Who Is Liable in a https://atlantatruckaccidentlawyers.wiki/checking-a-firms-truck-practice/ Tractor-Trailer Crash?

A tractor-trailer crash often involves 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. 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 must hold 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.

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 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 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 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 standards for tiedowns and load securement, 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.

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

atlanta truck accident lawyer

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 all of the parties, since a single policy may not cover the full loss. This is general information rather than legal advice, and no result can be predicted from it.