Liability in Truck Accident Claims Explained

A crash involving a tractor-trailer often has 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. Identifying every responsible party is an early job for a truck accident lawyer, because each party may carry its own insurance.

The truck 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 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 serve as evidence of negligence, and some states treat it as negligence per se. A truck accident attorney will compare the driver's conduct with these rules.

Why the trucking company is usually a defendant

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, 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.

Leased trucks and owner-operators

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 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 typically requests 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 a shipper or loading company that controlled how the freight was The original source 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 depends on the claim and the facts.

Product defects and maintenance

If brakes, tires, steering parts or an underride guard fail because of a defect, the manufacturer may face a product liability claim. A maintenance contractor that performed faulty repairs can 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 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 every party because one policy may not cover the full loss. This article is general information, not legal advice, and no result can be predicted from it.