

How Distracted Driving Claims Are Proved in a San Antonio Car Accident Case

Our San Antonio Car Accident Lawyers Explain How the Process Works in Texas

A driver who takes their eyes off the road for even a moment can change your life forever. In San Antonio, [distracted driving car accidents](#) happen every day – on Loop 1604, on I-10, on Fredericksburg Road and in parking lots across the city. The challenge in these cases is proving what the driver was doing in the seconds before the crash. Unlike drunk driving, distracted driving rarely shows up directly on a police report, and the driver who hurt you is rarely going to admit it.

The [National Highway Traffic Safety Administration \(NHTSA\)](#) defines distracted driving as any activity that diverts attention from the task of driving. According to [NHTSA's distracted driving data](#), thousands of people are killed in distraction-affected crashes in the United States every year. The agency recognizes three distinct categories of distraction: visual distraction (taking your eyes off the road), manual distraction (taking your hands off the wheel) and cognitive distraction (taking your mind off driving). Many of the most dangerous forms involve all three at once.

At [The Herrera Law Firm](#), our San Antonio car accident lawyers have spent decades building cases against distracted drivers throughout Texas. We know where to look for evidence, what records to demand and how to use that evidence to hold negligent drivers accountable. This article explains the different types of distracted driving, the evidence used to prove these claims and why having an experienced lawyer makes a critical difference.

What Are the Most Common Types of Distracted Driving Accidents?

Distracted driving takes many forms beyond texting. The NHTSA recognizes three distinct categories of distraction, and understanding each one matters because different types require different types of evidence to prove in a San Antonio car accident claim.

- **Manual distractions – eating or drinking:** Eating a meal or drinking a beverage while driving takes at least one hand off the wheel. A driver who is unwrapping food, reaching into a bag or managing a beverage has reduced grip and delayed reaction time. This type of distraction shows up in physical evidence found inside the vehicle after a crash.
- **Manual distractions – adjusting controls or reaching for objects:** Adjusting the radio, climate controls or a GPS mount, reaching into the back seat or picking up a dropped item all temporarily remove a driver's hands from the wheel. A driver who reaches into the back seat has no hands on the wheel and cannot respond to sudden hazards.
- **Visual distractions – GPS and navigation screens:** Looking at a GPS unit, reading a navigation screen, glancing at a map app or checking a phone mount all pull the driver's

eyes from the road. Even a brief glance at highway speed covers significant ground without the driver actively watching traffic ahead.

- **Visual distractions – outside events and passengers:** Looking at an accident scene, a roadside billboard, a pedestrian or a passenger can shift a driver's eyes away long enough to miss a hazard. These distractions are documented through witness accounts and surveillance footage showing the driver's head position or attention before impact.
- **Cognitive distractions – hands-free phone conversations:** A driver on a hands-free call may keep their eyes forward and hands on the wheel but still suffer significant cognitive distraction. Research has shown that hands-free conversations impair a driver's ability to process what they see on the road, making this one of the most underestimated forms of distraction.
- **Cognitive distractions – daydreaming or mental preoccupation:** A driver who is mentally focused on a personal problem, an argument or an emotional situation may be looking at the road while essentially not seeing it. These are the hardest distractions to detect from the outside, but accident reconstruction and witness testimony about a driver's behavior before the crash can reveal signs of cognitive inattention.

Each category of distraction can be present alone or in combination. A driver who was eating while checking their phone was experiencing manual, visual and cognitive distraction simultaneously. Understanding which type or types were present shapes how an attorney builds the evidentiary case.

Why Are Cell Phone and Texting Accidents So Dangerous and How Are They Proved?

Texting while driving is among the most dangerous forms of distraction because it combines all three categories at once. The driver takes their eyes off the road to look at the screen, their hands off the wheel to type and their mind off driving to read and compose a message. According to NHTSA, sending or reading a text takes a driver's eyes off the road for about five seconds. At highway speed, that is the equivalent of crossing the length of a football field without looking up.

