Discovery Risk With the Rise of AI and Telematics: What Companies Should Know and How to Get Ahead

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The digital evidence landscape has rapidly expanded as we enter into a new year. Fleets have increased their use of AI-driven safety tools, automated compliance systems, and reliance on telematics.

While these technologies can help in reducing risk and defending claims, they also create new issues with discovery, preservation, and increased liability exposure.

Companies can however get ahead of these issues by being proactive and intentional with their data.

Increased Use of AI and Telematics in the Transportation Industry

The U.S. Department of Transportation (DOT) recently announced plans to expand the use of advanced, "agentic" AI systems with a Salesforce partnership. This signals a broader acceptance of AI-generated data across the transportation industry and department-wide modernization. As government agencies and private carriers adopt AI-enabled tools, courts are likely to see increased scrutiny of how algorithmically generated data is stored, preserved, and produced in discovery.

Fleets routinely deploy driver monitoring systems using AI, predictive analytics, and tools creating real-time safety alerts. While designed to improve safety and reduce exposure, the data these tools generate are often requested pre-litigation, early in discovery, and used by claimants to argue notice, foreseeability, or negligent supervision.

Companies that clearly understand what kind of data exists, what kind of data *should* exist, who controls the data, and the purpose behind their stored information are better positioned to defend against these claims.

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Adding further complexity is the Federal Motor Carrier Safety Administration's (FMCSA) continued removal of non-compliant electronic logging devices (ELDs). As ELD changes continue into 2026, data gaps may become a focal point in hours-of-service logs and driver-fatigue related disputes. These kind of changes must be carefully documented and preserved to mitigate any risks.

Missteps Can Increase Litigation While the Right Approach Can Help Reduce It

As insurers and motor carriers rely more heavily on AI and telematics for mitigation, risk assessment, and claims handling, the scope of discoverable information continues to grow. Industry analysts predict that AI-driven discovery will be a major focus for 2026, with heightened expectations around data preservation, driver monitoring, and transparency.

In high-exposure venues such as Cook County, Illinois, this kind of data can significantly influence how liability narratives develop. Data that is mishandled or produced without explanation can increase exposure and complicate settlement and trial strategies. Plaintiffs will often mischaracterize the data produced in discovery to support their liability claims. With proactive handling and the right approach, this data can strengthen a company's defense when fully contextualized.

What Steps Can Your Company Take to Get Ahead?

ENGAGE EARLY WITH DEFENSE COUNSEL TO MANAGE DATA COLLECTION, LITIGATION HOLDS, AND CONTEXTUALIZE DISCOVERY PRODUCTION

Early engagement with defense counsel allows companies to identify relevant data sources, implement appropriate litigation holds, and proactively frame how AI-generated data is explained in discovery, mediation, and trial. Raw telematics and safety alerts may not tell the full story without context, and early narrative control can significantly limit a plaintiff's arguments.

KNOW WHAT DATA YOUR COMPANY HAS AND WHY THEY HAVE IT

Companies should maintain an updated inventory of all technology-generated data, including systems managed by third-party vendors. Clear visibility into safety platforms, AI analytics, and driver-related data, helps streamline discovery responses and reduce potential surprise.

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DOCUMENT TECHNOLOGY, SYSTEM, AND REGULATORY CHANGES

Documenting technology transitions, such as ELD replacements or system upgrades, can help explain data gaps and support compliance efforts with ongoing FMCSA enforcement developments.

IMPLEMENT CLEAR AND CONSISTENT WRITTEN RETENTION POLICIES FOR DATA

Clear and concise written retention policies can reduce spoliation risk and strengthen preservation efforts. Ensuring that your legal operations, IT departments, management, and safety teams are all working in congruence will be essential to effective data governance.

STAY UP TO DATE WITH FMCSA REQUIREMENTS

The FMCSA has a long list of required documentation for motor carriers and drivers. Making sure your company is compliant with all required documentation is a strategic advantage. The use of AI has helped many stay up to date with this information.

ENSURE HUMAN OVERSIGHT OF AI-GENERATED DATA FOR ACCURACY

AI and technology should supplement, not replace, human judgment. Regular review and oversight of this data can help ensure accuracy and aid in defensibility when this information becomes part of a claim or a lawsuit.

Key Takeaway: Data Governance Supports Success

As technology continues to reshape the transportation industry, motor carriers, insurers, and logistics companies must treat data governance as a way to strengthen their defensive strategy, rather than just a discovery obligation or fear. It supports both operational goals of success and decreases liability in the long haul.

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