

Drowsy Driver Car Accidents In Georgia

How Fatigue Behind The Wheel Creates The Same Danger As Drunk Driving

Sleep deprivation doesn't announce itself on a toxicology report. A driver who hasn't slept in 24 hours can have reaction times comparable to someone with a blood alcohol content above the legal limit, but there's no breathalyzer for exhaustion. When that driver runs a red light on a Georgia surface road or drifts across the center line on a rural two-lane highway, the damage to the person they hit is just as permanent as if they'd been drinking. The difference is that the exhausted driver often walks away from the crash insisting they were "fine" and "just blinked for a second."

Georgia roads see thousands of fatigue-related crashes every year. The problem isn't limited to overnight freight drivers or shift workers. It's commuters who haven't slept properly in weeks, parents running on four hours of rest, and drivers who take a long highway trip after a full workday without stopping. The crashes they cause follow predictable patterns, and so do the insurance defenses that follow them.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our [Georgia car accident lawyers](#) understand that drowsy driving crashes are underestimated in court and underinvestigated at the scene. Building a case that demonstrates a driver was too fatigued to be behind the wheel requires knowing exactly what evidence to go after and how quickly it disappears.

Why Drowsy Driving Is More Dangerous Than People Assume

The body's sleep pressure system doesn't give visible warning before it takes over. A driver can feel alert one moment, and in the next instant, their eyes are closed and the vehicle is drifting without any input from the hands on the wheel. These "microsleeps," which can last between two and 30 seconds, happen without the driver's awareness. At 65 mph, a vehicle travels the length of a football field in about three seconds. A driver experiencing a microsleep doesn't brake, doesn't steer, and doesn't respond to hazards in the road.

The [Centers for Disease Control and Prevention](#) and the [National Highway Traffic Safety Administration](#) have both identified drowsy driving as a critical public health and traffic safety issue. Most fatigue-related crashes happen on monotonous roads during the early morning hours and mid-afternoon, when the body's circadian rhythms naturally dip toward sleepiness. But they also happen during evening rush-hour commutes, especially when drivers are returning from long days or overnight work shifts.

The factors that increase a driver's fatigue risk on Georgia roads include:

- **Untreated Sleep Disorders:** Obstructive sleep apnea fragments sleep repeatedly through the night, leaving drivers perpetually under rested even if they believe they've slept for eight hours. Georgia insurance adjusters rarely ask about this, but it's often present in drowsy driving cases.
- **Extended Work Schedules:** A driver who has worked a 12-hour shift and then commutes an hour home is operating in a significantly impaired state. Professional obligations,

including healthcare, emergency services, and construction trades, create systematic fatigue that directly correlates with driving impairment.

- **Prescription And Over-The-Counter Medications:** Many common medications, including antihistamines, muscle relaxants, and anti-anxiety drugs, carry drowsiness warnings. When a driver causes a crash while under the influence of those medications, there's a separate liability argument around whether they should have been driving.
- **Alcohol Combined With Fatigue:** Even small amounts of alcohol combined with sleep deprivation dramatically amplify impairment. A driver who had one drink but who has also been awake for 20 hours may be far more impaired than the blood alcohol level alone would indicate.
- **Young And Inexperienced Drivers:** Teen drivers and drivers in their 20s are statistically overrepresented in drowsy driving crashes. Adolescent sleep needs are higher, and social and academic schedules often push sleep times late, compressing nighttime rest before early morning school or work.

How Drowsy Driving Crashes Happen On Georgia Roads

Drowsy driving crashes tend to cluster into specific patterns that differ from distracted driving or impaired driving crashes. The most common involve a vehicle drifting out of its lane, usually onto the shoulder or into oncoming traffic, without any pre-crash braking event. The absence of skid marks is often the first indicator that the driver didn't respond to the collision at all.

One scenario plays out this way: a driver heading south on I-85 through Gwinnett County near midnight after a double shift at work begins to microsleep. The vehicle slowly crosses the lane dividers, the tires hit the rumble strip, the driver startles awake, overcorrects sharply, and the vehicle rolls. There may be no collision with another vehicle at all, but the passenger in the car suffers a [spinal cord injury](#) and a [traumatic brain injury](#) from the rollover. Who is liable? The driver who chose to get behind the wheel in an unfit condition.

When another vehicle is involved, the injury profile can be even more severe. A drowsy driver who drifts into oncoming traffic produces a [head-on collision](#) at combined highway speeds. The forces involved in a head-on impact at 65 mph are equivalent to a vehicle hitting a stationary wall at 130 mph. Injuries that result, including [aortic dissection](#), [broken pelvis](#), and [collapsed lung](#), are often life-altering or fatal.

