Who Can Be Held Responsible for a Tractor-Trailer Crash?

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 responsible party may have separate insurance.

The truck driver

The starting point is usually 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, including restrictions 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

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 may also face direct claims based on its own conduct, including 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. **atlanta truck accident lawyer** 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 company name on the cab, along with the bill of lading and the lease itself, help identify which company was operating the truck. An 18-wheeler accident attorney typically requests these documents early.

Shippers 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. A freight broker that arranged the load raises 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. 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 apply contributory negligence. A truck accident lawyer 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 no result can be predicted from it.