

How Cell Phone Records Are Used to Prove Distracted Driving in Alabama

Our Alabama Truck Accident Attorneys Know How to Get the Evidence

When a serious [truck accident](#) happens on an Alabama highway, one of the first questions investigators ask is whether the driver was on a cell phone. It's a fair question. The [Federal Motor Carrier Safety Administration \(FMCSA\)](#) has banned commercial truck drivers from using handheld phones while driving, and research consistently shows that texting or talking behind the wheel dramatically increases crash risk.

This might sound straightforward. But asking the question and proving the answer are two different things. Cell phone records are often the most direct evidence of distracted driving, and knowing how to get them, what they show, and how to use them can make a critical difference in an Alabama truck accident case.

Fortunately, you don't have to figure all this out on your own. [Dean Waite & Associates, LLC](#) handles truck accident cases in Mobile and throughout Alabama. When distracted driving is suspected, our attorneys move quickly to obtain cell phone records before they're gone. Here's how that process works and what those records can actually prove.

Can Cell Phone Use Cause a Truck Accident?

Yes, and the federal government has the data to prove it. According to the FMCSA, a commercial truck driver who sends or reads a text message while driving takes their eyes off the road for an average of 4.6 seconds. At 55 miles per hour, that's the length of a football field traveled without looking at the road. The FMCSA's [Large Truck Crash Causation Study](#) identified driver distraction as a significant contributing factor in a large percentage of truck crashes.

Because of that risk, federal regulations under [49 CFR Part 392.82](#) prohibit commercial motor vehicle drivers from using a handheld mobile phone while operating a commercial vehicle. That includes making calls, texting, browsing, or using any app that requires holding the phone. A single violation can result in a fine of up to \$2,750 for the driver and up to \$11,000 for the carrier that allowed it.

In Alabama, distracted driving is also addressed under state law. But the federal prohibition for CDL drivers is stricter and applies regardless of what state the driver is in at the time of the crash. If a commercial driver was using a handheld phone when the crash occurred, that's not just evidence of negligence. It's a violation of federal law.

What Do Cell Phone Records Actually Show?

Cell phone records are not a single document. They're a collection of data that wireless carriers store about every activity on a phone account. When obtained through the legal process, these records can show:

- **Call Logs:** A complete record of every incoming and outgoing call, including the phone number, date, time, and duration of each call.
- **Text Message Logs:** The date, time, and phone number associated with every text message sent or received. The content of those messages requires a separate legal process to obtain.
- **Data Usage Logs:** Records of when the phone was actively using data, which can indicate that the driver was browsing the internet, using a navigation app, or accessing social media at the time of the crash.
- **GPS and Location Data:** Many carriers log location data associated with phone activity, which can help place the driver's phone at or near the scene of the crash at a specific time.
- **App Activity:** Some carriers retain records of app-level activity, which can show whether the driver was actively using a specific application at a given time.

Not all of this data is available from every carrier. What's retained varies by provider and account type. But even basic call and text logs can be powerful evidence when the timestamps align with the moment of impact.

How Are Cell Phone Records Obtained in a Legal Case?

Cell phone records are private. A carrier won't release them just because an attorney asks. There are two main legal tools used to obtain them: subpoenas and preservation letters.

A subpoena is a formal legal demand that requires a third party to produce specific documents or information. In a civil case, once a lawsuit has been filed, an attorney can issue a subpoena directly to a cell phone carrier. The subpoena compels the carrier to produce records associated with a specific phone number during a specific time window. Carriers generally have legal departments that process these requests and typically respond within 30 to 60 days.

A preservation letter, sometimes called a litigation hold letter, is sent before a lawsuit is filed. It puts the carrier on notice that certain records are relevant to a pending or anticipated legal claim and requests that they be preserved rather than deleted. This matters because wireless carriers routinely purge older records as part of their normal business operations. Sending a preservation letter quickly can be the difference between having access to critical evidence and losing it permanently.

How Long Do Cell Phone Carriers Keep Records?

Data retention policies vary by carrier and record type. There is no single federal law that requires wireless carriers to preserve records for a set period of time in civil cases. As a general reference, the [Department of Justice's guide on obtaining electronic evidence](#) provides an overview of typical retention windows across major carriers.

As a general rule, basic call and text logs are retained for 12 to 18 months by most major carriers. Data usage records are often kept for a shorter period. Cell tower location data, which can place a phone at a specific location at a specific time, may be retained for 12 months or less. The content of text messages, where retained at all, is typically available for only a very short window, sometimes just a few days.

The longer you wait to contact an attorney after a serious truck accident, the greater the risk that critical cell phone data will be gone. An attorney who acts quickly can send preservation letters to the driver's carrier, the trucking company's communication platforms, and any other relevant accounts before that window closes.

How Does Timestamped Data Connect to the Crash?

