



NC Car Accident Lawyers Highlights Distracted Driving Evidence Rules

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NC Car Accident Lawyers has issued guidance for Wake County motorists on the narrow evidentiary window that governs distracted driving crash claims in North Carolina, drawing attention to the interaction between the state's texting statute, its contributory negligence standard, and the retention schedules maintained by wireless carriers.

The North Carolina Department of Transportation compiles annual crash statistics through its Traffic Safety Unit that identify distracted driving as a leading behavioral factor in crashes across the state. According to NCDOT crash reporting, distracted driving contributes to a substantial share of both fatal and injury collisions each year, a pattern that firms handling these cases say is amplified in Raleigh by the convergence of interstate corridors including I-40, I-440, I-540, and US-1. Wake County consistently ranks among the highest-volume counties in North Carolina for reportable crashes, alongside Mecklenburg and Guilford Counties, based on NCDOT county-level crash tabulations. Motorists seeking a Raleigh car accident lawyer often first encounter the legal complexity these figures represent after a collision.

North Carolina General Statute Section 20-137.4A prohibits drivers from reading or sending text messages or electronic mail while operating a vehicle. Where evidence shows that an at-fault driver violated this statute by texting before a crash, that violation may support a negligence per se theory under North Carolina law, though courts evaluate such claims on a fact-specific basis and the doctrine does not apply automatically in every case. When available, the statutory violation can provide a clearer liability framework than a general negligence argument.

North Carolina remains one of a small number of states that follow a contributory negligence rule. Under longstanding North Carolina case law, a plaintiff found to have contributed to a crash may be barred from recovery, subject to recognized exceptions such as the last clear chance doctrine. In distracted driving claims, insurance adjusters representing an at-fault driver frequently examine whether the injured party was also using a phone, adjusting navigation, or otherwise inattentive, because a finding of contributory negligence can defeat a claim. Practitioners describe this as a central strategic feature of North Carolina distracted driving litigation.

Phone records, cell tower data, and application usage logs are among the more significant categories of evidence in these claims, and much of that data is time-sensitive. Retention practices vary by carrier and by data type, with some carriers preserving call and connection records for extended periods while text message content may be retained for only a short interval before it is overwritten. Because these schedules are set by carrier policy rather than litigation deadlines, the timing of any preservation request can affect what evidence remains available.

"The most consequential evidence in these cases is often not held by either driver, but by wireless carriers operating on retention schedules that do not track the litigation calendar," said a spokesperson for NC Car Accident Lawyers. "Text content can be overwritten in a matter of days, and that window frequently closes while a contributory negligence review is still underway. The firm's practice is to move on preservation and carrier subpoenas promptly, because that timing is specific to the evidentiary problem these claims present."

NC Car Accident Lawyers works with attorneys who pursue phone records, dashcam footage, and traffic camera data in distracted driving matters where preservation timing may be significant. Additional information for Wake County residents is available through the NC Accident Lawyers Raleigh car accident lawyer resources at the firm's website.

NC Car Accident Lawyers is a network of personal injury law firms serving car accident victims and other injured motorists throughout North Carolina, with offices in Raleigh, Durham, and Charlotte. The firm handles

car accidents, distracted driving crashes, motorcycle accidents, rideshare collisions, and truck accidents on a contingency fee basis, with no upfront costs and free case evaluations available.

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For more information about NC Car Accident Lawyers, contact the company here: NC Car Accident Lawyers A firm representative 980-350-1223 leads@nccaraccidentlawyers.com 601 East Blvd Suite 100-A Charlotte, NC 28203

NC Car Accident Lawyers

North Carolina Car Accident Lawyers fight for your rights and fair compensation after an accident, handling legal challenges so you can focus on recovery.

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