

# **How to Prove a Distracted Driver Caused Your Maine Car Accident**

## **A Maine distracted driving accident lawyer can fight for your rights**

You were driving safely on a Maine road when another driver crashed into you. Now you suspect they were distracted. They may have been texting, adjusting their GPS, or talking to passengers. Proving distraction isn't always easy, but it can be important if you want the person who hit you to take responsibility.

Distracted driving is one of the most common causes of car accidents. Even a quick glance at a phone or a bite of food can take a driver's attention away from the road long enough to cause a crash. If you were injured in a Maine car accident caused by a distracted driver, it's important to understand how fault is determined, what the law says, and what evidence can help support your claim.

### **What is distracted driving?**

Distracted driving means the driver's attention wasn't fully on driving. Distractions often come in three types:

- Visual: Taking your eyes off the road (like reading a text)
- Manual: Taking your hands off the wheel (like eating or holding a phone)
- Cognitive: Thinking about something other than driving (like worrying about work or daydreaming)

Often, all three happen at once. For example, texting while driving involves looking at your phone, using your hands to type, and focusing on the message instead of traffic.

### **How common are distracted driving accidents in Maine?**

Distracted driving is a serious, common problem in Maine. Each year on average, distracted drivers cause an estimated 3,500 accidents, resulting in more than 500 injuries and 40 fatalities, according to the [Maine Bureau of Highway Safety](#). Such numbers put distracted driving in the top five contributing factors for all car accidents in Maine.

What makes these figures disturbing is that most distracted driving crashes are preventable. Unlike bad weather or mechanical failure, driver distraction is a choice. Whether it's checking a text message, adjusting a GPS route, or reaching for food, these behaviors reduce a driver's ability to respond to sudden changes in traffic conditions.

Law enforcement agencies in Maine, including the state police and local departments, have attempted to address the issue through targeted enforcement campaigns and public awareness efforts. Even so, distracted driving remains one of the most common causes of serious car accidents in Maine.

### **Does distracted driving often involve other dangerous driving behaviors?**

Yes. In many cases, distracted drivers were doing other dangerous things at the time of your collision. Often, distracted drivers who cause crashes were:

- Speeding
- Driving under the influence of alcohol or other drugs
- Driving recklessly or aggressively, including changing lanes without warning or illegally passing another car

Combined with distracted driving, such dangerous driving behaviors can be a recipe for disaster. Proving that multiple unsafe behaviors were involved can strengthen your case. It shows the other driver acted irresponsibly in many different ways. That's why it's important to thoroughly investigate what caused your collision.

### **What are Maine's distracted driving laws?**

In Maine, it is illegal for drivers to text while operating a motor vehicle. Under [Maine Revised Statutes 29-A M.R.S. §2119](#), drivers are banned from reading or sending text messages while operating a vehicle.

In addition, [Maine Revised Statutes 29-A M.R.S. §2121](#) makes it illegal for drivers to use a handheld electronic device while driving. Drivers may use hands-free devices but cannot hold or interact with a phone unless it's to call emergency services.

Violating these laws can result in fines or even license suspension for repeat offenders. More importantly, evidence that the driver who caused your collision was cited for breaking these rules can be used as proof the driver was acting recklessly – and can strengthen your legal case.

### **What are common warning signs of distracted driving?**

In many accidents, it's often obvious that the at-fault driver was distracted. Some of the most common warning signs that a driver is not paying attention include:

- A driver swerving or drifting between lanes
- Sudden braking without warning
- Failing to stop at a red light or stop sign
- Rear-ending another vehicle without braking
- A driver seen looking down or holding a device before the crash

These behaviors often indicate that a driver wasn't paying attention. A Maine distracted driving lawyer can help collect the hard evidence to support such observations. That way, your accident claim or lawsuit will have the best opportunity for success.

### **How distraction affects fault in a car accident**

In Maine, fault in a car accident is based on negligence. That means if one driver failed to act as a reasonable person would and caused a crash, they can be held responsible. Distracted driving

is considered a form of negligence. If you can show the driver was distracted, you have a strong case for compensation.

Even if you were partly at fault, Maine follows a system called comparative negligence. As long as you are less than 50% responsible for the accident, you can still recover damages. Your compensation will just be reduced by your percentage of fault.

And in many cases, if you can clearly prove that the other driver was distracted and not paying attention at the time of your collision, your car accident injury claim or lawsuit often has a strong likelihood of being successful.

