



## Can You File a Diminished Value Claim in Georgia If the Accident Was Partially Your Fault?

Diminished Value Car Appraisals / Appraisal Solutions | Updated on February 17, 2026

Many Georgia drivers assume that if they were even slightly at fault in an accident, they automatically lose the right to file a diminished value claim.

That is not always true.

Georgia follows a modified comparative negligence rule. This means fault percentages matter, and they directly affect how much compensation you may recover. Understanding how this works can make the difference between walking away empty-handed and receiving a meaningful diminished value settlement.

Let's break it down clearly.

### How Comparative Negligence Works in Georgia

Georgia operates under a 50 percent modified comparative negligence system.

Here is what that means:

- If you are 50 percent or more at fault, you cannot recover damages from the other party.
- If you are less than 50 percent at fault, you can recover damages, but your compensation is reduced by your percentage of fault.

**So yes, you can still pursue a diminished value claim in Georgia even if you were partially responsible, as long as your fault does not reach 50 percent.**

### How Fault Percentage Impacts a Diminished Value Claim

Let's say your vehicle suffered \$6,000 in diminished value after an accident.

If you are found:

Fault Level	Recovery Percentage	Amount
10 percent at fault	recover 90 percent	\$5,400
25 percent at fault	recover 75 percent	\$4,500
40 percent at fault	recover 60 percent	\$3,600

50 percent or more	recovery barred	\$0
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If you are 50 percent or more at fault, recovery is barred.

This reduction applies to diminished value just like it applies to property damage and medical claims.

## Why Fault Disputes Matter

Fault is not always clear-cut.

Insurance companies evaluate:

- Police reports
- Driver statements
- Witness accounts
- Vehicle damage patterns
- Traffic camera footage

In many cases, liability becomes a negotiation rather than a certainty.

If fault is disputed, it can directly affect how much diminished value compensation you receive. That is why documentation and evidence are critical.

## Georgia's Strong Diminished Value Precedent Still Applies

Georgia remains one of the most favorable states for diminished value claims due to the State Farm v. Mabry decision.

That ruling confirmed that insurers must account for diminished value when settling property damage claims.

However, comparative negligence still applies. The right to pursue diminished value exists, but the final payout reflects your percentage of fault.

This is where many drivers misunderstand the process.

**They assume partial fault eliminates the claim. In reality, it reduces it.**

## Market Conditions Still Influence the Outcome

Even when fault percentages are established, valuation remains tied to current market conditions.

If the used car market in Georgia is soft in certain segments, insurers may argue that part of the loss reflects normal depreciation rather than accident stigma.

Separating accident-related diminished value from general market decline becomes especially important when partial fault already reduces the recoverable amount.

## Common Mistakes Georgia Drivers Make

When partial fault is involved, drivers often:

- Assume they cannot file a claim
- Accept the insurer's percentage of fault without review
- Fail to challenge inaccurate comparables
- Do not obtain independent diminished value analysis
- Overlook how structural damage amplifies resale stigma

Each of these mistakes can significantly lower a settlement.

## When Independent Evaluation Becomes Important

When fault is shared, every dollar matters.

Because compensation is reduced proportionally, ensuring the diminished value amount is calculated accurately becomes even more critical.

If your claim is already reduced by 20 percent or 30 percent due to comparative negligence, an undervalued base calculation compounds the financial loss.

Accurate local comparable analysis and proper damage weighting can materially affect the outcome.

## Final Thoughts

Yes, you can file a diminished value claim in Georgia even if you were partially at fault, as long as you are less than 50 percent responsible.

**Partial fault does not eliminate your rights. It adjusts your recovery.**

Understanding how comparative negligence interacts with market valuation is key. In Georgia, the law protects diminished value claims, but the percentage of fault and the quality of valuation both determine the final number.

If your fault percentage is being debated or your diminished value feels lower than expected, the issue may not be eligibility. It may be how the numbers were calculated.

## Maximize Your Georgia DV Claim Even with Partial Fault

When comparative negligence reduces your payout, accurate valuation becomes critical. Our Georgia experts ensure your diminished value calculation is based on real local market data—so you don't leave money on the table.

Even at 40% fault, a proper appraisal can mean thousands more in compensation. Don't let partial fault cost you twice.

[Read the full article at diminishedvalueofgeorgia.com](https://diminishedvalueofgeorgia.com)

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