

How To Preserve Evidence After A Georgia Truck Accident

Why The First Two Weeks After A Crash Decide What Your Case Will Look Like

The hours after a Georgia truck crash feel chaotic. There are flashing lights at the scene, a tow truck moving the wrecked passenger car, an injured family member being loaded into an ambulance, and a state trooper writing a report that may or may not capture what really happened. Meanwhile, on a quiet computer in a yard hundreds of miles away, a fleet manager is already deciding which records to keep, which to overwrite, and which trucks to send back out before anyone has a chance to look at them.

That gap between what's happening on the side of the road and what's happening inside the trucking company is where most cases are won or lost. At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our [Georgia truck accident lawyers](#) treat the first two weeks after a serious crash as the most important window of the entire case. The evidence that survives those two weeks is what shapes liability, damages, and the ultimate value of the claim.

Most of that evidence has a short shelf life. Some of it can be deleted with a few clicks. Some of it gets thrown in the trash by a tow yard. Some of it leaves the state on the next dispatched route. None of it waits.

What "Evidence" Actually Means In A Truck Crash

When most people hear the word evidence after a crash, they think about the police report. The police report is a starting point, not the case. A serious truck claim is built on a much wider set of documents, downloads, photographs, and physical objects, and most of them never appear in the responding officer's narrative.

Truck crash evidence breaks into three broad categories: roadway evidence, vehicle and electronic evidence, and corporate paper trail. Each one has its own decay curve. Roadway evidence can be gone in a single rainstorm. Vehicle data can be overwritten the next time the truck is started or sent out. The corporate paper trail can be quietly thinned during a routine document retention review.

That's why preservation isn't a single task. It's a parallel set of moves that need to happen quickly, often in the same week.

The Roadway Evidence That Disappears First

Some of the strongest evidence in a [tractor-trailer wreck](#) is the road itself. Skid marks tell investigators when braking began. Yaw marks reveal loss of control. Debris fields show point of impact. Gouges in the pavement show where weight transferred. Tire fragments and reflector pieces can be matched to specific vehicles.

Within days, this evidence starts to vanish. Pavement marks fade under traffic. Debris is swept by GDOT crews. Tow operators move bumpers and side panels to clear lanes. Witnesses go back to their lives. Surveillance video from nearby gas stations, warehouses, or traffic cameras gets overwritten on rolling 7-day, 14-day, or 30-day cycles.

The first preservation step is to lock the scene down quickly:

- **Photograph And Measure The Scene Before It Changes:** Wide-angle photos, close-ups of skid marks, debris fields, vehicle resting positions, and any roadside infrastructure that contributed.
- **Identify And Capture Surveillance Footage:** Note every business, intersection, and traffic camera within a quarter mile of the crash and request preservation in writing immediately.
- **Get Witness Names And Contact Information In Writing:** Memories degrade fast and witnesses become hard to find within weeks.
- **Secure The Vehicles In Place:** Both the passenger vehicle and the truck should be moved only to a secured storage facility where inspections can happen later, not to a salvage yard.
- **Document Roadway Conditions:** Weather, lighting, signage visibility, lane markings, and any construction zones at the time of the crash.

When this work happens in the [first 72 hours](#), it gives the case a foundation. When it doesn't, the defense gets to fill in the missing pieces with a story of its own.

The Electronic Evidence Inside The Truck

Modern tractor-trailers are rolling data centers. The engine control module records speed, braking input, throttle position, gear selection, and a long list of fault codes. Anti-lock braking systems log activation events. Some trucks have forward-facing cameras, in-cab cameras, or telematics systems that ping the carrier's dispatch center every few seconds.

Almost all of that data has limited storage. The [black box and ECM downloads](#) often capture the most damning seconds before a crash, but they roll over as the truck continues to operate. Once a wrecked tractor goes back into service, even briefly, the relevant data window can be gone.

Telematics platforms like Omnitrac, Samsara, and Lytx retain location, speed, and event data on the carrier's cloud server. Some of those retention windows are 30 days. Some are 90. Some can be extended only if the carrier is asked, in writing, to do so before the deletion clock runs out.

This is why the first formal step in serious truck crash investigation is a spoliation letter sent to the carrier and its insurer within days of the crash. That letter identifies every category of evidence the carrier must preserve, and it shifts the burden so that any later loss can be argued as [deliberate destruction](#) rather than ordinary recordkeeping.

The Carrier's Paper Trail That Will Be Thinned Quietly

Trucking companies generate enormous volumes of paperwork. Pre-trip inspection reports. Hours-of-service logs. Maintenance records. Driver qualification files. Drug and alcohol testing records. Driver coaching notes. Dispatch communications. Customer-facing delivery confirmations.

Federal Motor Carrier Safety Administration regulations set minimum retention periods for many of these categories. 49 C.F.R. § 379 lays out the schedule. But the floor is just that, the floor. Plenty of records get destroyed at the earliest legal moment. Some records get destroyed earlier than that and the carrier hopes no one notices.

The high-value categories worth preserving in writing include:

- **Driver Qualification File And Hiring Records:** Application, motor vehicle record, prior employment verification, road test, and medical examiner certificate. [Inadequate driver training](#) cases live in this file.
- **Hours-Of-Service Logs And ELD Data:** Including the 6 months prior to the crash, not just the day of, so that patterns of [driver fatigue and HOS violations](#) can be shown.
- **Maintenance And Inspection Records For The Specific Tractor And Trailer:** Including third-party shop work orders. [Poor maintenance documentation](#) is itself evidence.
- **Drug And Alcohol Testing Records:** Both pre-employment and post-accident testing under FMCSA rules.
- **Dispatch Communications For The Trip:** Messages, GPS pings, and any pressure-to-deliver communications that may show [aggressive scheduling](#).
- **Cargo Manifest And Weight Documentation:** Critical when [cargo shifts](#) or [overweight loads](#) contributed to the crash.

