

Tow Truck Accidents In Georgia

Why These Crashes Leave Victims Facing Complicated Liability Questions

A broken-down minivan sits on the shoulder of I-75 north of [Atlanta](#), hazard lights blinking. A tow truck pulls up behind it, the driver sets out reflective triangles, and a motorist flying through the travel lane clips the tow truck's rear lift arm before anyone has a chance to react. The injured driver never saw the truck until it was too late. The family in the minivan is trapped between two collisions. Two separate crashes have now happened at the same location, and the liability questions will take months to untangle.

Tow truck accidents in Georgia are more common than most people realize, and they're almost always more complicated than a standard [rear-end](#) or [intersection collision](#). The equipment is massive, the working conditions are inherently dangerous, and the roster of potentially responsible parties can stretch from the individual driver all the way to a commercial fleet operator, a government contractor, or a third-party towing management company.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our [Georgia truck accident lawyers](#) have handled commercial vehicle crashes of every kind since 1993. We understand how these cases are structured, how insurance coverage is layered, and what evidence has to be preserved in the critical days after a crash before it disappears.

What Makes Tow Truck Crashes Different From Other Commercial Vehicle Accidents?

Tow trucks don't just drive from point A to point B. They stop in live traffic. They back against the flow of vehicles. They operate at night, in rain, and at crash scenes where conditions are already chaotic. The drivers are often working alone, managing multiple tasks at once: running the hydraulic lift, communicating with dispatch, watching oncoming traffic, and securing a vehicle that may be leaking fuel or damaged in ways that make it unstable on the lift.

That combination creates an environment where driver error is only one source of liability. Negligence can be rooted in how the company trained its operators, how dispatch communicated the call, whether the truck's equipment was properly maintained, or whether the driver had adequate lighting and reflective gear for the conditions.

Several categories of failure appear repeatedly in these crashes. Understanding them matters because the category of failure usually points directly to the responsible party:

- **Failure To Secure The Right-Of-Way Before Stopping:** Tow operators who park in travel lanes or partial shoulders without proper traffic control create the conditions for secondary collisions. [Georgia law](#) and federal commercial vehicle regulations require operators to take reasonable steps to warn oncoming traffic, but not every driver or company follows those protocols.
- **Defective Or Improperly Maintained Equipment:** A malfunctioning hydraulic lift, frayed cable, or faulty safety chain can cause the vehicle being towed to come loose mid-transport. If a towed car breaks free at highway speeds, the resulting debris strike or secondary crash can be catastrophic.

- **Overloaded Or Improperly Attached Tows:** Tow trucks have rated capacities. When operators accept loads beyond those limits or when hitch and attachment points aren't correctly rigged, the towed vehicle can shift, drag, or detach. The [risks of overweight truck loads on Georgia roads](#) apply equally to towing rigs.
- **Driver Fatigue And Extended On-Call Shifts:** Tow companies often operate around the clock. Drivers dispatched to late-night calls after long workdays face the same fatigue risks that produce [commercial truck driver fatigue crashes](#). Federal hours-of-service rules may apply depending on the truck's weight and operating configuration.
- **Inadequate Lighting And Visibility Equipment:** Working in darkness without adequate amber strobes, reflective vests, and road flares is a recurring source of liability. Georgia requires specific lighting configurations for roadside operations, and failure to meet those requirements shifts responsibility toward the operator.

Georgia's Regulatory Framework For Tow Trucks

Not all tow trucks fall under the same regulatory umbrella, and that distinction matters significantly when a crash happens. Tow trucks operating exclusively in intrastate Georgia commerce are regulated by the Georgia Department of Public Safety's Motor Carrier Compliance Division. Those that cross state lines or operate under federal contracts may fall under oversight by the [Federal Motor Carrier Safety Administration](#), which sets equipment standards, operator qualifications, and hours-of-service rules under [Title 49 of the Code of Federal Regulations](#).

Georgia also operates the HERO (Highway Emergency Response Operator) program through the [Georgia Department of Transportation](#), which deploys dedicated incident response trucks on metro Atlanta's interstates. HERO trucks are state-operated, and crashes involving those vehicles may implicate sovereign immunity and unique procedural rules that govern claims against governmental entities, including mandatory ante litem notice requirements under Georgia law.

The distinction between a private tow company, a HERO unit, and a municipally contracted towing service can mean the difference between filing under a standard commercial liability policy and navigating a government tort claim with strict notice windows and caps on recovery.

Who Is Liable When A Tow Truck Causes A Crash?

Liability in tow truck accidents rarely ends with the driver. The [Georgia commercial trucking liability framework](#) recognizes that commercial vehicle operators frequently work under employment or contractor arrangements that extend responsibility upward to the company that dispatched them.

