

CAN YOU SAVE A PARKING SPACE WITH YOUR BODY?

And What Happens If a Driver Hits You?

Information & Public-Safety Op-Ed

August 17, 2026

We have all seen some version of it.

A crowded parking lot. Cars circling. One empty space finally appears. Then, instead of another vehicle occupying it, a person walks into the space and announces:

"I'm saving this spot."

Maybe their spouse is coming around the corner. Maybe a friend is trying to turn around. Maybe they believe that because they reached the space first - on foot - the parking space belongs to them.

Then another driver approaches and wants the space.

Now a disagreement over a few feet of pavement has placed a human being directly in front of a motor vehicle.

So who is right? Can you legally reserve a parking space simply by standing in it? And if the driver keeps moving and hits you, does your decision to stand there make the collision your fault?

Standing in a Parking Space Does Not Necessarily Give You a Legal Right to It

There is no universal American rule establishing that a pedestrian who physically occupies an open parking space acquires a legally enforceable right to reserve that space for another vehicle.

The precise answer can depend on state law, municipal ordinances, traffic regulations, and whether the parking area is a public street, municipal lot, apartment complex, shopping center, workplace, or other private property.

Property owners may also establish their own parking rules.

That means a person should be extremely cautious about converting the familiar childhood principle of **"I got here first"** into a supposed legal entitlement.

A parking space is ordinarily intended for the parking of a vehicle. Standing in one may communicate what you want another driver to do, but it does not automatically create a legal right to force the driver to surrender the space.

What If the Driver Just Keeps Coming?

A pedestrian's questionable decision to stand in a parking space does **not** ordinarily give a motorist permission to strike that person.

There is an enormous legal and practical difference between **"That pedestrian shouldn't be standing there"** and **"Therefore, I can drive into them."**

A driver operating a motor vehicle generally has duties of reasonable care. Once the driver sees - or reasonably should see - a human being standing in the vehicle's path, the driver cannot simply treat the pedestrian like a traffic cone.

Imagine that the driver approaches the space. The pedestrian refuses to move. The driver inches forward. The pedestrian continues standing there. The driver becomes angry and deliberately accelerates toward the pedestrian.

At that point, the legal controversy may no longer primarily concern who was entitled to the parking space. The driver's conduct could raise much more serious civil - and potentially criminal - questions depending on the facts, intent, jurisdiction, and resulting injuries.

A parking disagreement is not a license to use a several-thousand-pound automobile as leverage.

"But They Wouldn't Get Out of My Way!"

That may explain the driver's frustration. It does not automatically excuse a collision.

If a pedestrian refuses to leave a parking space, safer alternatives are available: stop the vehicle, disengage from the confrontation, contact property management or security, document the incident from a safe position, or contact law enforcement when circumstances legitimately warrant intervention.

What a driver should not do is attempt to resolve a property or parking dispute by making physical contact with the pedestrian using the vehicle.

The driver may ultimately have been correct that the pedestrian had no right to reserve the space. The driver can still be legally responsible for what happened next. Both things can potentially be true.

What If the Driver Hits You Accidentally?

This is where negligence law becomes important.

Suppose the driver is attempting to enter or maneuver around the parking space and accidentally strikes the person standing there.

A resulting civil case could examine numerous facts, including the driver's speed, visibility, attentiveness, braking, warnings, distance from the pedestrian, lighting and weather conditions, whether the pedestrian suddenly entered the vehicle's path, whether the driver had an opportunity to stop, and whether either person's conduct contributed to the collision.

Video evidence could become extraordinarily important. So could eyewitnesses, photographs, vehicle damage, medical records, surveillance footage, police reports, and electronic or vehicle data when available.

And the pedestrian's own behavior may matter substantially.

North Carolina Makes This Particularly Important

For North Carolina readers, there is another reason not to play human barricade with a parking space: **North Carolina generally follows the doctrine of contributory negligence.**

That doctrine can be extremely harsh.

In an ordinary negligence action, a plaintiff's own negligence contributing to the injury can potentially bar recovery, subject to important doctrines and exceptions that depend on the facts.

So imagine this scenario: A person intentionally plants themselves in a parking space while an automobile is attempting to enter it. The driver negligently continues forward and strikes the pedestrian.

The pedestrian may argue: **"The driver saw me and should have stopped."** The driver may respond: **"You intentionally placed yourself in the path of my vehicle and refused to move."**

Those facts could generate serious litigation over negligence, contributory negligence, proximate cause, the driver's opportunity to avoid the collision, and potentially North Carolina's last-clear-chance doctrine.

The outcome would depend heavily upon the evidence. That is very different from saying a driver is free to hit someone who refuses to move. They are not equivalent propositions.

Intentional Conduct Changes the Conversation

Now change one fact.

Instead of accidentally striking the pedestrian, suppose the motorist becomes furious and deliberately drives into the person - or intentionally uses the vehicle to threaten or force the person out of the parking space.

That can substantially change the legal analysis.

Depending upon exactly what occurred and applicable state law, intentional conduct involving a vehicle could potentially implicate criminal offenses as well as civil claims based upon intentional rather than merely negligent conduct.

The driver's statements may suddenly become crucial evidence.

"Move or I'm going to hit you." "I'm coming through whether you move or not."

Those are very different facts from a driver saying, **"I didn't see them until it was too late."** Intent matters. So does evidence.

A Parking Space Is Not Worth Becoming an Exhibit in Court

There is another issue that frequently gets overlooked in these confrontations: **everything may be recorded.**

Parking lots commonly have surveillance cameras. Vehicles increasingly have dash cameras. Businesses have security systems. Apartment complexes may have exterior cameras. Bystanders immediately reach for their phones.

A 30-second confrontation can therefore become evidence in a criminal investigation, insurance claim, personal-injury lawsuit, or property dispute.

The person standing in the parking space may believe the video proves: **"Look! The driver came right at me!"** The driver may believe the same video proves: **"Look! They intentionally blocked my vehicle!"**

The recording may actually establish both.

That is why these disputes should not be evaluated as though one person's questionable behavior automatically eliminates the legal duties of the other.

The Better Rule: Don't Fight Flesh Against Steel

Whether standing in a parking space is prohibited, permitted, or simply unwise under the particular circumstances, there is one rule that requires no legal research:

Your body is not an appropriate parking-space reservation device.

You can believe you are right. You can believe your family member saw the space first. You can believe the other driver is rude. You can even ultimately be correct about the parking dispute. None of those things changes physics.

Likewise, motorists should remember an equally important rule:

Your vehicle is not an appropriate dispute-resolution device.

If somebody is standing in the parking space you wanted, stop. Do not push them with the bumper. Do not "inch forward" hoping fear will make them move. Do not accelerate toward them. Do not turn an argument over a parking space into an ambulance ride, criminal investigation, insurance claim, or lawsuit.

Final Thought

There is something almost absurd about risking bodily injury, criminal charges, civil liability, insurance consequences, medical expenses, and years of litigation over a rectangle of asphalt that you probably intended to occupy for an hour.

If someone is standing in a parking space, **don't hit them.**

If someone is trying to drive into a parking space, **don't use your body to defend it.**

Document the disagreement if necessary. Contact the property owner, management, security, or appropriate authorities when warranted. Then disengage.

Because no matter who was technically entitled to the parking space, there is one outcome almost everyone can agree is worse:

Winning the parking-space argument and losing everything else.

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