Who Is Liable in a Tractor-Trailer Crash?

Unlike many car crashes, a semi-truck crash often involves several potentially responsible parties. The driver, the trucking company, the *truck accident lawyer directory* owner of the trailer, the company that loaded the cargo and the manufacturer of a defective part can each play a role. Sorting out legal responsibility is one of the first tasks for a tractor-trailer crash lawyer, because each responsible party may have separate insurance.

Claims against the driver

Most claims start with the driver's conduct, such as speeding, following too closely, unsafe lane changes, distraction, impairment or fatigue. Commercial drivers must hold a commercial driver's license (CDL) under 49 CFR Part 383 and follow the driving rules in 49 CFR Part 392, including restrictions on texting and hand-held phone use. A violation of a safety rule does not prove fault on its own, but in many states it can be evidence of negligence, and some states apply negligence per se. A truck accident attorney will compare the driver's conduct with these rules.

Why the trucking company is usually a defendant

When the driver is an employee acting within the scope of employment, the trucking company is usually responsible for the driver's negligence under vicarious liability, also known as respondeat superior. The company may also face direct claims based on its own conduct, such as negligent hiring, negligent retention, negligent supervision and negligent entrustment. Under the Federal Motor Carrier Safety Regulations, a trucking company must keep a driver qualification file under 49 CFR Part 391, run drug and alcohol testing under 49 CFR Part 382, and inspect, repair and maintain its trucks under 49 CFR Part 396. Missing or incomplete records can support a direct claim against the company, and for a truck accident lawyer the driver qualification file is often one of the first documents requested.

Owner-operators and leased trucks

Some drivers are owner-operators who lease their trucks to a trucking company. The leasing rules in 49 CFR Part 376 require the lease to give the trucking company exclusive possession, control and use of the equipment for the lease term, which can matter if the company says the driver was an independent contractor. The USDOT number and company name on the cab, along with the bill of lading and the lease itself, help identify which company was operating the truck. An 18-wheeler accident attorney typically requests these documents early.

Shippers and freight brokers

Cargo that shifts or falls can contribute to rollovers and jackknife crashes. The cargo securement rules in 49 CFR Part 393 set requirements for tiedowns and securing loads, and in some cases a shipper or loading company that controlled the loading may share responsibility. A freight broker that arranged the load raises separate questions, including federal **truck accident lawyers** preemption, and the answer depends on the claim and the facts.

Product defects and maintenance

If brakes, tires, steering parts or an underride guard fail because of a defect, the manufacturer may face a product liability claim. An outside repair shop that did faulty work may also be named. Separating a defect from poor maintenance usually means inspecting the parts before they are repaired or scrapped.

Insurance and shared fault

Federal financial responsibility rules in 49 CFR Part 387 require at least $750,000 in public liability coverage when for-hire interstate trucks with a gross vehicle weight rating of 10,001 pounds or more haul nonhazardous property, and certain hazardous materials require higher minimums. Most states use comparative negligence, which can reduce damages by the injured person's share of fault, while a few still follow contributory negligence. A commercial truck accident attorney looks at every party because one policy may not cover the full loss. This article is general information, not legal advice, and it does not predict the result of any claim.