

## **How To Determine Fault After a Colorado Car Accident**

### **Fault affects claim eligibility and can reduce compensation**

In Colorado, proving fault is critical to collecting damages after a [car accident](#).

That's because Colorado is a "fault" or "tort" state. You need to identify the at-fault driver before you can file a claim. (In no-fault states, you file a claim with your insurance no matter who is at fault.) Basically, the driver who caused the accident is at-fault, and they are liable to pay for victims' medical expenses, lost wages, and other damages.

But if you can't prove the other driver is at fault, you may not get much of a settlement. Some crafty insurance adjusters take advantage of uncertain situations and blame the victim. Instead of collecting the compensation they deserve, a seriously injured accident victim can wind up paying for the other driver's injuries.

Colorado Springs car accident attorneys protect victims and their right to compensation. When an insurance adjuster tries to blame innocent people in a crash, an attorney can push back and demand maximum compensation.

### **Who is at fault in a Colorado car accident?**

Broadly speaking, the driver who is at fault is the driver who acted carelessly or disobeyed the rules of the road. Every accident is unique and there are many contributing factors. Determining accident fault can be complicated. Sometimes, there are multiple liable parties who may be at fault.

Even in situations where this seems clearcut, it's not always so. For instance, the driver of the vehicle in the rear is typically at fault in a rear-end crash, but not always. Suppose the vehicle in front stopped short or had broken brake lights.

A car accident attorney can investigate the crash. They can identify the people and entities most at fault and hold them accountable.

### **How does fault affect compensation?**

Fault determines whether you can seek compensation and it can also reduce your final settlement or verdict. Here's how: Colorado uses a modified comparative negligence standard for accident claims, which means fault for an accident can be divided among all those involved. Compensation is then reduced by an individual's percentage contribution to a car accident. So, for example, if a driver is found to be 10 percent at fault in a crash, their compensation will be reduced by 10 percent. If a driver is found to be 60 percent at fault, they cannot recover at all.

Insurance companies like to blame victims as much as possible to justify lowball settlement offers. A car accident lawyer can protect you from accepting more fault for a crash than you deserve.

## Who is at fault in a left-turn car accident? What about fault in other types of crashes?

Again every accident is different, which means there is rarely a scenario in which one driver is “always” at fault. Below are some general comments on fault in various crash scenarios, but this may not apply to your specific situation. For answers to legal questions about your Colorado crash, contact [The Longo Firm, LLC](#) for a free case consultation.

- **Right turn accident** – The fault could be on the turning car if the driver failed to yield the right of way or assumed a vehicle would stop for them. Instances where the turning driver may not be at fault include a head-on collision with another vehicle that failed to yield the right of way or attempted to make a left turn too soon.
- **Changing lanes** – Merging and changing lanes comes with risk. When drivers do not do all they can to reduce the risk, by checking blind spots and using blinkers, for example, they may be at fault for a broadside, sideswipe, or T-bone accident. The vehicle that did not change lanes is rarely at fault in these accidents.
- **Rear-end accident, hit from behind crash** – In most instances, the car in the back is at fault. Perhaps they were following too closely (tailgating), speeding, or driving distracted. However, the car in the back may not be at fault if a driver in front slammed on their brakes for no reason, made a sudden lane change or turn, or had defective equipment like broken brake lights.
- **Drunk driver accident (DUI or DWI), red-light-runner, backing up drivers** – What do these three negligent drivers have in common? When drivers like these are involved, you likely have a “no-doubt liability” accident. Drivers who are drunk, run red lights, or back up without checking for others, are almost always at fault in a crash. But even in these situations, the insurance company might dispute fault under some circumstances.
- **T-bone wreck** – Also known as a side-impact crash, T-bone car accidents are often violent and severe. T-bones are common intersection car accidents. The driver who did not have the right of way is usually at fault – but witnesses may disagree on which driver that was.
- **Pedestrian accident, in the crosswalk or street, jaywalking** – The person on foot in a pedestrian accident is often not at fault even if they are walking outside of a crosswalk, sidewalk, or designated lane. In rare cases, like when a pedestrian is impaired, they may be at fault for an accident.
- **Bicycle accident** – Common types of bike accidents include a cyclist being brushed by a passing vehicle or getting hit by a turning car. Usually, in these scenarios, it is the driver who is at fault.

- **Left turn accident** – The driver who did not yield the right of way is at fault. The driver may also be at fault if they waited until a red light to make their turn or tried to cut off on-coming traffic.
- **Multi-vehicle accident**, pileup, or chain reaction car accident – This is a tricky one. Often, when many vehicles are involved in an accident, each impact in the pileup is investigated for fault, which may be apportioned among the drivers involved.

### **Can I file a claim if I contributed to causing the accident?**

In most cases, yes. Accident victims can file claims even if they contributed to causing them. Colorado's modified comparative negligence standard has a 50 percent bar rule. If you are less than 50 percent at fault in a car accident, you can file a claim for compensation. If you are over 50 percent, you can't.

### **How do you prove who is at fault after a car accident in Colorado?**

Proving fault typically means gathering evidence. A car accident attorney can do this for you. Types of evidence often used to prove fault include:

- **State of Colorado Crash Report** – The crash report is created following an investigation by the responding police officer, usually the Colorado State Patrol (CSP) or Colorado Springs Police (CSPD). The report tells the officer's version of how the accident happened and who is at fault. While important, the report is based on an initial investigation – it's not the final word.
- **Witness statements** – Collecting witness statements as soon as possible after a car accident is critical. Memories fade quickly. Your lawyer can start interviewing people in the area of your crash right away. Witnesses may not just be people who saw the crash itself; testimony that the at-fault driver appeared intoxicated or fatigued prior to the accident can be quite powerful, too.
- **Physical evidence like skid marks, vehicle damage, and broken glass** – Car accidents leave marks. Some of them help to explain how a crash happened. An experienced car accident attorney who knows how to read a crash site for clues can help.
- **Phone records** – More and more distracted drivers are causing terrible accidents. If the driver doesn't want to admit they were texting or otherwise distracted, phone records may indicate what they were doing at the time of impact.
- **Surveillance video** - Cellphones, dashcams, traffic lights, residences, businesses ... video cameras are everywhere. Depending on where your accident happened, there might be video of it. However, you must move fast to find it. Security footage is often routinely erased every 48 hours. If you call a lawyer as soon as possible after an accident, they have a better chance of finding videos of the incident.

## **A Colorado Springs car accident lawyer can protect your right to full compensation**

There is no upfront or out-of-pocket expense to hire a Colorado Springs car accident lawyer to handle your claim. Car accidents are typically handled for a [contingency fee](#). That means there is no retainer, down payment, or hourly rate to pay. The lawyer's fee is an agreed-upon percentage of the settlement or verdict. If they don't win, you don't pay.

If you were injured or a loved one died in a Colorado Springs car accident, contact The Longo Firm, LLC today for a [free case consultation](#). At no cost to you and at no obligation to hire us, a member of our team can answer your crash-related legal questions and help weigh your options.