Who Can Be Held Responsible for an 18-Wheeler Crash?

Unlike many car crashes, a semi-truck crash often involves several potentially responsible parties. The driver, the trucking company, the owner of the trailer, the company that loaded the cargo and the manufacturer of a defective part can each play a role. Sorting out legal responsibility is one of the first tasks for a tractor-trailer crash 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 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 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, including negligent hiring, negligent retention, negligent supervision and negligent entrustment. Under the Federal Motor Carrier Safety Regulations, a trucking company must keep a **truck accident lawyers** driver qualification file under 49 CFR Part *Truck Accident Lawyers Wiki* 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 is often one of the first documents requested.

Owner-operators and leased trucks

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. An 18-wheeler accident attorney will usually request these documents early.

Shippers 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 in some cases a shipper or loading company that controlled the loading may share responsibility. Claims against a freight broker that arranged the shipment raise separate questions, including federal preemption, and the answer turns on the specific claim and facts.

Product defects and maintenance

When brakes, tires, steering components or an underride guard fail because of a defect, the manufacturer can 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.

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 higher minimums apply to certain hazardous materials. Most states apply comparative negligence, which may reduce damages by the injured person's percentage of fault, while a few still apply contributory negligence. A semi-truck accident lawyer looks at every party because one policy may not cover the full loss. This is general information rather than legal advice, and no result can be predicted from it.