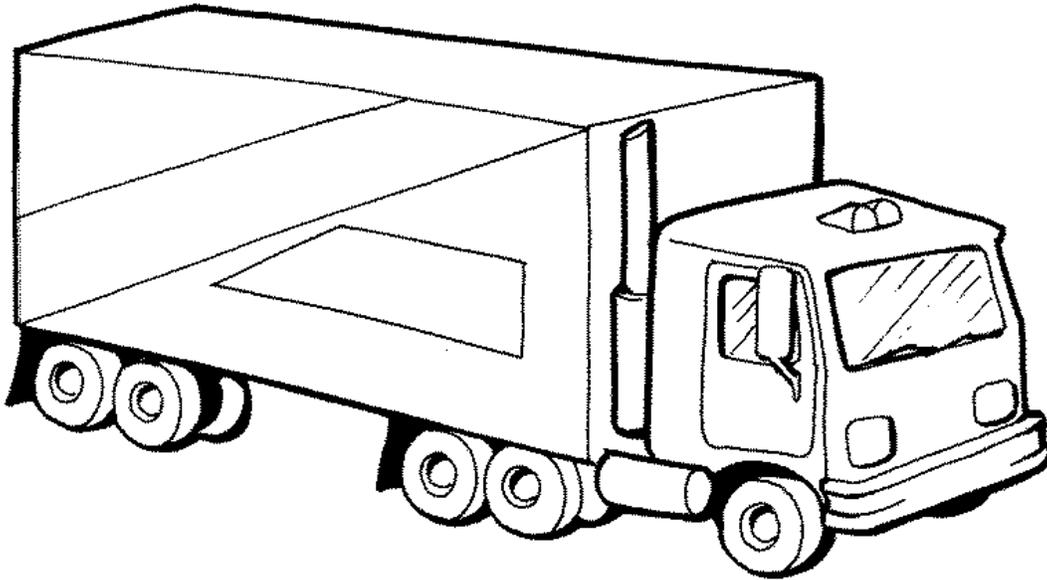


Commercial Truck Accidents



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Texas Truck Accidents

Truck wrecks happen all the time in Texas, especially in the Dallas-Fort Worth area where large 18-wheelers are kings of the road. Because semi-trucks are heavier and usually traveling at higher speeds than other cars around them, the accidents they are involved in are never minor. Semi-truck accidents cause severe, often life debilitating or ending injuries.

Because the bodily injuries and damage to property is usually greater in a commercial truck wreck than in an ordinary car crash case, thorough investigations into the cause of the accident is a must in order to keep the insurance adjuster for the trucking company honest. Trucking companies and their insurance providers are notorious for deceptively hiding evidence that proves their liability for the crash. That's because in truck accident cases, there is more at stake for them to lose.

For example, almost all semi-trucks are equipped with an electronic control module (ECM) which records a wealth of data concerning the vehicle's speed, braking and other information which is valuable for a personal injury lawyer pursuing a claim for compensation. Unfortunately, a loophole in the law often means that negligent trucking companies intentionally destroy these black boxes soon after a crash when they know it was their driver who was at fault. Hiring a lawyer quickly can sometimes prevent this loss of evidence from occurring.

Remember, insurance companies are for-profit organizations; they are in the business to make money, not to give you a fair settlement. Texas law entitles innocent accident victims to recover enough damages from the at-fault party to cover all past and future medical bills associated with the accident as well as any income you may have lost out on due to being unable to work because you were injured. Although you deserve this money, however, the insurance company will not make it easy for you. It is essential that you hire a board certified trial lawyer on your side to ensure your legal rights are protected.

Stress, Worry and Anxiety After the Accident

Besides physical pain and injury, one of the worst things about getting into an accident with a semi-truck is all the mental anguish and stress it adds to your life. Because of someone else's negligence, you must now worry about mounting medical bills and how you are going to work and provide for your family. It can feel like the weight of the world is on your shoulders, all because of some reckless truck driver's negligence.

Thorough Investigations of Truck Wrecks Are a Must

Because of the seriousness of injuries caused by semi-trucks and other large commercial vehicles, it's important to have an experienced attorney to fight on your behalf. With the help of professional investigators and accident reconstructionists, we will work to immediately uncover all the facts relevant to your case.

Our firm understands the intricacies of investigating commercial 18-wheeler wrecks and we have the resources on hand to see that it's done right. Through the years, the personal injury attorneys at the Anderson Law Firm have established a track record of success in Texas truck accident cases.

Don't Wait Until It's Too Late

If you or someone you love has been injured in a wreck with an 18-wheeler or any kind of commercial truck in Texas, don't hesitate to call us. During your free consultation with one of our personal injury lawyers, you can learn about your rights and options concerning your truck accident claim. We can help you recover medical bills from semi-truck accidents, lost wages from tractor-trailer wrecks and make sure you get the justice you deserve. Don't suffer the stress of wondering how your bills are going to get paid; sit down and talk with us and we'll figure out a plan together.

Identifying Parties That May Be At-Fault For a Truck Accident

In the majority of trucking crash cases, liability lies with the motor carrier; that is the company that owns the truck and employs the truck driver. However, there may be some situations where there are other parties who may also be considered negligent in the eyes of the law. In such cases, the amount of damages available to you could be significantly greater. This is extremely important given the high cost of medical bills and other expenses associated with car versus truck wrecks.

Employer Liability

Trucking companies are liable for any wreck caused by one of their employees while they were on the job (this is considered any time the driver is performing an act within the scope of his employment or which fully or partially benefits his employer).

