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. 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

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 be evidence of negligence, and some states apply negligence per se. A truck wreck lawyer compares the driver's conduct against 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, 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 the driver qualification file is often among the first documents a tractor-trailer accident lawyer requests.

## 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 during the lease, 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 will usually request 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 a shipper or **truck accident lawyer** loading company that controlled how the freight was loaded may share responsibility in some cases. A freight broker that arranged the load raises separate questions, including federal preemption, and the answer turns on the specific claim and facts.

## Defective parts and repair work

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

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 truckaccidentlawyer.wiki or more haul nonhazardous property, 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 every party because one 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.