Evidence That Establishes A Fatigue Defense

The core legal challenge in drowsy driving cases is that fatigue doesn't leave a direct chemical trace. Building a case around driver fatigue requires assembling circumstantial evidence from multiple sources and letting the pattern tell the story. The categories of evidence our attorneys look for include:

- **Cell Phone And App Data:** Location history, usage logs, and app activity in the hours before a crash can establish what the driver was doing, where they were, and how long they had been awake. A driver whose phone records show continuous activity until 2 a.m. before an early morning crash has a difficult time claiming they were well-rested.

- **Employment And Work Schedule Records:** A driver's employer records, time sheets, or shift logs can document how long they had been working before the crash. For commercial drivers, electronic logging device (ELD) data and dispatch records may be obtainable through litigation.
- **Social Media Activity:** Posts, check-ins, and photos from the hours before a crash can reveal a driver's state of wakefulness. A driver who was posting at a late-night event two hours before a dawn crash is unlikely to have gotten meaningful rest.
- **Witness Accounts:** Passengers in the at-fault vehicle, other drivers who observed the vehicle drifting before the crash, or bystanders who spoke with the driver at the scene often have direct evidence about the driver's condition.
- **The Accident Reconstruction:** The absence of pre-crash braking, drift patterns in tire marks, and the geometry of the collision all contribute to a reconstruction that supports a fatigue theory. [Black box data](#) from the at-fault vehicle can confirm whether the driver made any steering or braking input in the seconds before impact.
- **Driver Statements:** What the driver told law enforcement at the scene matters enormously. Statements like "I just zoned out," "I blinked and the next thing I knew," or "I don't know what happened" are consistent with a microsleep event and can be preserved through the police report or witness accounts.

Recklessness, Negligence, And Georgia Law

Georgia law provides two distinct theories of recovery in drowsy driving cases, and which one applies shapes how damages are calculated. Under standard negligence principles, a driver who chooses to operate a vehicle while impaired by fatigue has breached the duty of care they owe to other road users. That breach, when it causes injury, creates liability.

When the fatigue is extreme and the driver was aware of it, reckless driving under O.C.G.A. § 40-6-390 may apply. Reckless driving means operating a vehicle in willful or wanton disregard for the safety of persons or property. A driver who had been awake for more than 24 hours, who received warnings from passengers that they appeared to be falling asleep, and who chose to continue driving anyway could face a recklessness finding that opens the door to [punitive damages](#) in addition to compensatory recovery.

Punitive damages in Georgia require clear and convincing evidence of conscious indifference to consequences. Drowsy driving cases rarely meet that standard without egregious surrounding facts. But they do come up when the pattern of behavior before the crash shows a driver who knew they were dangerously tired and made a deliberate choice to keep driving.

Georgia SB 68 And Damages In Drowsy Driving Cases

Georgia's Senate Bill 68, signed in April 2025, changed how medical bill damages are calculated in personal injury cases for causes of action arising on or after April 21, 2025. Under the phantom damages reform, juries now consider both the billed amount and the amount actually paid by insurance when evaluating reasonable medical expenses. For victims of drowsy driving

crashes with significant medical bills, understanding how the [Georgia SB 68 phantom damages rule](#) affects the damages calculation is now an essential part of evaluating any settlement offer.

The [broader SB 68 impact](#) also changed how bifurcated trials work and affects the procedural landscape for these cases. If the crash happened after April 21, 2025, those changes apply.

Proving A Driver Was Too Tired To Be Behind The Wheel

Victims of drowsy driving crashes face insurance companies who are well-practiced at deflecting responsibility. Adjusters often push the narrative that the driver "just made a mistake" or that there was an unrelated mechanical cause for the drift. Carriers know that fatigue is hard to prove chemically and they count on victims not knowing what other evidence exists.

Since 1993, our firm has recovered over [\\$1 billion for Georgia families](#) injured by drivers who put others at risk, including drivers who chose to operate while dangerously impaired by fatigue. We know how these cases are fought, and we know what it takes to win them.

We accept car accident cases across Georgia on a contingency basis, so you'll never receive a legal bill while your case is pending, and our fee comes only from the compensation we recover on your behalf. If a drowsy driver caused your crash, the evidence window is closing from the moment the collision happens. [Contact us](#) today to talk with our attorneys and preserve your right to full compensation.