The most powerful use of cell phone records in a truck accident case is timeline alignment. If records show that the driver sent a text message at 2:14 p.m. and the crash occurred at 2:14 p.m., that's direct evidence the driver was actively using their phone at the moment of impact. Even records showing activity in the seconds or minutes immediately before the crash can be significant, because they help establish that the driver's attention was divided.

To make that connection, an attorney typically works with the accident reconstruction report, the truck's event data recorder (EDR) or electronic logging device (ELD), witness statements, and any available traffic camera or surveillance footage. Each of these sources has its own timestamp. When multiple sources agree on the timeline and cell phone activity appears in that same window, the case for distracted driving becomes much stronger.

For example, if the truck's EDR shows the driver never braked before impact, a witness confirms the truck didn't slow down, and cell phone records show an active call in that same time window, that combination of evidence is very difficult for the defense to explain away. A thorough investigation locks those pieces together before the defense gets the chance to challenge them.

What If the Driver Used a Hands-Free Device?

Federal regulations allow commercial drivers to use hands-free phones, as long as the device can be activated with a single button press and the driver doesn't need to hold the phone. But hands-free use doesn't eliminate distraction. Research has consistently found that cognitive distraction from phone conversations, even hands-free ones, can significantly reduce a driver's ability to react to changing road conditions.

In a legal case, hands-free use complicates but doesn't end the distracted driving argument. If the driver was engaged in a phone call at the time of the crash, that call is still relevant to whether their attention was fully on the road. The records will show the call was active. Combined with other evidence about the driver's actions immediately before the crash, that can still support a negligence claim.

What Other Digital Evidence Can Support a Distracted Driving Claim?

Cell phone records are one piece of a larger picture. In a serious truck accident case, an attorney will typically seek several types of electronic evidence, including:

- **Electronic Logging Device (ELD) Data:** Federal law requires most commercial trucks to use ELDs to track driving time and hours of service compliance. ELD data shows exactly when the truck was moving and whether the driver was in compliance with required rest periods before the crash.
- **Event Data Recorder (EDR) Data:** Similar to an airplane's black box, a truck's EDR records vehicle speed, braking, steering input, and other information in the moments before a crash. This data is critical for reconstructing exactly what happened.
- **GPS and Fleet Tracking Data:** Many trucking companies use fleet management systems that monitor vehicle location, speed, and driver behavior in real time. This data is stored by the carrier and obtainable through the discovery process.
- **Dashcam Footage:** If the truck was equipped with a forward-facing or driver-facing camera, that footage may capture the driver's actions in the moments before the crash. Dashcam data is often stored on a rolling loop and can be overwritten quickly if not preserved.
- **Social Media Activity:** In some cases, a driver's social media accounts show posts or activity timestamped near the time of the crash, which can corroborate other evidence of phone use.

Each of these sources needs to be preserved as quickly as possible. Trucking companies and their insurers begin their own investigations immediately after a serious crash. They're looking for ways to limit their exposure. Some evidence can be destroyed or overwritten if a legal hold isn't issued promptly.

How Does Alabama's Contributory Negligence Rule Affect These Cases?

Alabama is one of a small number of states that still follows the contributory negligence rule. Under that rule, if you're found even one percent at fault for the crash, you can be completely barred from recovering any compensation. Defense attorneys in Alabama truck accident cases will often look for anything they can use to argue that the injured person contributed to the collision, whether that means claiming you were speeding, failed to yield, or didn't take evasive action in time.

Cell phone records cut both ways in this context. They're essential for proving the truck driver's distraction, but the defense may also try to obtain your records to argue that you were distracted at the time of the crash. An experienced attorney will anticipate that strategy and

make sure the investigation stays focused on the truck driver's conduct and the trucking company's responsibility.

The stronger the evidence that the truck driver was on their phone, the harder it is for the defense to make a contributory negligence argument stick. That's one more reason why building a thorough, well-documented case as quickly as possible matters so much in Alabama.

How Can an Alabama Truck Accident Attorney Help?

If you were seriously injured in a truck accident in Alabama and you believe the driver was on a cell phone, the evidence you need to prove it may exist right now. But it won't exist forever. Cell phone carriers delete data on a regular schedule, and trucking companies move quickly to protect their own interests after a crash.

Dean Waite & Associates, LLC has been handling serious truck accident cases in Mobile and throughout Alabama for years. We know how to move quickly to preserve cell phone records, ELD data, dashcam footage, and other digital evidence before it disappears. We also know how to use that evidence to build a case that holds the right people accountable.

We have recovered over \$150 million for Alabama injury victims, including a [\\$6.75 million settlement](#) for the family of a victim killed in a Mobile truck crash. Results like that come from thorough investigation and aggressive representation.

Make your truck accident case matter. [Contact](#) our law firm and schedule a free case evaluation with an Alabama truck accident lawyer you can count on in a crisis. We have the knowledge, skills and experience you need to succeed.