Texas law prohibits texting while driving under [Section 545.4251 of the Texas Transportation Code](#). The law makes it a violation to read, write or send an electronic message while a vehicle is in motion. Violations can result in fines and, where the distracted driving causes death or serious bodily injury, enhanced criminal penalties. In a civil injury case, a violation of this statute is powerful evidence of negligence (the legal standard for carelessness that causes harm to someone else). Proving the violation starts with the driver's cell phone records.

Our San Antonio car accident lawyers know how to obtain and use those records. Through the legal discovery process, we can demand the at-fault driver's carrier records showing call and text activity in the minutes before the crash. We can also request records for [cell phone use](#)

[while driving](#) and [texting while driving](#) that establish a pattern of distracted driving. When those records confirm a driver was texting at the moment of the crash, a disputed case becomes a provable one.

What Types of Evidence Prove A Driver Was Distracted in Texas?

Distracted driving cases are won through evidence. Unlike a DWI crash where a blood alcohol test provides a clear numerical result, distracted driving must be established through a combination of sources – each one adding a layer of proof that builds the full picture of what happened. The strongest cases use multiple types of evidence working together.

- **Cell phone records** – Carrier records showing call, text and data activity in the minutes before the crash. These records are obtained through a formal legal demand or court order. If the driver was on a call, sending a message or using an app at the moment of impact, the records will show it.
- **Dashcam footage** – Many vehicles now carry forward-facing cameras. Footage from the injured person's own vehicle, from other vehicles on the road or from commercial dashcams on nearby trucks and delivery vehicles can show the at-fault driver's erratic behavior, lane drifting or failure to brake before the crash.
- **Surveillance and traffic camera footage** – Businesses along San Antonio roadways, gas stations, banks, parking lots and traffic signal cameras all generate video footage. This footage can show a driver looking down, drifting, swerving or failing to respond to traffic changes. Preservation of this footage must happen quickly – most systems overwrite recordings within days.
- **Witness statements** – Other drivers, passengers and pedestrians who saw the at-fault driver's behavior before or at the moment of impact can provide firsthand accounts. A witness who observed the driver looking at a phone, eating, turning around to face a backseat passenger or otherwise not watching the road can be powerful corroborating evidence.
- **Police accident report** – Officers who respond to the scene document their observations and any admissions by the at-fault driver. If the officer noted that the driver was on a phone, smelled food, had an open beverage or made statements about not seeing traffic stop, those observations go into the report.
- **Vehicle event data recorders** – Most modern vehicles store pre-crash data in an event data recorder (sometimes called a black box). This data can reveal speed, braking behavior, steering inputs and other vehicle performance in the seconds before a crash. A driver who never braked before impact may have simply not seen the hazard because they were not paying attention.

Securing this evidence quickly is critical. Phone carriers maintain records for a limited period. Surveillance footage is overwritten. Witnesses' memories fade. The sooner a lawyer is involved after the crash, the better the chances of building the strongest possible case.

How Are Non-Phone Distractions Proved in a San Antonio Car Accident Claim?

Not every distracted driving case involves a cell phone. A driver who was eating a meal, arguing with a passenger, adjusting the GPS mounted on the dash or looking at an outside distraction can cause just as serious a crash as one who was texting. These cases present a different evidentiary challenge because there is no digital record to subpoena.

Physical evidence from the crash scene and the at-fault driver's vehicle often fills that gap. Food wrappers, an open beverage container, cosmetic items, a loose object on the floor or a video playing on an in-dash screen can all corroborate a distraction claim. Witnesses who saw the driver swerving, changing lanes erratically or failing to respond to obvious traffic conditions well before the crash may have observed behavioral signs of inattention without knowing the specific cause.

Accident reconstruction plays an important role in these cases. An expert who analyzes the crash scene, the vehicle damage patterns and the available data can often determine that the at-fault driver had sufficient warning and time to stop or swerve but did not do so. That failure to respond is itself evidence that the driver was not paying attention. Combined with physical evidence from the vehicle and witness accounts, reconstruction can make a compelling case even when no phone records are available.

How Does Texas Law Treat Distracted Driving in a Civil Injury Case?

In Texas, a driver who injures someone through negligence is legally responsible for the full cost of that harm. Negligence means the driver failed to exercise the care a reasonably careful person would have used under the same circumstances. A driver who is texting, eating, grooming or otherwise not paying attention to the road falls short of that standard. When that failure causes a crash and injuries result, the injured person has the right to pursue financial compensation for their losses.

