Who Is Liable in a Semi-Truck Crash?

A tractor-trailer crash often involves more than one responsible party. 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. Working out who is legally responsible is an early task for a truck accident attorney, because each party may carry its own insurance.

Claims against the driver

The starting point is usually 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, which include limits on texting and hand-held phone use. A violation of a safety rule does not prove fault on its own, Truck Accident Lawyer Wiki 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.

Liability of 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 can also face direct claims for 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 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. A truck accident attorney will usually request 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 a shipper or loading company that controlled how the freight was loaded may share responsibility in some cases. A freight broker that arranged the load raises separate questions, including federal 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. A maintenance contractor that truck accident lawyer performed faulty repairs can also be named. Telling a defect apart from poor maintenance usually requires 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 apply 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 is general information rather than legal advice, and it does not predict the result of any claim.