What Happens If You're Injured by a Driver Fleeing From Police in Texas?

The Fleeing Driver, Your Own Insurance, and Sometimes the City May Have to Pay

A driver fleeing from police in Texas will often run red lights, speed through intersections, and swerve across lanes. When the chase ends in a car accident, innocent people often get hurt. They may be drivers, passengers, or pedestrians who had nothing to do with the pursuit. Many of them are left wondering who will pay their medical bills and replace their lost income.

These crashes happen more often than most people realize. The U.S. Bureau of Justice Statistics (BJS) studied two decades of federal crash data. BJS found that pursuit-related crashes killed an average of about 355 people a year. That's about one person per day. About a third of those killed were in uninvolved vehicles or were bystanders outside any vehicle.

The Houston auto accident team at Smith & Hassler helps people hurt by reckless drivers find every source of compensation. That includes crashes where the driver was running from police and crashes where the driver disappeared, much like hit-and-run collisions. Compensation after a police chase crash may come from the fleeing driver, your own insurance, or even the city.

Quick Facts

- **Fleeing Police Is a Felony** – Using a vehicle to flee from an officer is a felony under Texas law, and that crime can support your injury claim.
- **Stolen Cars Create Coverage Gaps** – An owner's policy generally covers only drivers with permission, so a car thief may leave no liability coverage to tap.
- **Claims Against a City Are Limited** – Officers responding to emergencies are generally protected unless they acted recklessly, and city payments are capped at $250,000 per person.
- **Unknown Drivers Require Contact** – Uninsured motorist coverage for an unidentified driver requires proof that the fleeing car physically hit you or your vehicle.
- **City Claims Need Fast Notice** – A claim against a Texas city or county generally requires written notice within six months of the crash.

Can You Sue a Driver Who Fled From Police in Texas?

Yes, you can usually sue a driver who fled from police in Texas. The fleeing driver is often the person most responsible (liable) for your injuries. That driver chose to break the law and put everyone on the road at risk. Texas law treats using a vehicle to flee from a police officer as a felony (a serious crime). That crime can become key evidence in your injury claim.

Your injury claim doesn't depend on the outcome of the criminal case. A criminal case punishes the driver for breaking the law. A civil claim (a separate case to recover money for your losses) focuses on what the crash cost you. You can pursue compensation even if the criminal case is still pending or ends without a conviction (a finding of guilt).

Fleeing police at high speed may also count as gross negligence (knowing about an extreme risk and going ahead anyway). A jury can award extra money meant to punish a wrongdoer for gross negligence. Before a jury can make that award, Texas law requires clear and convincing evidence. That means much stronger proof than most civil cases require. Proving gross negligence takes careful work.

How Can Traffic Violations Prove a Fleeing Driver Caused Your Crash?

Breaking a traffic law can help prove carelessness. Texas courts recognize negligence per se (a rule that treats breaking a law meant to protect the public as proof of fault). Common chase behaviors that can support this kind of claim include:

- **Speeding** – Drivers may not go faster than is reasonable and safe for the conditions.
- **Running Red Lights** – Drivers must stop at a steady red light and stay stopped until it's safe and legal to go.
- **Reckless Driving** – Texas makes it a crime to drive with willful or wanton disregard (deliberately ignoring an obvious danger) for the safety of others.
- **Driving on the Wrong Side of the Road** – Drivers generally must stay on the right half of the roadway.
- **Leaving the Scene** – A driver involved in a crash that injures someone must stop and help.

Police reports and video often document these violations during a chase. Each one can strengthen the case that the fleeing driver caused your crash. Proof of these violations can also help you push back if an insurance company tries to blame you or another driver. We gather the records that show which laws the driver broke.

Will the Fleeing Driver's Insurance Company Pay for Your Injuries?

If the fleeing driver had auto insurance, start with the liability coverage. This is the part of a policy that pays for harm the driver causes others. Texas requires drivers to carry at least $30,000 in bodily injury coverage per person. A serious crash can use up that amount quickly, especially when surgery or a long hospital stay is involved.

Many fleeing drivers have no insurance at all. Others are driving a stolen car. An owner's policy must cover people who drive the vehicle with the owner's permission. A car thief doesn't have that permission. As a result, the owner's insurance company may refuse to pay for a crash caused by a car thief.

Insurance companies may also argue that a policy doesn't cover crashes that happen during a crime. Whether that argument works often depends on the exact policy language. Never give a

recorded statement to the fleeing driver's insurance company or trust it to treat you fairly. Refer every call from that company to your lawyer instead.

Can the Police Department Be Held Responsible for a Chase Crash?

Sometimes the officer's driving plays a role in the crash. Cities and counties are usually protected by governmental immunity (a legal rule that shields the government from most lawsuits). However, the Texas Tort Claims Act allows some claims when a government employee's driving causes an injury. Police chase claims face extra hurdles.

