

How “Black Box” Event Data Recorders Can Prove Fault in a New Mexico Car Accident

New Mexico Car Accident Lawyers Explain What Black Box Data Reveals

Two drivers often tell two very different stories after a serious New Mexico [car accident](#). Each one often insists the other ran the light. Or they might claim that the other driver drifted across the center line or slammed on the brakes without warning. Who’s telling the truth? Often, it comes down to one driver’s word against another’s. That’s why physical evidence can be so important. And one of the most important pieces of evidence is a device known as an event data recorder or black box.

Many new vehicles come equipped with an event data recorder. This device can capture critical data, including the vehicle speed, throttle position, and whether the brakes were applied before a crash. For drivers caught in a dispute over fault, this information matters a lot. It can provide objective evidence that helps confirm or contradict eyewitness accounts.

Our New Mexico car accident lawyers at [Szantho Law Firm](#) see this pattern often. Insurance companies frequently try to change the story of what really happened after someone files a car accident claim. Attorney Andras Szantho understands the importance of black box data and other car accident physical evidence. He worked as a prosecutor and now fights for the rights of injury victims throughout New Mexico. Understanding what a vehicle’s black box actually records is often the first step toward proving what really happened on the road.

What Is an Event Data Recorder and Does My Car Have One?

An event data recorder, often called a black box, is a vehicle system designed to record certain technical information when a qualifying crash event occurs. Depending on the vehicle and the event, it may preserve information from the seconds before and during a collision without requiring the driver to take any action.

Federal regulations under [49 CFR Part 563](#) set the national standard here. They establish uniform rules for how these devices must capture, store, and preserve crash data. These standards apply to certain newer light vehicles when manufacturers equip them with an EDR. The rule does not require every vehicle to carry one. Manufacturers have voluntarily installed them at an extremely high rate for years, well beyond what the rule technically demands.

Most drivers have no idea their vehicle even contains this module until a crash investigator or insurance adjuster mentions it. The EDR function is often incorporated into a vehicle’s airbag or restraint control module. A sudden change in speed, or a deployment event, tells it that something significant just happened on the road. Many people only learn about it once their case is already underway.

What Specific Data Does a Black Box Actually Capture?

Federal regulations identify data elements that covered EDRs must record under specified circumstances. Depending on the vehicle and crash, that information can include:

- **Vehicle Speed** - The indicated speed of the vehicle in the seconds leading up to the crash, sampled multiple times per second.
- **Throttle Position** - How far the accelerator was pressed, showing whether a driver was speeding up, slowing down or steady before impact.
- **Service Brake Status** - Whether the brakes were applied, and for how long, in the final seconds before the crash occurred.
- **Safety Belt Status** - Whether the driver and front passenger safety belts were fastened at the moment of the crash.
- **Delta-V** - The total change in the vehicle's velocity during the crash itself, which helps establish how violent the impact actually was.

None of these values exist in isolation from each other. Investigators cross-reference speed, throttle, and braking data against a shared timeline. That process builds a second-by-second picture of what each driver actually did before the collision.

Who Owns the Data Stored in Your Car's Black Box?

Many drivers assume this data automatically becomes available to police or insurers after a crash. Under the federal Driver Privacy Act, that assumption is legally wrong. The data belongs to the owner or lessee of the vehicle. It does not belong to the manufacturer, the insurance company or the other driver involved in the crash.

New Mexico has not enacted its own separate event data recorder statute. The federal [Driver Privacy Act of 2015](#) provides that EDR data belongs to the vehicle's owner or, in the case of a leased vehicle, the lessee. Accessing another driver's black box data generally requires the owner's or lessee's consent, court authorization, or another exception permitted under federal law.

This ownership rule cuts both ways in a car accident claim. It protects an injured driver's own data from being pulled without permission. At the same time, it protects the other driver too. Their black box may require a formal legal process before anyone can retrieve what it actually recorded. Working through this process correctly usually requires legal guidance from the start.

How Is Black Box Data Retrieved After a Crash?

Retrieving black box data is a technical process. It is not something an owner can simply plug into a laptop and read. Specialized crash data retrieval tools connect directly to the vehicle's diagnostic port or airbag control module. That connection pulls the stored information into a

format investigators can actually analyze and understand. Specialized equipment and appropriate technical knowledge are generally needed to retrieve and interpret the data.

