Liability in Truck Accident Claims Explained

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. Identifying every responsible party is an early job for a truck accident lawyer, because each party may carry its own insurance.

Claims against the driver

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 must follow the driving rules in 49 CFR Part 392, which include limits 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.

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 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. 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.

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 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 a shipper or loading company that controlled how the freight was loaded may share responsibility in some cases. *truck accident lawyer atlanta* A freight broker that arranged the load raises separate questions, including federal preemption, and the answer depends on the claim and the facts.

Defective parts and repair work

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 in public liability coverage, and higher 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.