The same law has an exception for emergency responses that generally protects the government when an officer is answering an emergency call. Victims usually must show the officer acted with conscious indifference or reckless disregard (knowing the risk was serious and ignoring it). In City of San Antonio v. Maspero, the Supreme Court of Texas ruled that breaking department chase policies wasn't enough on its own to support a claim.

Even during an emergency, officers still have a duty to drive with appropriate regard for everyone's safety. Claims against the government also come with payment limits. For a city, bodily injury damages are generally capped at $250,000 per person. The cap is $500,000 per incident. Similar limits apply to crashes involving other emergency vehicles.

What Evidence Can Prove What Happened During a Police Chase?

Police chases often leave behind more records than a typical crash. Some of this evidence belongs to government agencies. It may be lost or recorded over if no one asks for it. Important sources of evidence can include:

- **Dash Camera and Body Camera Video** – Officers' cameras may show the fleeing driver's speed, path, and actions in the moments before the crash.
- **Radio and Dispatch Recordings** – These recordings can reveal when the chase started, how fast it moved, and whether supervisors told officers to stop.
- **Police Pursuit Reports** – Departments often document chases in writing, which may explain why officers started or continued the pursuit.
- **Traffic and Business Cameras** – Nearby cameras may have captured the crash from a different angle than police video.
- **Vehicle Data Recorders** – Many vehicles store speed and braking data that can show what happened in the final seconds before impact.

Getting this evidence quickly can make a real difference in your case. Some recordings may only be kept for a limited time. We send preservation requests and ask agencies for police files right away. That evidence can help show who caused the crash and whether more than one party should share responsibility.

What Happens If the Fleeing Driver Is Never Caught?

Some fleeing drivers crash into a victim and keep going. Others abandon the car and run away on foot. If no one ever identifies the driver, you may still have options through your own auto policy. Uninsured motorist coverage (insurance that protects you from drivers with no insurance) may cover crashes caused by unknown drivers.

Texas law adds an important condition. When the at-fault driver is unknown, this coverage requires actual physical contact. The unknown driver's vehicle must have touched you or your vehicle. If the fleeing car forced you off the road without touching you, your insurance company may deny the claim. Proving contact can become the central issue.

Police reports, witness statements, and video can help prove that the fleeing car hit you. Even when police identify the driver later, that driver often has no insurance. Texas insurance companies must offer uninsured motorist coverage with every auto policy. Unless you rejected it in writing, that coverage may protect you either way.

Where Else Can You Find Compensation After a Police Chase Crash?

A single insurance policy rarely covers the full cost of a serious chase crash. Your lawyer may look at several other sources to close the gap between your losses and the money available. These sources can include:

- **Personal Injury Protection (PIP)** – This part of your own auto policy pays medical bills and some lost income, no matter who caused the crash.
- **Underinsured Motorist Coverage** – If the fleeing driver had some insurance but not enough, this coverage on your own policy may pay the difference.
- **Crime Victims' Compensation** – Victims may qualify for help from a state fund when the driver committed certain crimes. Examples include reckless driving and leaving the scene.
- **Other Negligent Drivers** – In multiple-vehicle crashes, another driver who was speeding or distracted may share responsibility for your injuries.
- **Health Insurance** – Your health plan may pay medical bills up front. It may later seek repayment from any settlement (an agreement to resolve your claim for a set amount of money).

Each source has its own rules, deadlines, and limits. Some programs may only pay after other sources have paid first. We work through these sources in the right order so you don't leave money on the table. Using these sources in the wrong order can leave you paying bills that someone else should have covered.

How Long Do You Have to File a Claim After a Police Chase Crash?

In most cases, you have two years to file a personal injury lawsuit in Texas. That may sound like plenty of time. However, building a strong case against a fleeing driver can take months of investigation. The work takes even longer when the driver's identity is unknown.

A claim against a city or county runs on a much faster clock. The government must receive written notice within six months of the crash. A city's charter (its governing document) may require notice even sooner. Missing that deadline can end a claim against the government before it begins.

Your own insurance company may also expect prompt notice under your policy. Waiting too long to report the crash can give it a reason to question or deny your claim. We track every deadline that applies to your case, including ones you may not know exist.

How Can a Houston Car Accident Attorney Help After a Police Chase Crash?

Police chase crashes in Houston and across Texas can be some of the most complicated car accident cases. The fleeing driver may be uninsured, in jail, or never found. Government immunity rules, short notice deadlines, and insurance contact requirements can all affect your claim. If you make a recorded statement to the fleeing driver's insurance company, what you say can be used against you.

When a fleeing driver causes a crash, our attorneys move quickly to request police video, dispatch records, and crash reports. We track down every insurance policy that may apply, including your own uninsured motorist coverage. We also look at whether the officer's driving crossed the line into recklessness. Our goal is to recover full compensation for your injuries and losses.

If a driver fleeing from police hurt you or someone you love, contact us for a free consultation. You can review our case results to see the outcomes we have reached for injured Texans. We handle these cases on a contingency fee basis, so you pay nothing unless we win.