

Compensation for a Passenger in a Texas Car Accident

San Antonio attorneys protecting the rights of injured passengers

Getting hurt while riding in someone else's vehicle can leave you with a lot of unanswered questions. You weren't driving, you didn't cause the [car accident](#), and now you're the one dealing with medical bills, missed time at work, and months of recovery.

Many people in this situation start with the same thought: "I was a passenger in a car accident. What now?" In Texas, the good news is that passengers often have more options for compensation than they realize. The challenge is knowing who's responsible, how insurance works, and what steps lead to the strongest claim.

What are my rights if I was a passenger in a car accident?

Passengers have strong protections under [Texas negligence laws](#). You didn't make any driving decisions, so you're almost never assigned fault. That means you can pursue compensation from any driver who played a role in causing the crash.

Texas is a fault-based state. Every driver owes a duty of care to the people in their vehicle and to everyone else on the road. When someone breaks that duty by speeding, texting behind the wheel, running a light, or driving under the influence, they can be held responsible for the harm they cause.

Because passengers typically carry no blame, insurance companies don't have many opportunities to argue that you "caused" your own injuries. The main factors that determine your compensation are the severity of your injuries, the amount of available insurance, and the number of negligent drivers involved.

If I'm a passenger in a car accident, who can I sue?

The answer depends on how the crash happened. Potentially liable parties include:

The other driver

If the other vehicle caused the wreck, you can file a claim against that driver's liability insurance. [Rear-end collisions](#), red-light crashes, [intersection collisions](#), and [speeding-related wrecks](#) often fall into this category. Evidence such as witness statements, dashcam footage, or [police reports](#) helps show who failed to follow traffic laws.

The driver of the vehicle you were in

Many passengers hesitate to file a claim against the driver they were riding with, especially if it was a friend or family member. It's important to understand that you're pursuing compensation

through insurance, not taking money from someone personally. This is why liability policies exist. If your driver was speeding, distracted, impaired, or simply careless, you have every right to pursue a claim.

Both drivers

Texas allows fault to be divided between multiple drivers. In two-car crashes, it's common for both drivers to be partially responsible. As a passenger, you can recover from both insurance companies, which increases the total money available to you.

Rideshare drivers

If you were riding in an [Uber or Lyft](#), different insurance rules apply depending on whether the driver was logged into the app or carrying a passenger. Once the driver accepts a ride or has a passenger onboard, a \$1 million liability policy is typically in effect.

Commercial drivers

Collisions involving large commercial vehicles, box trucks, delivery vans, or company cars may open the door to commercial insurance policies with much higher limits.

Government vehicles

If the crash involved a city bus, police cruiser, or road maintenance truck, a claim may be possible under the [Texas Tort Claims Act](#). You must notify the government entity in writing within six months of the crash, and sometimes within as little as 30 to 90 days. After giving proper notice, you generally have two years from the crash date to file a lawsuit.

What types of compensation can a passenger recover?

Texas law allows injured passengers to recover a wide range of damages. These typically include:

- **Medical expenses:** This covers emergency room visits, hospital care, surgery, medication, physical therapy, chiropractic treatment, and future medical needs. Even if your health insurance pays part of the bill, you can still recover the full cost of your care.
- **Lost income:** If your injuries kept you from working, you can claim your lost wages. Severe injuries may also impact your long-term earning ability, which can significantly increase the value of your case.
- **Pain and suffering:** This includes physical pain, emotional distress, trauma, anxiety, sleep problems, and reduced quality of life. These non-economic damages are often substantial, especially when injuries require long recoveries.

- **Property losses:** Personal items such as phones, laptops, glasses, and child car seats can be included in your claim.
- **Wrongful death compensation:** If a passenger dies in the collision, eligible family members can pursue compensation for funeral costs, loss of companionship, and financial loss.

How much compensation can I get if I was a passenger in a car accident in Texas?

To find out how much money you're eligible for, you'll need to work with a San Antonio attorney who can act as a "passenger in a car accident settlement calculator." A lawyer can consider all economic and non-economic damages until you reach maximum medical improvement. This way, the insurance companies can't dictate how much your passenger injury claim is worth.

Actual results vary widely based on the facts of each case, but settlement values for injured passengers in Texas often fall in these categories:

- **\$15,000–\$40,000** for soft-tissue injuries such as whiplash or strains.
- **\$50,000–\$150,000** for moderate injuries requiring injections, extended therapy, or non-surgical treatment.
- **\$150,000–\$500,000** for severe injuries such as fractures, significant back injuries, or long recoveries.
- **\$500,000+** for catastrophic injuries, permanent disabilities, or wrongful death.

Crashes involving commercial trucks, multiple negligent drivers, or large insurance policies can result in even higher outcomes. If you were hit on the passenger side, rear, or front, your injuries may be even more severe and result in higher damages.

What if the at-fault driver has little or no insurance?

Texas drivers are required to carry liability insurance, but many carry only the minimum limits. Some carry none at all. If the driver responsible for the crash doesn't have enough coverage, you still have options.

Uninsured/underinsured motorist coverage may apply through the driver of your vehicle or through your own auto policy. These claims can be complicated, but they provide important protection when the at-fault driver is unable to cover your injuries.

Depending on the insurance involved, it may be possible to combine multiple UM/UIM policies to increase available compensation. If you were in an Uber or Lyft and the at-fault driver was uninsured, the rideshare company's UM/UIM policy often provides significant protection.

How does fault affect a passenger's compensation?

Passengers rarely share fault, but insurance companies sometimes try to assign blame to reduce your compensation. Texas uses a modified comparative negligence rule. As long as the passenger is less than 51 percent at fault, they can recover money. The most common blame-shifting arguments include:

- Not wearing a seatbelt
- Getting into a car with a driver who was clearly intoxicated
- Distracting the driver
- Exiting a vehicle unsafely

What should a passenger do after a Texas car accident?

A few steps can make a major difference in the strength of your claim. If you're a passenger hurt in a Texas car accident, here's what you should do:

- **Seek medical attention:** Get medical care immediately, even if symptoms seem minor at first. Some injuries take hours or days to appear, and early treatment creates a clear link between the crash and your condition.
- **Take pictures:** Photograph injuries, vehicles, debris and the scene. These images can help show how the crash happened and support your version of events if there is a dispute later.
- **Collect documentation:** Keep all medical records and receipts. Documentation from doctors, hospitals and pharmacies helps show the seriousness of your injuries and the cost of your care.
- **Track missed work and wage losses:** If the injury affects your ability to earn a living, written proof of those losses helps strengthen your compensation claim.
- **Seek legal help:** Avoid giving recorded statements to insurance adjusters. Adjusters often look for comments they can use to limit payouts, so it's best to speak with a lawyer first.
- **Keep evidence:** Save damaged property or clothing as evidence. These items can help demonstrate impact, injury severity, and how the crash occurred.

Talk with a Texas car accident lawyer today

If you were injured as a passenger in a car accident, the road ahead may feel overwhelming, but you don't have to walk it alone. [The Herrera Law Firm](#) has spent decades standing up for people in your exact situation. We make sure passengers get the protection and compensation they

deserve. When someone else's carelessness turned your day upside down, our team is ready to step in and help you regain control.

We dig deep into evidence, handle the paperwork and adjusters, and push back against insurance bad faith so you can focus on your recovery. Our law firm serves San Antonio, Bexar County, and the surrounding South Texas communities. With a free consultation and representation on a contingency fee basis, you pay nothing upfront, and we don't get paid unless we win.

[Contact us online](#) or call to book a free consultation. We'll take it from there and fight for the justice and compensation you're entitled to.