When the distracted driver violated a specific Texas traffic law – such as the texting statute – the violation can be used as evidence of negligence per se (meaning negligence is presumed from the violation itself). This simplifies the burden of proof in some respects because the injured person does not need to argue that texting was unreasonable – the law already says it is prohibited.

Texas also uses a proportionate responsibility (modified comparative fault) system. If the insurance company argues that the injured person shared some portion of the blame, their recovery may be reduced accordingly. If their share of fault exceeds 51 percent, they may be barred from recovery entirely. Building the strongest possible distracted driving case – with

thorough evidence of the other driver's inattention – is the most effective way to defeat those comparative fault arguments.

Why Do Insurance Companies Fight Distracted Driving Claims So Hard?

Insurance companies know that proven distracted driving often means significant damages (financial compensation for medical bills, lost income, pain and suffering and other losses). They also know that distracted driving is genuinely difficult to prove without an attorney who knows how to gather and present the right evidence. This combination motivates adjusters to close these claims quickly and for as little as possible, before the injured person has a chance to build a complete case.

Common insurance tactics in distracted driving cases include offering a fast settlement before the full extent of injuries is known, disputing causation by arguing that the crash would have happened anyway, raising comparative fault arguments about the injured person's own driving and denying that the driver was distracted at all in the absence of a police report finding. Each of these tactics is more effective when the injured person does not have legal representation.

When our attorneys get involved early, we can counter these tactics at every step. We preserve the evidence before it disappears. We build the factual record that proves what happened. We document the full extent of your injuries before any settlement is discussed. And we negotiate from a position of evidence, not just assertion. The insurance companies know when a case is well-prepared, and that preparation changes what they are willing to offer.

What Injuries Are Common in San Antonio Distracted Driving Crashes?

Distracted driving crashes often produce severe injuries precisely because the at-fault driver frequently does not brake or react before impact. A rear-end crash caused by a driver who was texting and never looked up can hit at nearly full speed. A lane-change collision caused by a driver who was looking at their phone instead of mirrors can involve side-impact forces that the occupant never had a chance to brace against.

Common injuries in distracted driving cases include whiplash, herniated discs and nerve damage, traumatic brain injuries from head impact with the steering wheel or airbag, broken bones and fractures, internal injuries and shoulder injuries. In the most severe cases, spinal cord injuries and wrongful death occur. The full cost of these injuries – including future care, lost earning capacity and the long-term impact on daily life – must all be part of the compensation demand.

One important point: some injuries from distracted driving crashes are not immediately apparent. Herniated discs, concussions and internal injuries can develop or worsen over the days following a crash. Accepting a settlement before the full medical picture is clear can leave you without the resources to cover future treatment. This is another reason to contact an attorney before talking to the insurance company.

How Can a San Antonio Car Accident Lawyer Help Prove a Distracted Driving Case?

At [The Herrera Law Firm](#), our [San Antonio car accident lawyers](#) know how to investigate distracted driving crashes and build the kind of evidence-based case that gets results. We move quickly to preserve surveillance footage and issue legal hold demands before evidence disappears. We subpoena cell phone records and work with accident reconstruction experts when needed. We pursue every available avenue to prove what the at-fault driver was doing – because that proof is the foundation of full compensation for our clients.

Our [case results](#) reflect decades of aggressive representation for injured San Antonians and Texans statewide. Founding attorney Frank Herrera Jr. built this firm on a simple principle: winning isn't luck, it's knowing how to fight. That approach applies directly to distracted driving cases, where the difference between a fair recovery and an inadequate settlement often comes down to how thoroughly the evidence was gathered and how effectively it was presented.

Texas law gives you two years from the date of your crash to file a personal injury lawsuit, but the evidence that wins these cases can disappear long before that deadline. [Contact us](#) today for a free consultation. We represent injured Texans across San Antonio and throughout the state. We work on a contingency fee basis, which means you pay nothing unless we recover compensation for you. Call 1-800-455-1054. We're ready to fight for you.