

What Happens If You're Hit By a Driver Who Was Texting in Maryland?

Our Experienced Attorneys Can Fight for the Compensation You Deserve

A Maryland driver looks down at their phone for several seconds on Georgia Avenue in Silver Spring. In that moment, traffic slows, a pedestrian steps into a crosswalk, or another vehicle stops ahead. By the time the driver looks up again, a [distracted driving accident](#) has already happened.

At [Goldberg Finnegan](#), our [Maryland car accident lawyers](#) see these cases far too often. Texting while driving is one of the most dangerous forms of distracted driving because it takes a driver's eyes, hands, and attention away from the road all at the same time. And when a crash happens, the driver often denies what they were doing. That is where the legal fight begins.

If you were hit by a driver who was texting, your case may seem obvious. But proving what actually happened can be more complicated than people expect. That's why it's important to understand how distracted driving crashes happen, what evidence is used to prove phone use, and why early legal action often makes the difference in these cases.

How Common Are Texting and Driving Accidents in Maryland?

Distracted driving continues to be one of the leading causes of motor vehicle crashes nationwide. According to the [National Highway Traffic Safety Administration \(NHTSA\)](#), distracted driving claimed thousands of lives in a single year and injured many more, with texting identified as one of the most dangerous behaviors behind the wheel.

Maryland has taken this issue seriously. Throughout Maryland, drivers are prohibited from using handheld devices to text while operating a vehicle, and enforcement efforts have increased in areas with heavy traffic such as Montgomery County, Prince George's County, and along major corridors like I-495 and Route 29.

Despite these laws and enforcement efforts, texting-related crashes still happen frequently because drivers underestimate how dangerous a few seconds of distraction can be. When a driver looks down at a phone, even briefly, they may travel the length of a football field without seeing what is happening in front of them. That is how these crashes begin.

Why Is Texting While Driving So Dangerous?

Texting while driving is different from other forms of distraction because it combines multiple risks at once. A driver is not just glancing away from the road. They are actively engaging with a device, which takes away their ability to react to changing conditions. They're also thinking about something else instead of focusing on other cars around them.

Several factors make texting while driving especially dangerous:

- The driver's eyes are off the road while reading or typing a message.
- One or both hands are off the steering wheel.
- The driver's attention is focused on the phone instead of traffic.
- Reaction time is significantly delayed.
- High-speed collisions are common since distracted drivers often don't slow down before hitting another vehicle.
- The driver may drift between lanes or fail to notice stopped traffic.

For example, a driver traveling on Rockville Pike or I-270 may glance down to respond to a text message while approaching a red light. During that short moment, traffic stops ahead. Without seeing the change, the driver continues forward and rear-ends the vehicle in front of them. That crash was not caused by speed alone. It was caused by distraction.

This cause-and-effect chain is critical in these cases. The distraction leads directly to the crash, which is why proving phone use matters so much. And without a skilled distracted driving lawyer handling your case, you might have a hard time proving that the at-fault driver was texting at the time of the collision.

What Is Maryland's Texting While Driving Law?

Maryland law clearly prohibits texting while driving. Under [Maryland Transportation Article §21-1124.1](#), drivers are not allowed to use a handheld device to write, send, or read text messages while operating a motor vehicle.

This state law creates a legal duty. A duty means a responsibility that drivers must follow. In this case, the duty is for the driver to keep their attention on driving and not engage in texting. When a driver violates that duty and causes a crash, that violation can be used as evidence of negligence, which simply means the driver's careless behavior directly caused the collision.

Maryland also follows a strict contributory negligence rule. This means if you are found even 1 percent at fault for the accident, you may be barred from recovering compensation. That's why proving the other driver's full responsibility is so important in Maryland distracted driving cases.

How Do You Prove a Driver Was Texting at the Time of the Crash?

One of the biggest challenges injury victims face in these cases is proving what the driver was doing just before the crash. Unlike speeding or running a red light, texting is not always visible to others. Drivers rarely admit they were using their phone, especially after a serious car accident.

