

How Road Rage Can Change a Car Accident Injury Claim in Georgia

When Another Driver Acts Out of Anger, Fault, Insurance, and Damages Can All Shift

Road rage turns an ordinary wreck into a different kind of case. When another driver tailgates, brake-checks, or swerves at you on purpose, the [car accident claim](#) that follows can involve criminal charges, an insurance company looking for a reason not to pay, and punitive damages that a typical negligence case never reaches.

At [Gary Martin Hays & Associates](#), our Georgia car accident lawyers look at road rage crashes from both sides: what the other driver's intent adds to your case, and what the insurance company may try to take away because of it.

Immediate Steps

- **Put Distance Between You** – Stay in your locked car or drive to a busy, public place instead of getting out to confront the other driver.
- **Call 911** – A police report supports both the criminal case and your injury claim, and Georgia's crime victim compensation program generally requires a report within 72 hours.
- **Get Checked Out** – See a doctor the same day if you can, because adrenaline after a confrontation can mask pain from whiplash, concussions, and other injuries.
- **Save the Video** – Keep your dashcam and phone footage, and ask nearby businesses and homeowners to preserve their camera recordings before they're recorded over.
- **Notify Your Own Insurer** – Report the crash to your own company promptly, since your uninsured motorist coverage may be the policy that ends up paying.

What Does Georgia Law Consider Road Rage?

Georgia doesn't use the term "road rage" in its traffic code, but it does make aggressive driving a crime. Under [O.C.G.A. § 40-6-397](#), a driver commits aggressive driving by operating a vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person.

That offense is a misdemeanor of a high and aggravated nature, which carries stiffer penalties than a routine traffic ticket. The key word is intent. Tailgating or speeding by itself is usually treated as negligence or [reckless driving](#), but doing it to scare or punish another driver is something more.

When a driver uses the vehicle as a weapon, prosecutors can go further. Georgia's [aggravated assault statute](#) covers assaults with any object that, used offensively, is likely to cause or does cause serious bodily injury, and a car can fit that description.

This isn't a rare problem. In the AAA Foundation for Traffic Safety's [2025 survey on aggressive driving and road rage](#), 96% of drivers reported at least one aggressive or road rage behavior in the past year, and 11% reported violent behaviors.

How Road Rage Changes Who's at Fault

Georgia follows modified comparative fault. Under [O.C.G.A. § 51-12-33](#), your damages are reduced by your share of the fault, and you can't recover anything if you're found 50% or more responsible.

That rule matters in road rage cases because the other side will look for any sign that you escalated the confrontation. Honking back, gesturing, speeding up to block the other car, or following the driver after the first incident can all be used to shift part of the blame to you.

Road rage evidence can also flip the usual assumptions about a crash. In most rear-end collisions, the rear driver is blamed for [following too closely](#). When the front driver slammed on the brakes on purpose to punish a perceived slight, video and witness accounts can shift fault to the driver who brake-checked.

That's why [fault in a Georgia rear-end collision](#) can be less simple than it looks when road rage is involved.

Why the Other Driver's Insurance Company May Refuse to Pay

Here's the twist most people don't expect. The more clearly you prove the other driver acted on purpose, the more likely that driver's own insurance company is to deny the claim.

Most auto liability policies exclude injuries the insured intended or expected to cause. Georgia courts enforce that exclusion when the injured person has access to uninsured motorist coverage, as the Court of Appeals held in [Auto-Owners Ins. Co. v. Jackson](#), a case in which a driver deliberately rammed another car.

For that reason, road rage claims are often framed so the other driver's conduct can be treated as negligent or reckless as well as intentional. A lawyer has to weigh how the evidence of intent helps on punitive damages against how it could affect the liability policy.

Your Own Uninsured Motorist Coverage Can Step In

If the at-fault driver's insurer denies coverage, the driver may be treated as uninsured. Georgia's uninsured motorist statute, [O.C.G.A. § 33-7-11](#), defines an uninsured motor vehicle to include one whose liability insurer has legally denied coverage under its policy.

In practice, your own [uninsured and underinsured motorist coverage](#) can become the main source of recovery after a deliberate crash, if you carry it and the claim fits the policy. That's also why prompt notice to your own insurer matters.