Imagine a motorist stopped near the I-285 interchange when a tow truck driver, rushing to clear the scene for a contract client, backs into their vehicle. The driver claims he was operating as an independent contractor. But the tow company's signage is on the truck, the dispatch system belongs to the company, and the driver was responding to a company call. Under Georgia's vicarious liability doctrines, the "independent contractor" argument often doesn't hold when

the company exercised meaningful control over how the work was performed, what equipment was used, and how calls were prioritized.

Potential defendants in a Georgia tow truck accident can include the tow truck driver individually, the towing company as the operator's employer or principal, a third-party dispatch platform that coordinates calls for multiple carriers, a property owner or municipality that contracted for the towing service, or the manufacturer of defective tow equipment or coupling hardware.

[Truck accident evidence destruction in Georgia](#) is a serious concern in these cases. Tow companies routinely overwrite GPS and dispatch records, and the truck may go back into service within days of the crash. Sending a [legal hold letter](#) immediately after the collision is one of the most important steps a victim or their attorney can take.

Critical Evidence In Tow Truck Accident Cases

Because tow truck crashes involve commercial operators with professional equipment, there's a broader set of evidence available compared to a typical car crash. That evidence often makes the difference between a fair recovery and a case the carrier can pick apart. The critical evidence categories that need to be locked down include:

- **Onboard Camera Footage:** Most commercial tow trucks carry forward and rear-facing cameras. [Dashcam footage](#) and onboard video can show exactly how the truck was positioned, whether warning devices were deployed, and what the driver was doing at the moment of impact.
- **GPS And Telematics Data:** Tow trucks equipped with GPS and dispatch tracking systems generate a continuous record of speed, route, and vehicle status. This data can confirm whether the driver stopped in a legal position, whether the truck was idling or moving, and how long the driver had been working before the crash.
- **Driver Qualification And Training Records:** Federal and Georgia regulations require commercial operators to maintain files documenting driver qualifications, training history, medical certification, and prior safety incidents. Gaps in these records or disqualifying violations can establish negligent hiring or negligent entrustment claims.
- **Equipment Inspection And Maintenance Logs:** [Poor truck maintenance records](#) are often the most powerful evidence in a mechanical-failure case. If the lift mechanism or safety chains hadn't been inspected or showed prior defects, that creates independent liability for the company regardless of what the driver did.
- **Dispatch Communication Records:** Text and radio communications between the driver and dispatch reveal whether the operator was under pressure to work faster, whether the correct safety protocols were communicated, and whether prior concerns about the location or conditions were raised and ignored.

The Injuries These Crashes Produce

Secondary highway crashes involving tow trucks are among the most violent collisions on Georgia roads. A passenger vehicle striking a stationary tow truck at highway speed carries

enormous kinetic force, and the occupants face a fundamentally different injury profile than they would in a moving vehicle collision.

[Traumatic brain injuries](#) from sudden deceleration are common even when airbags deploy. [Spinal injuries](#) affecting the cervical and lumbar spine often don't become fully apparent until days after the initial trauma. [Crush injuries](#) to the lower extremities occur when a passenger vehicle slides under or impacts the rear structure of the tow truck at speed. In the worst cases, the force of the collision produces fatalities, leaving surviving family members to pursue a [wrongful death claim](#) against a commercial operator with multiple layers of insurance and a litigation team working to minimize every dollar of liability.

The nature of these injuries means treatment timelines are long and costs escalate quickly. Life care planning, lost earning capacity analysis, and long-term disability projections often become central to building a complete damages picture.

Georgia's Move-Over Law And What It Means For Your Claim

[Georgia's move-over law](#) requires drivers approaching stationary emergency or roadside assistance vehicles displaying amber lights to move over one lane or, when that isn't safely possible, to reduce speed significantly below the posted limit. Tow trucks displaying amber warning lighting qualify under this statute. When a driver fails to comply and strikes a tow truck or its operator, that driver carries primary liability for the collision.

But the tow company can still share liability when its driver failed to deploy required warning devices, parked in an unsafe position beyond what was reasonably necessary, or set up in a location where no reasonable alternative was taken. Georgia's comparative fault framework allows recovery as long as the injured person is less than 50 percent responsible. Our attorneys understand how carriers use comparative fault arguments in these cases, and we counter them with reconstruction analysis and expert testimony on roadside safety standards.

Behind The Tow Company's Insurance Coverage

Commercial tow operators are required to carry liability coverage, but those policies are structured to minimize payouts wherever possible. A tow company's insurer will typically dispute whether the driver was acting within the scope of employment, challenge the extent of injuries through surveillance and independent medical examinations, and argue that the victim bears some responsibility for the collision.

With over [\\$1 billion recovered for Georgia families](#), our firm has dealt with commercial carriers and their defense teams across hundreds of crash cases. We know how the arguments are assembled, what the weak points are, and how to build a record that holds up at trial.

The cases we handle for Georgia truck wreck victims are taken on a contingency basis, meaning there's no cost to you while the case is open and no attorney's fee unless we deliver a recovery. If you or a family member was injured in a tow truck crash anywhere in Georgia, [contact us](#) today to talk through your potential legal options.