Federal regulations require manufacturers to make these [retrieval tools or methods](#) commercially available. This allows trained technicians and accident reconstruction experts to access the data properly. Timing matters here more than almost anything else. The vehicle needs to be preserved quickly, before repairs, salvage, or continued use puts that information permanently at risk. Waiting even a few weeks can sometimes make the difference between success and failure.

A lawyer familiar with this process can send a formal preservation request to whoever holds the vehicle. That could be an insurance company, a tow yard, or the other driver. The request demands that the vehicle and its module remain untouched until the data can be properly and safely retrieved. Insurance companies and repair shops do not always wait for that request before acting.

What Can Cause Black Box Data to Be Lost After a Crash?

Black box data does not last forever, and several common situations can destroy it before anyone thinks to request it. Recognizing these risks early can make a real difference in a claim.

- **Continued Vehicle Use** - Depending on the vehicle and type of recorded event, later events may affect whether previously recorded data remains available.
- **Repairs or Module Replacement** - Repairing the vehicle or replacing a module containing EDR information can put important crash data at risk.
- **Total Loss Disposal** - A vehicle declared a total loss may be sold for salvage or scrapped before its EDR data is retrieved.

Every one of these situations happens routinely in the days right after a crash. Most of them happen before an injured driver has even hired a lawyer to look into what occurred. Acting quickly to preserve a vehicle and its recorder can prevent this evidence from disappearing before anyone gets the chance to analyze it. That is exactly why speed matters so much in these cases.

How Can Black Box Data Settle a Dispute Over Fault?

Police reports and eyewitness accounts are often the starting point in a disputed car accident claim. But memory fades, and perspectives differ from person to person. Black box data adds an objective, second-by-second record. That record does not change depending on who happens to be telling the story afterward. It simply reports what the vehicle's own systems measured in real time.

In New Mexico, fault gets assigned under a pure comparative negligence system. This means a driver can still recover compensation even if partially at fault. Their award simply gets reduced

by their own share of responsibility. Speed, braking, and other EDR data can provide important evidence when the parties dispute how responsibility for a crash should be allocated. Even a small shift in that percentage can change the value of an entire claim.

When one driver claims the other was speeding, braking data and throttle position can confirm or contradict that claim. That objective vehicle data can help confirm or contradict witness accounts. This kind of physical evidence can become an important part of resolving a disputed account of how the crash occurred. Adjusters know when the numbers do not support their position.

Can Black Box Data Be Used Against You?

Black box evidence is not automatically good news for an injured driver. Data from the injured driver's own vehicle may show speed, braking, seat belt status, or other information that an insurer could use when disputing fault or damages.

Insurance companies sometimes seize on this data to argue that an injured driver contributed to their own crash. They do this even when the other driver clearly bears most of the blame for what happened. Raw numbers pulled from a black box report can be misread. They can also be presented out of context if no one pushes back on that framing.

A lawyer who understands how to read this data can identify exactly when an insurer is stretching its meaning. The full timeline usually tells a far more complete story. Any single data point, taken entirely on its own, rarely does. Context and timing often matter just as much as the raw figures themselves. A skilled lawyer knows how to draw that context out clearly for an adjuster or a jury.

How Can a New Mexico Car Accident Lawyer Help After a Black Box Dispute?

New Mexico car accidents involving disputed black box data are rarely simple. Retrieving the module, interpreting the numbers, and fighting off an insurance company's spin all take specialized knowledge. Most injured drivers in Albuquerque or Santa Fe should not have to worry about collecting such data after a serious car crash.

Our team moves quickly to gather important evidence. We send preservation letters, retain qualified technicians, and take steps to have crash data retrieved before important evidence can be lost or destroyed. We built our approach around the same investigative discipline attorney Szantho brought to the courtroom as a prosecutor. That combination often makes a real difference in these cases. Our firm's results reflect that discipline, and you can review [our case results](#) for yourself.

Results don't happen by accident, and neither does a strong car accident claim built on solid evidence. [Contact us](#) today. We can start protecting the data that may prove exactly what happened in your crash before important evidence disappears.