What Happens After a Hit-and-Run Car Accident in Georgia?

Your Options for Compensation When the Driver Who Hit You Disappears

Suppose a driver heading home on Georgia 400 after dark gets sideswiped by a car that was already accelerating away before the impact was even fully registered. There are no brake lights, no hazard lights, and within a few seconds there's nothing except the damage to a vehicle and the beginning of an adrenaline-fueled reckoning with what just happened.

Hit-and-run accidents leave victims with a specific kind of confusion on top of the physical trauma. The person responsible for the crash is gone, and it's not immediately clear whether that means there's no path to compensation. It doesn't. Georgia law provides several avenues for injured victims even when the at-fault driver is never identified, and the outcome of a hit-and-run claim often depends on decisions made in the first few hours after the crash.

At the Law Offices of Gary Martin Hays & Associates, P.C., our Georgia car accident lawyers handle hit-and-run cases regularly. We understand how uninsured motorist coverage works, how to document a crash that happened without an identifiable defendant, and what it takes to recover full compensation when the person who caused the crash can't be served with a lawsuit.

What Georgia Law Requires of a Driver Who Causes a Crash

Georgia law is clear about what a driver involved in an accident must do. O.C.G.A. § 40-6-270 requires any driver involved in a crash resulting in injury, death, or property damage to immediately stop at or near the scene, provide their name, address, and vehicle registration, and render reasonable assistance to anyone who has been injured.

A driver who leaves the scene of a crash that caused injury or death commits a felony under Georgia law.

That's the obligation on the side of the driver who fled. On your side, the question becomes how to recover when that obligation was violated.

Uninsured Motorist Coverage and How It Applies to Hit-and-Run Claims

Most Georgia drivers have no idea how their uninsured motorist coverage actually works until they need it. O.C.G.A. § 33-7-11 requires Georgia insurers to offer uninsured motorist coverage to every policyholder, and most Georgia drivers have it either as a default or as an optional add-on they agreed to. When the at-fault driver can't be identified, your own uninsured motorist policy becomes the primary source of compensation.

UM coverage in a hit-and-run context works this way: you make a claim against your own insurer, treating the unknown driver as an "uninsured motorist." Your insurer steps into the role the at-fault driver's insurer would have occupied if the driver had stayed. That means they have the right to dispute your claimed injuries, question causation, and argue about damages, exactly the same way an adverse insurer would.

The critical rules to know about UM hit-and-run claims in Georgia:

- **Physical Contact May Be Required:** Depending on the specific terms of your policy, there may be a requirement that the unknown vehicle made actual physical contact with your vehicle. Claims involving "phantom vehicles" (where no contact occurred but the fleeing driver's actions caused you to crash) are handled differently and may require a corroborating witness.
- **Prompt Reporting Is Essential:** Hit-and-run claims have reporting requirements, and delay can be used against you. Report the crash to law enforcement immediately, get a police report number, and notify your own insurer within the timeframe your policy requires.
- **You Can Stack UM Coverage:** If you have multiple vehicles insured under the same or different policies, Georgia law permits you to stack UM coverage limits in some circumstances, which can significantly increase the maximum available recovery.
- **The Crash Must Be Documented:** Dash camera footage, surveillance video from nearby businesses, witness statements, and physical evidence at the scene all matter for a UM claim in the same way they'd matter in a standard car accident lawsuit.

How Georgia's SB 68 Tort Reform Affects Hit-and-Run Damages

Georgia's Senate Bill 68, signed into law in April 2025, reshaped how damages are calculated in personal injury cases. Under the phantom damages reform, juries now see both the amount billed for medical treatment and the amount actually paid by insurance, and they decide reasonable medical damages based on both figures. This change affects how your insurer evaluates the medical component of your UM claim.

In a hit-and-run case where you're presenting your injuries to your own uninsured motorist carrier, understanding the post-SB 68 damages framework matters. The insurer's adjusters are already operating with this new framework in mind when they evaluate what your claim is worth. Having legal representation that understands how the reform changes the damages math is no longer optional if you want to recover what your injuries actually warrant.

What to Do at the Scene and in the Hours After

The actions taken immediately after a hit-and-run significantly shape the outcome of any subsequent claim. The evidence that exists at the crash scene won't exist for long.

Call law enforcement immediately. Georgia requires a police report when injury or significant property damage occurs, and the report documents the time, location, and circumstances of the crash in a way that becomes foundational to a UM claim. Officers can also access traffic camera footage, contact nearby businesses for surveillance video, and take witness statements on the scene.

Take photographs of everything. Your vehicle damage, the roadway, any debris, nearby business signs (which will help establish exactly where the crash occurred), and any physical evidence the fleeing vehicle left behind, including paint transfer, tire marks, broken glass, or plastic trim, all belong in your documentation.

A dashcam that was recording at the time of the crash may have captured the other vehicle's make, color, or partial plate, which can make the difference between an unidentified and an identified defendant.

Documenting Your Injuries When There's No Adverse Driver to Negotiate With

One challenge that's specific to hit-and-run claims is that your own insurer is the entity responsible for paying, which creates a financial conflict of interest that can make them reluctant to pay the full value of your claim. Delayed injury symptoms are common after car accidents, and a UM carrier may try to argue that symptoms appearing days or weeks after the crash weren't caused by the hit-and-run.

Getting evaluated at a hospital or urgent care facility immediately after the crash, following through on all recommended treatment, and creating a documented record of your injuries from day one is critical in these cases. Pain and suffering in a hit-and-run case is calculated the same way it would be in a standard crash claim, but you need the documentation to support it when your own insurer challenges it.

Comparative negligence arguments can arise even in a hit-and-run claim. If your insurer can argue you were partially at fault for the crash (failing to maintain your lane, following too closely, or similar), they may try to reduce the compensation they owe.

What If the Driver Is Eventually Identified?

Sometimes the driver who fled is identified days or weeks after a crash through surveillance footage, witness tips, or law enforcement investigation. When that happens, the case changes. You now have an identified defendant who can be sued directly, and the at-fault driver's own insurance policy may come into play.

Our attorneys handle the transition between an unidentified UM claim and a direct negligence claim against an identified defendant. If we've already done the investigative groundwork, that transition is faster and more complete than starting from scratch.

With over $1 billion recovered for Georgia injury victims, our firm has handled enough hit-and-run cases to know which insurers fight hardest on phantom vehicle claims and how to counter those moves. We also represent families in cases where the hit-and-run involved a pedestrian.

Stacking Uninsured Motorist Coverage After A Georgia Hit-And-Run

Your UM coverage doesn't function like a passive safety net that simply pays what you're owed. It functions like a second insurer with its own interests in minimizing payment, and it's managed by a company that already knows your policy inside and out.

If you've been hurt in a hit-and-run car accident in Georgia, contact us online or call 1-800-898-HAYS. Our Georgia car accident lawyers will review your coverage, walk you through your options, and make sure you're not leaving money on the table by accepting an early UM settlement that doesn't reflect what the crash actually cost you.

There's no cost and no obligation to reach out to us. We handle hit-and-run cases on a contingency fee basis, meaning our compensation comes from the recovery we win on your behalf, not from your wallet.