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 owner of the trailer, the company that loaded the cargo and the manufacturer of a defective part can each 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 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 must hold 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 accident attorney will compare the driver's conduct with these rules.

The trucking company

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 ***Additional reading*** can also face direct claims for 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. 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.

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 if the company says 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 accident attorney typically requests these documents early.

Cargo loaders 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 loading company that controlled how the freight was loaded may share responsibility in some cases. 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.

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. 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

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 or more haul nonhazardous property, and certain hazardous materials require higher minimums. Most states apply comparative negligence, which may reduce damages by the injured person's percentage 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 no result can be predicted from it.