Should You File an Injury Claim Against a Friend or Family Member Who Was Driving in Georgia?

Why a Claim Against Someone You Care About Is Usually a Claim Against Their Insurance Company

Filing an injury claim against a friend or family member who was driving often feels wrong, but in Georgia it's usually the only way to get medical bills and lost wages covered. The claim is generally made against the driver's auto insurance, not paid out of the driver's own pocket. Liability coverage exists for exactly this situation. A passenger injury claim lets the insurer the driver paid premiums to do its job.

Angel Llerena was riding with a friend who took a curve too fast. "He is unfortunately driving a little bit too fast, takes a curve, loses control, actually flips a couple times," Angel said. "I had to get stitches and various MRI scans."

At Gary Martin Hays, LLC, our Georgia passenger injury attorneys handle these claims with care for the relationship. We deal with the insurance company directly, so the injured person doesn't have to argue with a friend, parent, or spouse about money.

Key Takeaways

- **The Insurer Usually Pays, Not the Driver** – Liability coverage pays for injuries the policyholder's driving causes, including injuries to friends riding along.
- **Family Exclusions Have Limits** – Georgia courts have held that household exclusions are void at least up to the state's required minimum coverage.
- **Spouses and Children Face Special Rules** – Georgia still recognizes interspousal and parental immunity, though each has exceptions.
- **Your Own Policy May Help** – Uninsured and underinsured motorist coverage on your own policy may pay when the driver's limits fall short.
- **The Deadline Doesn't Wait for Family Peace** – Most injury lawsuits must be filed within two years, even when the claim is against someone you love.

Who Actually Pays When You Claim Against a Friend?

In most cases, the driver's auto insurance company pays, up to the policy limits. The insurer also provides a lawyer to defend the driver if a lawsuit is filed. For the friend or relative behind the wheel, the claim usually means a call from their insurer, not a bill.

Problems arise when the injuries are larger than the coverage. A claim that exceeds the policy limits can expose the driver to personal liability. That's why the passenger's own uninsured and

underinsured motorist coverage often matters. Under O.C.G.A. § 33-7-11, that coverage can pay for injuries beyond what the at-fault driver's insurance covers, depending on the policy.

Passengers don't always realize they may have claims against more than one driver. If another vehicle helped cause the crash, a passenger injury claim can be more complicated than people assume, with fault and coverage spread across several policies.

What If the Driver Is a Family Member in Your Household?

Some auto policies include a family or household exclusion. It tries to deny liability coverage for injuries to relatives who live with the policyholder. The Supreme Court of Georgia limited those exclusions in *Stepho v. Allstate Insurance Co.*.

The court held that a family exclusion is void as against public policy, at least up to the minimum liability coverage Georgia law requires. In practice, a relative injured by a household member's driving may still be able to recover at least the minimum amount. Coverage above that depends on the policy language.

Can You Bring a Claim Against Your Spouse or Parent?

Spouses and parents raise separate legal issues. Georgia keeps the doctrine of interspousal tort immunity under O.C.G.A. § 19-3-8, which can bar one spouse from suing the other. The Supreme Court of Georgia held in *Harris v. Harris* that the immunity doesn't apply when its purposes are absent, such as when there's no marital harmony left to protect and no risk of collusion.

Children face a similar rule. In *Donegan v. Davis*, the Georgia Court of Appeals held that parental immunity barred an unemancipated minor's simple negligence claim against a parent. These rules don't always end the case, though. A child hurt in a crash caused by another driver still has a claim against that driver, and coverage on other policies may apply.

When one crash injures several people in your family, these issues can stack up. Each person's relationship to the driver, and each policy involved, can lead to a different answer.

How the Relationship to the Driver Can Change the Claim

Every case depends on the policy language and the facts. The table below shows how common relationships tend to affect a passenger's claim in Georgia.

Driver's Relationship to You	Main Legal Issue	What It Can Mean for the Claim
Friend or Coworker	Ordinary negligence	Usually a standard claim against the driver's liability insurance

Driver's Relationship to You	Main Legal Issue	What It Can Mean for the Claim
Relative Who Lives With You	Possible household exclusion	At least the state minimum may be available under Stepho
Relative Who Lives Elsewhere	Ordinary negligence	Usually treated like any other liability claim
Spouse	Interspousal immunity	May be barred unless an exception applies
Parent, When the Child Is a Minor	Parental immunity	A simple negligence claim against the parent is generally barred
Borrowed Car Owner	Policy permission and coverage	The car owner's policy may cover a permitted driver

Ownership adds another layer. When the driver was using someone else's car, the vehicle owner's liability for a family driver and the owner's insurance policy may come into play.

Protecting the Relationship While Protecting Your Health

Many injured passengers worry that a claim will end a friendship or split a family. Those feelings are understandable. Still, skipping a claim can mean paying for surgery, scans, and missed work out of your own pocket while the insurance paid for by the driver goes unused.

A few practical steps can help. Let the insurer and the lawyers handle the details. Avoid discussing fault or settlement numbers with the driver, since those conversations can be repeated in the claim. And remember that the driver's insurer is the one deciding what to pay, not the person who was behind the wheel.

A Hypothetical Ride Home That Ends in a Rollover

Here's a hypothetical scenario that shows how this plays out. Two college roommates are driving back to Athens late at night. The driver takes a curve too fast on a rural road, and the car rolls into a ditch. The passenger suffers a fractured collarbone and a concussion.

The passenger's medical bills climb past $40,000. A claim against the driver's liability policy could cover those bills and lost wages from a part-time job. If the driver carries only minimum limits, the passenger's own underinsured motorist coverage could add more. The driver may never pay a dollar personally, and the friendship doesn't have to be part of the negotiation. Rollover crashes often cause injuries that cost more than people expect.

Getting Care Shouldn’t Cost You the Relationship

Angel described the process in a few words. “They made it a seamless process for me. I was very happy with the settlement,” he said. That’s often the goal in a claim involving someone you know: fair compensation with as little strain on the relationship as possible.

Hurt while riding with a friend or relative? Call or message our office to get answers about your claim. With our No Fee Guarantee, you won’t pay anything unless we win, and we’ll handle the insurer so you don’t have to.