

Reckless and aggressive driving are responsible for a significant number of [accidents](#) across North Carolina every year, despite increasingly aggressive policing. For those who have been injured in accidents caused by aggressive or reckless driving, you may be entitled to compensation for your injuries and other losses. However, these cases have unique considerations that could impact how you proceed. To get the compensation you deserve, you should work with a North Carolina aggressive driving lawyer to make sure the other driver is held accountable.

What Constitutes Aggressive or Reckless Driving in North Carolina?

Under [North Carolina law](#), aggressive driving has two elements:

1. Driving at an excess rate of speed; and
2. Driving "carelessly and heedlessly in willful or wanton disregard of the rights or safety of others."

Excessive speeding is generally considered to be in excess of 15 miles per hour over the posted speed limit or at a speed of more than 80 miles per hour. However, speeding will be defined differently in different situations such as school zones or while pulling a trailer.

In order to prove aggressive driving, North Carolina goes on to note the prosecutor must prove that the driver committed two or more of the following offenses:

- Running a red light or stop sign
- Illegal passing
- Failing to yield the right of way
- Following too closely or tailgating

As you can see, aggressive driving is easier to prove in some cases than in others. Furthermore, proving aggressive driving in a prosecution is subject to different standards than in a civil claim. An experienced aggressive driving lawyer will be able to review your accident and determine whether aggressive or reckless driving played a role.

How a North Carolina Aggressive Driving Lawyer Can Help You Prove Your Case

A [personal injury case](#) arising from a car accident is a civil claim typically focuses on proving that the other driver was negligent. While accidents caused by aggressive driving seem like they may be straightforward, you still need to prove your case even if you don't plan to go to court. A North Carolina reckless driving attorney will be able to gather the evidence you need so that you can get fair compensation.

If the other driver was ticketed for and convicted of aggressive driving, it will obviously help you prove your claim. It can also be helpful if the other driver was ticketed for any traffic offense that caused your accident such as speeding or tailgating. Your attorney can use that, along with other evidence, to build a case that the other driver's reckless driving caused your accident. Your lawyer can also gather evidence from the following sources:

- Accident reports
- Traffic camera or dashcam footage
- Eye witness accounts
- Accident reconstructions

Of course, your own account of what happened is also important. Your attorney can help you sharpen your statement so that your version of the events that transpired is clear and convincing.

A North Carolina Aggressive Driving Lawyer Answers Your Questions About Accidents Caused by Reckless and Aggressive Driving

What difference does it make if my accident was caused by reckless or aggressive driving?

North Carolina allows accident victims to recover punitive damages in cases where the other driver acted with willful or wanton disregard for the safety of others. These damages can be significant - up to \$250,000 or three times your compensatory damages, whichever is greater. If you can prove that the other driver was driving recklessly, it could have a significant impact on the damages that are awarded to you.

The police did not give the other driver a ticket, do I still have a claim?

The fact that the other driver was not issued a citation does not mean you do not have a claim. The officer responding to the accident may have been focused on directing traffic or simply declined to issue a ticket. However, an experienced North Carolina reckless driving attorney can gather the evidence you need to prove that the other driver's reckless or aggressive driving caused your accident and should therefore be held liable.

The other driver is being prosecuted for aggressive or reckless driving. Do I still need to pursue a claim?

If you have been injured, your best chance of getting the compensation you deserve is to pursue a personal injury claim. Reckless or aggressive drivers are not typically ordered to pay for the other driver's damages except in egregious cases, and there are no guarantees that you will be fully compensated. Working with a North Carolina aggressive driving lawyer is the best way to take control of the situation.

Do I need to wait for the other driver to be convicted to pursue my claim?

Your accident claim is independent of whatever action the prosecutor may be taking against the other driver. A conviction can certainly help your case. The best thing to do is to contact a North Carolina reckless driving attorney right away so that they can formulate a strategy for pursuing your claim.

Contact a North Carolina Aggressive Driving Lawyer at Martin & Jones if You Have Been Injured By Someone Else's Reckless Driving

The bottom line is that reckless or aggressive driving is negligent driving. If you have been injured in a car accident caused by aggressive driving, you may be entitled to compensation for your medical bills, lost wages, pain and suffering, and other losses. At Martin & Jones, we believe that people should be held accountable when they cause harm to others. With 40 years of experience in handling car accident cases and other injury claims, we know how to get results when you need them most. To speak with a North Carolina reckless driving attorney about your case, call us today at 800-662-1234 or complete our [contact form](#) to schedule a free consultation. We serve clients throughout North Carolina from our offices in [Raleigh](#), [Durham](#), and [Wilmington](#).