

What If the Other Driver Says You Were Partially at Fault for the Crash?

Our Houston car accident lawyers explain how comparative fault works in Texas

A [car accident](#) can get a lot more complicated the moment the other driver starts blaming you for causing the collision, even if you know you didn't do anything wrong. One moment, you're dealing with the shock of what happened on I-10, the Gulf Freeway, or a busy Houston intersection. The next, you find out the other driver or their insurance company is saying you were partly responsible. That kind of accusation can put your entire car accident claim at risk, especially if you don't know how fault works under Texas law.

It's not just about who's right or wrong. Who's at fault – and by what percentage – can make a huge difference when it comes to your car accident claim. In Texas, if the other side can convince an insurance company, a judge, or a jury that you share enough blame for your collision, the amount of compensation you receive for your accident will be reduced. And if they can push your share of fault high enough, they may argue that you should receive no money at all. That's why these disputes matter so much in serious Houston car accident cases.

At [Smith & Hassler](#), we know how insurance companies often try to use this tactic to protect their bottom line. A Houston car accident lawyer from our law firm can investigate what happened, challenge weak or unfair blame-shifting arguments, and build a strong case showing why the other driver caused your crash. That matters because when fault is disputed, the strength of your evidence can directly affect the outcome of your case.

How does comparative fault work in a Texas car accident case?

Texas follows a modified comparative fault rule. Under [Texas Civil Practice and Remedies Code, Title 2, Subtitle C, Chapter 33](#), more than one person can share responsibility for a crash. That means your compensation can be reduced based on your percentage of fault. If you are found to be more than 50 percent responsible, you generally cannot recover compensation under Texas law.

That rule has very real consequences after a car accident. If your accident-related losses total \$100,000 but you are found 20 percent at fault, your recovery would be reduced by 20 percent. In that example, you could still recover compensation, but you would receive \$80,000 instead of the full amount. That is one reason insurance companies fight so hard over fault in Texas. They know that even a small shift in blame can save them a lot of money.

This is also why a partial fault argument should never be brushed aside. The insurance company is not simply offering an opinion about what happened. It is setting up a legal and financial argument designed to reduce what it owes you. If that argument is not challenged with strong evidence and a clear legal strategy, your case can lose value fast.

Who decides who's at fault for causing a car accident?

A lot of people assume that the police officer who responded to the crash decides fault once and for all. That is not really how the process works. A police officer may investigate the accident, write a report, issue a citation, and include observations about what likely happened. Those details can be important. But the officer's report is still just one part of the larger picture. Texas law requires officers who investigate reportable crashes to submit a written report, and the Texas Department of Transportation uses the [Texas Peace Officer's Crash Report](#) to collect that information.

In the real world, fault is often argued in stages. First, the insurance companies evaluate the crash and decide how they want to handle the claim. The Texas Department of Insurance makes clear that insurance companies decide whether a policy covers a claim, and it also explains that the department itself does not decide who was at fault in an accident. If the case does not settle and a lawsuit is filed, then a judge or jury may ultimately decide how fault should be divided.

That matters because you cannot simply assume the truth will speak for itself. The other driver may tell one story. Their insurer may repeat that story. A crash report may be incomplete. A witness may only see part of what happened. That's why injured people often need a Houston car accident attorney to step in, gather evidence, and present a clear explanation of how the collision actually occurred.

Why do insurance companies say you were partially at fault?

Insurance companies use partial fault arguments for one simple reason. It can save them money. If they can shift some percentage of blame onto you, they can reduce your compensation. If they can push your share of fault over the legal threshold, they may argue that they do not owe you anything at all. That is a powerful financial incentive, and they know exactly how to use it.

Sometimes the blame-shifting is obvious. The other driver may claim you were speeding, following too closely, or not paying attention. Other times, the argument is more subtle. An adjuster may say you "might have had time to react" or "may have contributed to the accident conditions." Those phrases are not casual. They are often part of a strategy to chip away at your claim.

This happens in all kinds of crashes. A driver who rear-ends you may say you stopped too suddenly. A driver who turns left in front of you may argue that you were traveling too fast. A driver who changes lanes into your vehicle may say you were in their blind spot too long. When that starts happening, the issue is no longer just the crash itself. It becomes a fight over how the facts are framed, and that is where many valid claims begin to lose value.

What kinds of arguments do insurance companies use to shift blame?

When an insurance company wants to assign partial fault to you, it usually relies on a handful of familiar arguments. Those arguments may sound reasonable at first, especially if you are still recovering from your injuries and have not had a chance to review all the evidence. But many of them are weak once the full facts come out.

Common arguments often made by the at-fault driver's insurance company include:

- You were driving too fast for traffic or weather conditions.
- You failed to keep a proper lookout, which means you were not paying close enough attention.
- You followed too closely behind another vehicle.
- You made an unsafe lane change before the crash.
- You could have avoided the collision if you had reacted sooner.
- You were distracted by your phone, a passenger, or something else inside the vehicle.

These arguments are often raised before the insurance company has done a full investigation. In many cases, they are based on assumptions, incomplete crash reports, or self-serving statements by the other driver. That is why it is dangerous to accept them at face value. Once a claim gets labeled as a partial fault case, that label can affect every settlement discussion that follows.

