Liability in Commercial Truck 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. Working out who is legally responsible is an early task for a truck accident attorney, because each responsible party may have separate insurance.

The driver's conduct

The starting point is usually 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 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 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 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. Missing or incomplete records can support a direct claim against the company, and for a truck accident lawyer the driver qualification file is often one of the first documents requested.

When the driver owns the truck

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 for the lease term, which can matter when the company argues 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 accident attorney typically requests these documents early.

Cargo loaders 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. A freight broker that arranged the load raises separate questions, including federal preemption, and the answer depends on the claim and the facts.

Manufacturers and repair shops

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. Separating a defect

from poor maintenance **tractor trailer accident lawyer** usually means inspecting the parts before they are repaired or scrapped.

Insurance and shared fault

Federal financial responsibility rules in 49 CFR Part 387 require at least $750,000 in public liability coverage when for-hire interstate trucks with a gross vehicle weight rating of 10,001 pounds or more haul nonhazardous property, and higher minimums apply to certain hazardous materials. Most states use comparative negligence, which can reduce damages by the injured person's ***truck accident lawyer*** share 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 it does not predict the result of any claim.