Who Can Be Held Responsible for a Truck Accident?

A tractor-trailer crash https://truckaccidentlawyer.wiki/topics/claims-lawsuits-and-fees/ 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 driver's conduct

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 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.

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 can also face direct claims for 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 the driver qualification file is often among the first documents a tractor-trailer accident lawyer requests.

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 during the lease, which can matter if the company says 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 crash attorney typically requests these documents early.

Cargo loaders and freight brokers

Cargo that shifts or falls 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 turns on the specific claim and facts.

Manufacturers and repair shops

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.

How fault and insurance fit together

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 all of the parties, since a single 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.