A strong response usually starts with evidence. Instead of arguing in general terms, your legal team should be focused on specifics. What do the vehicle positions show? What do the witness statements say? Was there video footage? Did the crash report leave out an important detail? Those are the questions that often decide whether a blame-shifting argument holds up or falls apart.

What evidence can help prove the other driver was at fault?

When the other driver says you were partly to blame, evidence matters more than ever. The goal is to build a clear, fact-based explanation of how the crash happened and why the other driver's actions caused it. In many cases, that evidence can be stronger than the other driver's accusation, but only if it is identified and preserved early.

Important evidence can include:

- The police crash report and any diagrams or narrative included in it.
- Photos of vehicle damage, skid marks, debris, traffic signs, or traffic lights.
- Witness statements from people who saw the crash happen.
- Traffic camera footage, dashcam video, or nearby surveillance footage.

- Vehicle data showing speed, braking, or steering inputs before impact.
- Cell phone records or other evidence showing distracted driving.

For example, if the other driver claims you changed lanes into them on Loop 610, but a traffic camera shows their vehicle drifting into your lane, that one piece of evidence can undercut the entire defense. The same is true if a witness confirms that the other driver ran a red light or if vehicle data shows the other driver never braked before impact. In serious cases, those details can make the difference between a reduced settlement and full compensation.

What if the police report seems to blame you?

Your official accident report (called a [Texas Peace Officer's Crash Report](#)) filled out by the investigating police officer can carry a lot of weight, but it's not the final word on fault. Officers usually have to make quick decisions based on the information available at the scene. They may arrive after the crash occurred, talk to limited witnesses, or rely heavily on one driver's account if the physical evidence is unclear. That means a report can be incomplete, mistaken, or missing important context.

That doesn't mean you are stuck with an unfair conclusion. Your lawyer can review the report closely, compare it to the physical evidence, speak with witnesses, and look for inconsistencies. In some cases, additional evidence gathered after the crash tells a much stronger story than the initial report did. A report matters, but it does not automatically control the outcome of an insurance claim or a lawsuit.

This is one reason people often get frustrated after a serious accident. They assume the crash report settled everything, only to discover that the insurance company is using the report as a starting point for a blame argument. When that happens, it becomes important to build your case independently instead of relying entirely on what was written down in the first few hours after the wreck.

What should you do if the other driver blames you after a crash?

The most important thing is not to panic and not to start trying to argue your entire case at the scene or over the phone with an insurance adjuster. There are better ways to protect yourself and your claim. What you do in the hours and days after the crash can affect how strong your case becomes later.

Helpful steps you can take:

- Call the police and make sure the crash is documented.
- Take photos of the vehicles, the roadway, traffic signals, and any visible injuries.
- Get names and contact information for any witnesses.
- Seek medical treatment right away and follow through with recommended care.

- Avoid giving a recorded statement to the other driver's insurance company before speaking with a lawyer.
- Preserve texts, photos, dashcam footage, and anything else connected to the crash.
- Talk to an experienced car accident attorney.

These steps matter because they help lock in evidence before it disappears. For example, a witness who is easy to reach on the day of the crash may be much harder to find two weeks later. A business security camera may overwrite footage in a matter of days. Even your own memory of the crash will be clearer right away than it will be after repeated conversations with insurers. That is why quick action often gives injured people a stronger position.

Why do these cases sometimes turn into high-stakes legal fights?

When fault is disputed, the insurance company often treats the case as something it can bargain down. Instead of focusing on the seriousness of your injuries, it focuses on the percentage of blame it can assign to you. That changes the entire posture of the case. Suddenly, every statement, every medical gap, and every detail in the crash report becomes part of a strategy to reduce your recovery.

This is especially true in serious injury cases. If your crash caused surgery, long-term treatment, significant time away from work, or permanent physical problems, the financial value of the claim may be substantial. In that kind of case, the insurance company has even more reason to argue that you were partly at fault. It is not just disputing fault for the sake of principle. It is trying to cut down the size of the payout.

That's why these cases often need more than a basic demand letter and a few phone calls. They may require crash reconstruction, deeper evidence review, aggressive negotiation, and if necessary, a lawsuit. When the other side is trying to shift blame to save money, the only effective response is usually a strong, organized case built around facts, not assumptions.

How can a Houston car accident lawyer help if fault is being disputed?

A Houston car accident lawyer can help by taking control of the case before the insurance company defines it on its own terms. At Smith & Hassler, we know how to investigate disputed fault cases, preserve evidence, and challenge unfair attempts to shift blame onto injured people. We also know that these cases are often about much more than one disagreement over how the crash happened. They are about protecting your financial recovery after a serious injury.

We can gather the evidence needed to support your side of the case, deal directly with the insurance companies, and calculate the full value of your losses. That may include money for medical expenses, lost income, future treatment, pain and suffering, and other crash-related costs. If the insurance company refuses to be reasonable, we can take the next legal steps

needed to keep the pressure on. [Our Houston car accident lawyers](#) have years of experience handling complex legal cases involving disputed fault.

If the other driver says you were partly at fault for your crash, do not assume that accusation will hold up. It may simply be the beginning of an insurance company strategy to reduce what it owes you. [Contact our law firm](#) and schedule an appointment to discuss what happened. We can review your crash, explain how Texas fault rules apply, and get to work building the strongest possible case for compensation.