accident, but just saying so is often not enough for insurance companies. You can make a stronger argument to your insurance provider if you can support your side of the story with evidence or "official" support. What follows is a short list of things that can be used to make your argument.

Police Reports

Police do not always come to the scene of an accident, but if they do, the police officer will probably have to make some sort of official police report about the accident. Police officers generally show up to accidents that involve injuries, but they often stop at non-injury accidents as well. If they do show up at your accident, be sure to ask the officer how to get a copy of the police report once it is filed.

Sometimes police officers do not show up to the scene of an accident at all, though. In cities and places where police resources are slim, it is often left up to the parties to the accident to report it to the police station closest to the accident. After filing a police report this way, investigators may pick up your report and conduct their own inquiries. You can obtain copies of these reports in much the same way as mentioned above.

Police reports are really just the written recollections and thoughts of the police officer that studied the accident. These reports often contain great evidence about car accident liability, such as the police officer's opinion that one car must have been speeding based on the officer's observations about the length of the skid-marks on the pavement. In addition, police officers will also often indicate whether or not they issued any traffic tickets at the scene of an accident.

No matter how much detail the police report contains, it can be one of the most important pieces of evidence that you present to your car insurance company. Insurance companies may drag their feet about issuing car accident liability reports without first obtaining a copy of the official police report.

State Traffic Laws

State traffic laws, often called the vehicle code, are also a great place to find support for your argument that the other driver was at fault in the accident. These laws are often condensed down into a simple-to-read "Rules of the Road" document. You will probably be able to find a Rules of the Road booklet at your local DMV.

If you want to, you can also find many full vehicle codes online at various state government websites and at many public law libraries (and in [FindLaw Codes](#)). The online version of vehicle codes can be very helpful as many have directories and search functions built in that will allow you to find the relevant code sections quickly and easily.

After you have found the right code section that applies to your accident, you are in a better position to negotiate with your or the other driver's insurance company. For instance, a code section relating to yielding the right of way may be useful for an accident that occurred at a merger. Make sure to write down or print a copy of the exact wording of the code section, as it won't help you to cite a law in the wrong form to an insurance company.

No Fault Car Accident Liability

There are certain kinds of automobile accidents than will almost always be one driver's fault and not the other. In these situations, insurance companies rarely argue about which driver is responsible and will most likely attempt to settle immediately.

Rear End Accidents

Rear end accidents are one of the most common types of automobile accidents. If a car has hit you from behind, it will almost never be your fault, even if you were stopped. One of the most basic rules of the road is that you are supposed to leave enough room in front of your car to be able to stop should the car in front of you make a sudden stop. If the car behind you could not stop before hitting you, he was probably not driving safely.

The other way to prove a rear end accident is the damage to the cars. In most situations where one car's rear end is damaged and another car's front end is damaged, there really isn't much to argue about who hit who. Even though the driver of the car that hit you may not have a claim against you, however, he may have a claim against a third party driver that caused you to stop suddenly, or against a car driving behind him that pushed him into your car. This does not affect his liability for the damage to your car, though.

One thing to think about is that, even though the other driver was probably at fault in a rear end collision, you also may be slightly at fault if your negligence contributed to the accident. A common example of this is when your brake lights are out. In addition, if you got a flat tire on the road and decided to stop in the middle of the lane instead of merging out of traffic, you may also bear some comparative negligence which will reduce your monetary award.

Left-Turn Collisions

As with rear end collisions, left turn accidents are almost always the fault of the driver taking the left turn. Cars coming straight into an intersection will have the right of way in most instances, making the car turning left the car responsible for the accident, except in a few circumstances. If the car going straight through the intersection is speeding or runs a red light, this may shift some or all of the car accident liability away from the car turning left. The other exception is rare: if the car turning left started turning left while it was safe to do so, but was forced to stop because of some unforeseen circumstance, then some of the liability may be shifted as well.

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