Who Can Be Held Responsible for a Truck Accident?

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. 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

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, 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 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, including 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. Gaps in those 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

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 name marked on the cab, the bill of lading and the lease itself help show which company was operating the truck. An 18-wheeler 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 standards for tiedowns and load securement, and a shipper or 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 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 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 *truckaccidentlawyer.wiki* when for-hire interstate trucks with a gross vehicle weight rating of 10,001 pounds or more haul nonhazardous property, and certain hazardous materials require higher minimums. Most states use comparative negligence, which can reduce damages **truck accident lawyer** by the injured person's share of fault, while a few still follow contributory negligence. A truck accident lawyer looks at every party because one 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.