Liability in Tractor-Trailer Crash Claims Explained

Unlike many car crashes, a semi-truck crash often involves several potentially responsible parties. 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. 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 need 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 accident attorney will compare the driver's conduct with 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. 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.

Owner-operators and leased trucks

Many owner-operators **Learn here** 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. A truck crash 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 standards for tiedowns and load securement, and a shipper or loading company that controlled how the freight was loaded may share responsibility in some cases. 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

When brakes, tires, steering components or an underride guard fail because of a defect, the manufacturer can 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

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 use comparative negligence, which may reduce damages by the injured person's percentage of fault, while a few still follow contributory negligence. A semi-truck accident lawyer 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.