Who Is Liable in a Tractor-Trailer Crash?

A tractor-trailer crash often involves 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 responsible party may have separate insurance.

## Claims against the 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 follow the driving rules in 49 CFR Part 392, including restrictions 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 accident attorney will compare the driver's conduct with these rules.

## Liability of 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 for a truck accident lawyer the driver qualification file **Truck Accident Lawyer Wiki** is often one of the first documents requested.

## Owner-operators and leased trucks

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 crash attorney will usually request 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

When brakes, tires, **truck accident lawyer** 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. 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 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.