That's why evidence becomes so critical in such cases. Strong distracted driving cases often rely on multiple sources of proof that support the same conclusion.

Common evidence used to prove texting includes:

- Cell phone records showing activity at the time of the crash.
- Witness statements from people who saw the driver using a phone.
- Police reports noting distracted driving as a contributing factor.
- Surveillance or traffic camera footage capturing driver behavior.
- Admissions made by the driver at the scene or later.
- Data from the vehicle showing lack of braking or delayed reaction.

For example, if phone records show a text message was sent at the exact time of the crash and the driver failed to brake before impact, that combination of evidence can be powerful. It helps establish that the driver's attention was on their phone instead of the road.

This is why early investigation matters. Phone records are not automatically preserved forever. Without prompt legal action, critical evidence may be lost.

Can You Get a Driver's Phone Records After a Maryland Car Accident?

Yes, but obtaining phone records is not automatic. In many cases, these records must be obtained through a legal process known as a subpoena. A subpoena is a formal legal request that requires a company, such as a cellular provider, to produce specific records.

An attorney can request:

- Call logs showing incoming and outgoing calls.
- Text message timestamps.
- Data usage records indicating phone activity.
- Information showing when the phone was actively in use.

These records do not always show the content of messages, but they can establish timing. Timing is often enough. If a text was sent or received seconds before a crash, that detail can support the argument that the driver was distracted.

For example, if a crash occurs at 3:15 p.m. on Colesville Road in Silver Spring and phone records show a text message was sent at 3:15 p.m., that timing becomes a key piece of evidence. It connects the distraction directly to the moment of impact.

Subpoenas take time, which is another reason why acting quickly after a crash matters.

Why Do Drivers Deny Texting After a Crash?

Drivers often deny texting because they understand the consequences. Admitting distraction can make it much harder to dispute fault. Once a driver acknowledges they were using their phone, the focus shifts to how much they owe rather than whether they are responsible.

That is why the same types of statements often appear:

- I wasn't using my phone.
- Traffic stopped suddenly.
- The other driver came out of nowhere.
- I didn't have time to react.

These explanations often conflict with the evidence. If phone records, witness statements, or video footage suggest otherwise, the denial may not hold up.

In many cases, the truth comes out through investigation. But that process takes time, effort, and access to the right evidence.

What Should You Do After a Distracted Driving Crash in Maryland?

The steps you take after a crash can directly affect your ability to prove what happened. In distracted driving cases, evidence can disappear quickly if it is not preserved.

If possible, take the following steps:

- Call 911 and make sure police respond to the scene.
- Seek medical attention immediately.
- Take photos of the vehicles, roadway, and any visible damage.
- Get contact information from witnesses.
- Avoid discussing fault with the other driver.
- Do not give a recorded statement to an insurance company right away.
- Contact a Maryland car accident lawyer as soon as possible.

Medical records are also important. They document your injuries and connect them to the crash. Without that documentation, insurance companies may try to argue that your injuries are unrelated or less severe than they actually are.

Why Early Legal Help Matters in Maryland Distracted Driving Cases

Distracted driving cases often become more complicated as time passes. Evidence can be lost. Witnesses may forget details. Drivers may change their story. Insurance companies may begin building a defense before you fully understand what happened.

At Goldberg Finnegan, we know how to handle these cases. We work to preserve evidence, obtain phone records, analyze crash details, and build a clear, evidence-based claim. We also understand how insurance companies approach these cases and how to challenge arguments that try to shift blame.

Don't assume your accident claim will resolve itself. These cases often require a detailed investigation to uncover what really happened and to hold the driver accountable. To learn more about how our firm can help with your [Maryland distracted driving accident](#), simply [contact us](#) and schedule a free case evaluation with a Maryland car accident lawyer who can take immediate steps to protect your rights and build your case.