Who Can Be Held Responsible for a Truck Accident?

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.

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 safety violation does not prove fault by itself, 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.

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. Gaps in those 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.

When the driver owns the truck

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 during the lease, 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 accident attorney will usually request 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 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

If brakes, tires, steering parts or an underride guard fail because of a defect, the manufacturer may 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.

Insurance and shared fault

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 Atlanta Truck Accident Lawyers Wiki in public liability coverage, 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 article is general information, not legal advice, and no result can be predicted from it.