### **How can I prove a driver was distracted?**

Proving distraction takes evidence. So what type of evidence is necessary to prove that the other driver was distracted? Depending on how the driver was distracted, such evidence can take many different forms, including:

- Phone records: Call logs can show evidence of texting or using a cellphone while driving. If the driver was texting just before the crash, that can be powerful evidence in support of your case.
- Witness statements: People who saw the crash may have seen the driver looking down or holding a phone at the moment of impact.
- Dashcams or surveillance footage: Nearby traffic cameras or home security systems may have caught the crash on video, showing that the driver was not paying attention or texting.
- Police report: If your official Maine car accident report filled out by the investigating police officer indicates that the driver was distracted, such evidence will help your claim.
- Electronic data: Some cars and many trucks are equipped with event data recorders (EDRs) that record information in real time concerning the operation of the vehicle at the time of the collision, including the speed of the vehicle and whether the driver attempted to stop or slow down before the crash.
- Crash debris: Whether it's the point of impact, skid marks (or lack of them) on the road, or other important details, they can all help paint a complete picture of what happened.
- Accident reconstruction: Experts can examine vehicle damage, skid marks, phone records and video evidence of the crash to explain how driver distraction was a contributing factor in your car crash.

### **How to obtain cellphone or camera data in Maine**

Getting phone or video data from a car accident should be easy. Unfortunately, that's often not the case. Instead, your lawyer often has to work hard to gain access to such important, vital evidence.

To access cellphone records in Maine, your lawyer must often file a lawsuit and request the data through a subpoena. A subpoena is a court order that requires the phone company to share call and text logs for a certain time period.

For traffic or dashcam footage, timing is everything. Many traffic cameras delete video after a few days. As for dashcam footage, a driver can delete such videos anytime they want. That's why your lawyer needs to act fast.

Your attorney can send a preservation letter to the city or government agency that owns the camera. A preservation letter is a formal request asking them not to delete or erase footage that might help your case.

If another driver or business captured dashcam or surveillance footage of your collision, your lawyer can contact them directly or request the footage through a formal discovery request. Either way, it's important to act fast to preserve such data.

### **Can data from the car itself help prove distraction?**

In many cases, yes. Some vehicles, especially newer models, are equipped with event data recorders (EDRs), often referred to as "black boxes." These devices collect key information about a vehicle's activity before, during and after a crash. While they don't record what a driver was doing with their hands or eyes, they can provide important clues that suggest distracted driving. For example, a lack of braking or delayed braking before impact may indicate the driver wasn't paying attention.

In addition to EDRs, some vehicles have infotainment systems that log user activity. If a driver was interacting with a touchscreen or voice control feature right before the crash, this information might be retrievable, depending on the car's electronic system. Accessing this data typically requires legal intervention and may involve working with technical experts to obtain and analyze such sophisticated information.

### **What if the police report doesn't mention distraction?**

It's common for a police report to omit specific references to distracted driving. Unless the driver admits to it, or there's obvious evidence at the scene, police may record the crash based on physical damage, statements from those involved, and roadway evidence. However, a police report isn't the final word on who was at fault. A skilled attorney can look beyond the report and gather additional evidence that strengthens your claim.

For example, attorneys often interview witnesses who may have noticed signs of distraction that weren't captured in your official Maine car accident report. They can also obtain traffic camera footage, request phone records, and hire accident reconstruction experts to analyze the crash in detail. The absence of distraction in a police report doesn't mean it didn't happen. It just means you need a lawyer who will work harder to prove what happened.

## How proving distraction can help your case

Insurance companies look for reasons to deny or reduce claims. If they can say there's no proof the driver was distracted, they might argue the crash was your fault – and then not have to pay you for your accident-related expenses.

That's why gathering solid evidence is so important. When you prove the other driver was distracted, it helps show negligence. It shifts fault clearly onto the other driver and gives your lawyer more leverage when negotiating a settlement. It also helps explain the cause of the crash, which can make it easier to win your case in court if needed.

## How a Maine distracted driving accident attorney can make a difference

Time is one of the most important factors in a distracted driving case. Phone records can be deleted, video footage may be overwritten, and witnesses' memories can fade fast. The sooner you contact an attorney, the more likely they'll be able to preserve the evidence you need.

That's where [Romanow Law Group](#) comes in. Our experienced Maine distracted driving accident lawyers know how to focus on what happened and gather critical evidence that proves the other driver was clearly at fault. Whether it's demanding access to the at-fault driver's phone records or video footage of the crash, our legal team will leave no stone unturned in pursuit of the truth.

We've helped crash victims across Maine recover the compensation they need to rebuild their lives. Our attorneys know how to investigate accidents, negotiate with insurance companies and fight for your rights in court if necessary. We know how to move quickly, ask the right questions, and demand the right records – all of which can strengthen your legal case.

Get the Portland law firm that gets results. [Contact us](#) and find out how our Maine car accident attorneys can help you. We're focused on finding evidence and solutions to your legal problems. We don't just do more. We do whatever it takes to win.

*"Do not think twice about hiring this firm! Do not think twice about calling David Romanow! Only just one phone call away! Thanks Dave you are the man!"* – Aubrey C., ★★★★★