Who's at Fault When a Car Pulls Out of a Driveway Into Traffic in Georgia?

Georgia Law Puts the Duty to Yield on the Driver Leaving the Driveway, but Insurers Still Look for Ways to Share the Blame

When a car pulls out of a driveway into traffic and causes a crash in Georgia, the driver leaving the driveway is usually at fault. State law requires anyone entering a road from a driveway, parking lot, or other private property to yield to every vehicle already on the road. In a Georgia car accident claim, that rule gives the driver who had the right of way a strong starting point.

Nathaniel Brazier learned how fast these crashes happen when a car pulled out in front of him with no warning. "It was a pretty serious accident. My car ended up being totaled. We got rushed to the emergency room," he said.

Our Georgia car accident lawyers at Gary Martin Hays, LLC handle driveway and parking lot exit crashes across metro Atlanta. We move quickly to preserve the video, vehicle data, and witness accounts that show who had the right of way.

At a Glance

- **The Duty to Yield Is Clear** – Under Georgia law, a driver entering the road from a driveway must yield to all approaching traffic.
- **Fault Can Still Be Shared** – The insurer may argue the driver on the road was speeding or distracted, which can reduce compensation under Georgia's comparative fault rule.
- **The 50 Percent Line Matters** – An injured person found 50 percent or more at fault can't recover anything in Georgia.
- **Video Often Decides These Cases** – Doorbell cameras, business security systems, and dashcams frequently capture driveway crashes, but footage can be erased quickly.
- **Side Impacts Can Cause Serious Injuries** – A car pulling out often strikes or is struck on the side, where there's less protection for the people inside.

What Georgia Law Says About Pulling Out of a Driveway

The rule is short and direct. Under O.C.G.A. § 40-6-73, a driver about to enter or cross a roadway "from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed."

That covers far more than home driveways. It applies to drivers leaving shopping centers, gas stations, fast food lots, apartment complexes, and office parks. It also applies to a driver crossing all lanes to turn left out of a driveway, which is one of the most dangerous moves on a busy road.

Yielding means more than glancing before pulling out. The driver has to wait until it's reasonably safe, which includes judging the speed of approaching cars. Pulling out in front of a car that's too close to stop is a failure to yield, even if the exiting driver did stop first.

Can the Driver on the Road Share the Blame?

Yes, and insurers for the exiting driver often try. Georgia follows a modified comparative fault rule under O.C.G.A. § 51-12-33. An injured person's damages are reduced by their share of fault, and someone who is 50 percent or more at fault can't recover at all.

That gives the insurer a reason to look for anything the driver on the road might have done wrong. The table below shows arguments that come up in driveway crashes and the kind of evidence that can answer them.

What the Insurer May Argue	Why It Matters	Evidence That Can Respond
The driver on the road was speeding	Speed can affect whether a crash was avoidable	Event data recorder downloads, video timing, and crush analysis
The driver on the road was distracted	Distraction can shift part of the fault	Phone records, witness accounts, and braking data
The exiting driver's view was blocked	A blocked view doesn't excuse a failure to yield	Scene photos showing parked cars, shrubs, or signs
The exiting driver was "already in the lane"	Partially entering the road doesn't create a right of way	Video and damage location on both vehicles
The injured driver should have swerved	Drivers aren't expected to avoid every sudden hazard	Reaction time analysis and the distance between the cars

A blocked view is a common defense, but it often works against the exiting driver. A driver who can't see oncoming traffic has to inch out carefully or choose another exit, not pull into a lane and hope for the best.

Why Driveway Crashes Cause Serious Injuries

A car pulling out of a driveway often crosses directly in front of traffic moving at full speed. The driver on the road may have a second or less to react. That often leads to a front-end collision for the driver on the road, and a broadside hit for the car that pulled out.

Side-impact collisions are especially dangerous for anyone sitting on the struck side, because a door offers little space to absorb the force. Passengers in the exiting car can be hurt as badly as anyone else, and they may have a claim against their own driver.

Evidence That Can Disappear After a Driveway Crash

Many driveway crashes happen in front of homes and businesses with cameras. That's a major advantage, but only if the footage is saved. Some systems record over themselves within days.

- **Doorbell and Home Security Video** – Cameras on nearby homes may show the exiting car's movement and how much time it had to see traffic.
- **Business Security Footage** – Shopping centers and gas stations often have cameras covering their exits and the road.
- **Vehicle Event Data** – Many vehicles store speed and braking data from the seconds before impact, which can answer a speeding argument.
- **Statements From Witnesses** – Other drivers and pedestrians can confirm who pulled out and whether the car on the road had time to stop.

An early letter asking a property owner to keep footage can make the difference. Who's at fault when a car pulls out in front of you often comes down to what a camera recorded in a few seconds.

A Hypothetical Crash Outside a Shopping Center

Take the case of a commuter driving south on Buford Highway in Doraville at the speed limit. An SUV leaves a strip mall lot, turns left across all lanes, and stops in his path. He brakes hard but hits the SUV's passenger side, breaking his wrist and injuring his neck.

The SUV driver's insurer says he was speeding and could have stopped. His lawyers could request the strip mall's security video and download his car's event data. If both show he was at the limit and braking within a second, that evidence could defeat the speeding argument and leave fault where Georgia law puts it.

The Right of Way Belongs to the Driver on the Road

A driveway crash can feel random, but the law is clear about who has to wait. The challenge is protecting that rule against an insurer looking for a reason to split the blame. For Nathaniel Brazier, having a firm handle that fight made the difference. "I didn't have to stress about anything," he said. "All I had to do is give them one call and everything was taken care of."

Were you hit by a car pulling out of a driveway or parking lot? Get in touch with our firm to talk about your next steps. With our No Fee Guarantee, you won't pay anything unless we win, and we can start working to save video and other evidence right away.