

[Unraveling Drunk Driving Liability](#)

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In the state of Georgia, driving under the influence presents a severe threat to the safety of all motorists. When faced with a car accident involving an intoxicated driver, the situation can evoke a range of emotions, from anger to despair. It is crucial to understand that Georgia follows an at-fault system, wherein the responsible party is legally obligated to cover the resulting damages. Importantly, there is no requirement to provide explicit evidence demonstrating that the other driver was under the influence or acted recklessly or negligently, leading to the accident. While it is commonly assumed that a drunk driver is automatically assigned blame in such situations, it is imperative to recognize that this assumption does not always align with reality.



Distinguishing Fault from Criminal Liability

Driving under the influence of drugs or alcohol constitutes a serious criminal offense and poses a significant risk to lives. It can be perplexing to comprehend that a driver may face arrest, charges, and conviction, yet still evade responsibility in civil court for an accident. When pursuing an insurance claim or personal injury case, it becomes essential to provide substantial evidence that establishes the intoxicated driver as the primary cause of the accident. There are instances where a drunk driver's actions may closely resemble those of a sober individual at the time of impact. Insurance companies often strive to evade financial liability, underscoring the necessity of seeking the guidance of a skilled attorney specializing in cases involving accidents caused by drunken driving. With the expertise of a seasoned legal professional, you can diligently pursue the rightful compensation you deserve.

Often, proving fault can be more challenging than establishing the presence of intoxication. According to state law, it is illegal to operate a vehicle if:

- The driver has a blood alcohol content (BAC) of 0.08% or higher;
 - The driver of a commercial vehicle has a blood alcohol concentration of 0.04% or higher;
 - The driver's BAC was 0.02% or higher, and they are under 21 years of age;
 - The driver had drugs, alcohol, or controlled substances present in their system;
 - After undergoing a chemical test, the driver was found to have any amount of illegal drugs, such as marijuana.
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Securing a conviction can establish that the driver was under the influence and partially responsible for the accident. However, you and your attorney still need to prove that the accident was directly caused by the driver's intoxication.

Assessing Fault in Drunk Driving Accidents

To demonstrate the drunk driver's liability for the damages in the accident, you must establish negligence. Examples of actions that can prove negligence include traffic infractions, swerving, speeding, or aggressive driving. Such actions indicate a failure to adhere to the duty of care expected of drivers.

Furthermore, it is essential to prove that the drunk driver's actions directly caused the accident. Even if they were sober, the other driver might have violated traffic rules, which could have resulted in the collision, despite the intoxicated driver's reckless behavior. In such cases, if the drunk driver was driving negligently, they would not be held entirely liable.

Understanding Comparative Fault in Drunk Driving Claims

It is possible for a driver to incorrectly assume that the other driver is solely responsible for an accident merely because they were drunk. Comparative fault comes into play when both parties share partial blame for the accident. The insurance company or the injured party may be found partially at fault if they acted negligently or contributed to the accident in any way. Consequently, the compensation awarded in a personal injury or insurance claim will be reduced proportionally based on the percentage of fault assigned to each party.

Talk to an ATLINJ Georgia Lawyer

ATLINJ Georgia's lawyers can be instrumental in successfully navigating the claims process. From determining eligibility and collecting evidence to negotiating with insurers and appealing denied claims, an experienced attorney can maximize your benefits and provide the support you need. By alleviating the legal burden, they allow you to focus on your recovery and secure the compensation you deserve.

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