Auto coverage has a limit, though. It generally applies to injuries that arise from the use of a vehicle. In [Rustin v. State Farm](#), the Supreme Court of Georgia held that a fatal shooting after

both drivers stopped and got out didn't result from the use of the shooter's car, which only carried him to the scene.

The type of road rage conduct can change the whole picture of a claim:

What the Other Driver Did	How Fault Usually Looks	Where the Money May Come From	Punitive Damages
Tailgated or sped out of anger and caused a crash	Negligence or recklessness	The other driver's liability policy	Possible with clear and convincing evidence of conscious indifference, generally capped at \$250,000
Brake-checked you into a rear-end collision	Fault can shift to the driver who brake-checked	That driver's liability policy, unless the insurer claims an intentional act	Possible, and uncapped if the driver specifically intended to cause harm
Deliberately rammed you or ran you off the road	Intentional act	The liability insurer may deny coverage, and your uninsured motorist coverage may apply	No cap against the driver if specific intent to cause harm is proven
Attacked you after both cars stopped	Intentional assault	Auto coverage may not apply because the injury didn't arise from vehicle use	No cap against the attacker if specific intent to cause harm is proven

Can You Recover Punitive Damages After a Road Rage Crash?

Sometimes, yes. Under [O.C.G.A. § 51-12-5.1](#), punitive damages require clear and convincing evidence of willful misconduct, malice, wantonness, or an "entire want of care" that raises a presumption of conscious indifference to consequences.

In most Georgia cases, punitive damages are capped at \$250,000. The cap doesn't apply when the defendant acted with the specific intent to cause harm, and a driver who deliberately rammed another car can fall into that category.

That uncapped exposure falls only on the active wrongdoer, not on other defendants. Punitive damages also aren't automatic, which is why [punitive damages in a car wreck case](#) depend on building the record of what the other driver did and why.

How a Criminal Case Can Help or Complicate Your Claim

A criminal charge against the other driver doesn't decide your civil case, and a conviction doesn't automatically establish civil liability. The criminal case can still produce valuable evidence, including the police report, 911 audio, body camera footage, and witness statements.

How the driver resolves the charge matters too. A plea of nolo contendere, or no contest, can't be used against the driver in another proceeding as an admission of guilt under [O.C.G.A. § 17-7-95](#), so a no-contest plea to aggressive driving won't prove fault in your injury case by itself.

Timing also works differently when a crime is involved. Georgia's usual deadline for an injury lawsuit is two years under [O.C.G.A. § 9-3-33](#), but [O.C.G.A. § 9-3-99](#) can pause that clock for a crime victim's tort claim while the prosecution is pending, for up to six years.

Don't count on that pause without legal advice. Insurance policies have their own notice requirements, and knowing [how to file a personal injury lawsuit in Georgia](#) on time protects your claim no matter how the criminal case moves.

Suppose a driver on I-285 cuts off another motorist, who honks her horn and throws her hands up in frustration. The first driver responds by brake-checking her twice, then swerves into her lane and forces her car into the median wall, leaving her with a fractured wrist and a concussion.

The other driver's insurer might deny the claim as intentional, and he might plead no contest to aggressive driving. Her dashcam video and another motorist's witness statement could still support a claim through her own uninsured motorist coverage, along with a claim for uncapped punitive damages against the driver personally. Crashes like this are common on crowded [Atlanta highways](#).

Another Source of Help for Road Rage Victims

Because road rage is often a crime, some victims can also turn to the [Georgia Crime Victims Compensation Program](#). It can pay up to \$25,000 per victim for costs such as medical bills and lost wages, and it covers vehicle-related crimes including serious injury by vehicle.

The program generally requires that the crime be reported within 72 hours, and applications for crimes after July 1, 2014 must be filed within three years. It's not a substitute for an injury claim, but it can help while the insurance side of the case plays out.

What To Do When Another Driver's Anger Becomes Your Injury

A road rage crash can leave you dealing with a criminal case you didn't ask for, an insurer that points to its intentional-acts exclusion, and injuries that change how you drive and live. The [biggest mistake after a car accident](#) is settling before you understand every policy and claim that might apply.

Our team can track down any available video, sort out which insurance applies, and pursue every available source of recovery. [Talk with us about your road rage crash](#) and the options that may be open to you. The consultation is free, and there's no fee unless we win.