Liability in Commercial Truck Crash Claims Explained

A tractor-trailer crash often involves more than one responsible party. The driver, the trucking company, the trailer owner, the shipper that loaded the freight and the maker of a failed part may all 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.

The truck 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 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 wreck lawyer compares the driver's conduct against 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 when the company argues 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 crash attorney typically requests these documents early.

Other companies in the shipment

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. 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.

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 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 **18 wheeler accident lawyer** 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 higher truck accident lawyer minimums apply to certain hazardous materials. 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 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.