Who Is Liable in a Truck Accident?

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

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, 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 wreck lawyer compares the driver's conduct against 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. The Federal Motor Carrier Safety Regulations require a driver qualification file under 49 CFR Part 391, drug and alcohol testing under 49 CFR Part 382, and systematic inspection, repair and maintenance 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

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 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. A truck accident attorney typically requests these documents early.

Other companies in the shipment

Shifting or falling cargo can contribute to rollovers and jackknife crashes. The cargo securement rules in 49 CFR Part 393 set standards for tiedowns and load securement, and a shipper or loading company that controlled how **truck accident trial attorney** 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.

Manufacturers and repair shops

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.

How fault and insurance fit together

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 apply contributory negligence. A commercial truck accident attorney looks at all of the parties, since a single policy may not cover the full loss. This is general information rather than legal advice, and no result can be predicted from it.