For example, a carrier that's been deferring brake maintenance to keep trucks on the road can usually defend a single crash by claiming a one-off failure. The same carrier can't defend a crash when six months of maintenance records show repeated brake complaints and skipped repairs across the entire fleet. The pattern is what wins the case.

Why The Spoliation Letter Carries So Much Weight

A spoliation letter is a formal notice that puts the carrier and its insurer on the hook for preserving everything connected to the crash. The letter typically lists the specific categories of physical and electronic evidence that must be kept, identifies the tractor and trailer by VIN and unit number, and warns that any destruction of relevant evidence after receipt of the letter may be treated as spoliation under Georgia law.

Georgia courts take spoliation seriously. Under O.C.G.A. § 24-14-22 and the Supreme Court of Georgia's guidance in *Phillips v. Harmon*, 297 Ga. 386 (2015), a party that destroys relevant evidence after notice of potential litigation can face sanctions ranging from adverse jury instructions to the exclusion of defense witnesses to the striking of pleadings altogether.

A jury that hears, "The carrier was told to keep these records and chose to destroy them anyway," is a jury that no longer trusts anything the carrier says. That alone can change the value of a case dramatically.

The Inspection Of The Truck Itself

A tractor-trailer involved in a serious crash should be inspected by a qualified accident investigator before it is repaired, sold, scrapped, or returned to service. That inspection captures evidence that no document can replace.

Investigators look at brake adjustment, brake lining wear, tire condition, suspension components, lighting, reflective tape, fifth-wheel coupling, trailer hitch, cargo securement hardware, and any aftermarket modifications. They photograph, measure, and document everything. They download the ECM data on site so chain of custody can be established. They can also identify [crush patterns and impact dynamics](#) that explain the injuries.

Carriers often rush to release the truck for repairs because every day a truck sits is a day it is not earning revenue. That economic pressure is exactly why a written demand to preserve the vehicle, sent quickly, matters. Without it, the truck can be back on a route in less than a week.

What The Injured Person Can Do In The First 72 Hours

Most preservation work is done by lawyers and investigators after they are retained. But the injured person and their family can take a few high-value steps right away that protect the case while medical treatment is the priority.

- **Get Photos Of Everything:** Vehicle damage, your injuries, the crash scene if possible, road conditions, and any visible truck markings such as DOT numbers, USDOT registration, and trailer numbers.
- **Save Every Document You Receive:** Police report, exchange of insurance information, hospital discharge papers, towing receipts, and any cards left by responding officers.
- **Write Down What You Remember:** Direction of travel, weather, time of day, what the truck was doing before impact, and anything any other driver or witness said at the scene.
- **Identify Witnesses Quickly:** Names, phone numbers, and what they saw. Witness statements taken within days of a crash are far more credible than ones taken months later.
- **Do Not Talk To The Trucking Company's Insurer:** Any recorded statement you give will be used to limit or deny your claim, regardless of how friendly the adjuster sounds.

These small acts feed directly into the much larger preservation effort that follows.

When Preservation Failures Become Their Own Damages

When a carrier loses or destroys evidence after notice, Georgia courts can shift the playing field through what are called spoliation sanctions. The most powerful of these is the adverse inference instruction, which allows a jury to assume that the missing evidence would have been unfavorable to the party that lost it.

That instruction can change the outcome of a trial. A driver fatigue case becomes much stronger when the jury is told it can assume the missing logs would have shown an HOS violation. A maintenance case becomes much stronger when the jury can assume the discarded brake records would have shown deferred repairs. A reckless dispatch case becomes much

stronger when the jury can assume the deleted messages would have shown pressure to push past safety limits.

When the misconduct is severe enough, courts can also award [punitive damages](#) against the carrier under O.C.G.A. § 51-12-5.1, which apply where the defendant's actions show willful misconduct or that entire want of care which would raise the presumption of conscious indifference to consequences.

Why A Slow Response Costs Money

The single biggest mistake injured families make in serious Georgia truck crashes is waiting weeks or months to involve a lawyer. By the time the injured person is out of the hospital and starting to think about a claim, the surveillance footage may already be overwritten, the truck may be repaired and back in service, the witness phone numbers may be unreachable, and the dispatch communications from the day of the crash may already be deleted under routine retention policies.

None of that has to happen. A preservation effort that begins in the first 72 hours saves evidence that cannot be replaced.

Gary Wrote The Book On Truck Accidents In Georgia

Attorney Gary Martin Hays and attorney Sarah R. Jett literally co-authored the legal guide to [tractor-trailer wreck claims in Georgia](#). Since 1993, our firm has been documenting how mechanical failure, regulatory violation, and corporate decision-making intersect in catastrophic crashes.

With over [\\$1 billion recovered for Georgia families](#), our team knows which evidence to lock down first, what spoliation letters to send, and how to keep a carrier from quietly thinning the file before anyone can look at it.

If you or someone you love was hurt in a Georgia truck crash, the preservation clock is already running. [Contact us today](#) for a free case evaluation, and let our legal team help you understand what evidence still exists and how to protect it. Our firm represents Georgia injury victims on a contingency basis, so you owe nothing out of pocket and pay no legal fee unless we recover compensation for you.