Liability in Commercial Truck Crash Claims Explained

Unlike many car crashes, a semi-truck crash often involves several https://truckaccidentlawyers.wiki/guides/comparing-truck-accident-attorneys/ potentially responsible parties. The driver, the trucking company, the owner of the trailer, the company that loaded the cargo and the manufacturer of a defective part can each play a role. Identifying every responsible party is an early job for a truck accident 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 need a commercial driver's license (CDL) under 49 CFR Part 383 and must follow the driving rules in 49 CFR Part 392, including restrictions on texting and hand-held phone use. A safety violation does not prove fault by itself, but in many states it can serve as evidence of negligence, and some states treat it as negligence per se. A truck accident attorney will compare the driver's conduct with these rules.

The trucking company

If the driver is an employee working within the scope of the job, the trucking company is generally answerable for the driver's negligence under vicarious liability, sometimes called respondeat superior. The company may also face direct claims based on its own conduct, including 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 the driver qualification file is often among the first documents a tractor-trailer accident lawyer requests.

Owner-operators and leased trucks

Many owner-operators 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 during the lease, which can matter when the company argues 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.

Cargo loaders 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 standards for tiedowns and load securement, and in some cases a shipper or loading company that controlled the loading may share responsibility. Claims against a freight broker that arranged the shipment raise separate questions, including federal preemption, and the answer depends on the claim and the facts.

Manufacturers and repair shops

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

How fault and insurance fit together

Under 49 CFR Part 387, for-hire interstate trucks with a gross vehicle weight rating of 10,001 pounds or more that haul nonhazardous property must carry at least $750,000 in public liability coverage, and certain hazardous materials require higher minimums. Most states use comparative negligence, which may reduce damages by the injured person's percentage of fault, while a few still follow contributory negligence. A semi-truck accident lawyer looks at every party because one policy may not cover the full loss. This is general information rather than legal advice, and no result can be predicted from it.