Who Can Be Held Responsible for a Tractor-Trailer Crash?

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 party may carry its own insurance.

## The truck driver

The starting point is usually the driver's conduct, such as speeding, **atlantatruckaccidentlawyers.wiki** 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 follow the driving rules in 49 CFR Part 392, which include limits on texting and hand-held phone use. A safety violation does not prove fault by itself, 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.

## 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, including 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. 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 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. An 18-wheeler accident attorney will usually request these documents early.

## Shippers and freight brokers

Shifting or falling cargo 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 depends on the claim and the facts.

## Product defects and maintenance

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

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 in public liability coverage, 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 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.