Who Can Be Held Responsible for a Truck Accident?

A crash involving a tractor-trailer often has 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.

The driver's conduct

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 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.

Liability of the trucking company

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 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 ***georgia truck accident lawyer*** 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 name marked on the cab, the bill of lading and the lease itself help show 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. Claims against a freight broker that arranged the shipment raise separate questions, including federal preemption, and the answer turns on the specific claim and facts.

Defective parts and repair work

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. 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 apply comparative negligence, which may reduce damages by the injured person's percentage of fault, while a few still follow contributory negligence. A truck accident lawyer looks at every party because one policy may not cover the full loss. This article is general information, not legal advice, and no result can be predicted from it.