Motor carriers can be held liable if they are found guilty of negligent hiring, entrustment or retention. This means that they allowed an unsafe driver to operate a commercial heavy goods vehicles, thereby knowingly endangering public safety. As a result, it is important that the attorney to help win you compensation has sufficient experience in handling truck crash cases, as it will be necessary to determine whether there was any evidence that the driver at fault for your collision should not have been put in charge of such a vehicle.

Broker Liability

The broker is a business which has no direct part in transporting goods, but which works as a middle man between the motor carrier and the shipper, arranging transportation for goods by contracting truckers. In the past, brokers have generally been able to avoid liability due to the fact that the truckers they use are independent contractors, as opposed to employees. However, they may be found negligent if they failed to properly screen the motor carrier or investigate their safety record. At the absolute minimum, the law expects brokers to review a trucking company's safety evaluation and statistics, as well as any internal records of the carrier's safety performance. Failure to do so means that the broker could be found liable for negligent hiring.

Shipper Liability

As with brokers, shippers have also escaped claims of negligence in the past. However, as is the case with brokers, shippers must also properly investigate an independent driver or trucking company's safety qualifications in order to avoid liability for negligent hiring. In some cases a shipper will retain control over the transportation process, in which case they would be considered directly liable for the driver's conduct, similar to a traditional employer-employee relationship.

In some accidents, the shipper themselves could be found to be at fault. A shipper who loads goods themselves or who otherwise participates in the loading process can be found liable under common law negligence if the load was unsecure or otherwise unsafe.

Violations of Truck Driver Hours of Service Regulations

We know that the biggest opportunity for a serious traffic collision to occur is as a result of human error. Most mistakes happen when people are tired. Since truckers spend such a great deal of time on the road, by nature they are predisposed to suffering from insomnia, sleep apnea and overtiredness – all of which could result in increased risk of highway hypnosis or falling asleep at the wheel. When this occurs, serious accidents happen and catastrophic or even fatal injuries result.

If you or someone you love has been injured or killed in a motor vehicle accident involving a semi-truck, 18-wheeler, or tractor-trailer, then it is critical that you hire a board certified personal injury lawyer who is experienced in handling big truck crash cases in order to determine whether or not the at-fault trucker was in violations of the Federal Truck Driver Hours of Service Guidelines.

Maximum Hours of Service Law

The FMCSA Hours of Service regulations stipulate that:

- ⤴ A goods driver cannot drive more than 11 hours following 10 consecutive hours off-duty
- ⤴ A goods driver cannot operate a commercial vehicle after being on-duty for 14 hours
- ⤴ A goods driver cannot operate a commercial vehicle after having been on-duty for a total of 60 hours in any seven consecutive days (if their employer does not operate seven days a week, if they do operate every day, then this is increased to 70 hours in any consecutive eight day period)
- ⤴ Any period of 34 consecutive hours off-duty will reset the new seven- or eight-day period
- ⤴ A driver with a sleeper berth in his vehicle must accumulate at least 10 consecutive hours of off-duty rest before continuing to drive

Exceptions to the Hours of Service Regs

In certain situation, the law does permit truck drivers to exceed the regular hours of service regulations, but even then only within certain guidelines. For example, if a driver cannot safely complete his trip due on schedule due to adverse weather conditions, they may drive for up to an

additional two hours to either complete their run or reach a safe stopping point until they are able to legally resume their journey. It is necessary to consult with an experienced trucking accident attorney in order to determine whether or not the truck driver responsible for your wreck was operating in accordance with the law at the time of your accident.

Negligent Schedules and Route Planning by Trucking Companies

In order to have the best possible chance at recovering the maximum compensation possible for your injuries and other damages, your personal injury attorney will need to amass substantial evidence which establishes the negligence of the trucking company and the driver who caused your collision. A key piece of evidence which can support your claim is the schedule set by the trucking company for the journey being made by their driver at the time of your wreck.

According to Federal laws which all interstate trucking operators must abide by, “No motor carrier shall schedule a run nor permit nor require the operation of any commercial motor vehicle between points in such period of time as would necessitate the commercial motor vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the commercial motor vehicle is being operated.”

Speeding Semi-Trucks are Dangerous

Semi-trucks, 18-wheelers, and tractor-trailers are large vehicles which take a considerable distance to slow down and stop. The faster that a truck is traveling, the longer it will take for it to break and come to a complete stop. Furthermore, the sheer size and weight of a heavy goods vehicle dictates that the impact of it colliding with another vehicle is sure to result in substantial property damage and catastrophic bodily injuries.

If it can be established that a trucker was speeding in order to meet the unrealistic expectations of a trucking company that had set them unreasonable and unsafe schedule which obligated them to exceed the speed limit, then you have a much strong case when it comes to recovering compensation.

Evidence of Truck Driver's Dangerous Driving History

Many times, the trucker responsible for causing a multi-vehicle traffic collision has a history of wrecks and/or violations on their record which should have disqualified them from driving a commercial vehicle. Unfortunately, dangerous drivers are sometimes retained by their employers despite their questionable driving record. In legal terms, this is known as negligent retention; the motor carrier company continued to employ the driver in question despite knowing that they had a history of negligence behind the wheel.

Proving Truck Driver/Shipping Company Negligence

There is often a great deal of evidence available to Texas injury lawyers seeking to prove that the truck driver (and their employer) was at fault for causing your accident – and that they should therefore be held financial responsible for your accident-related medical costs, lost income, and future impact that your injuries will have on your life. One of the most critical pieces of evidence is the driver's qualification file.

All motor carrier companies in the United States are required by law to continually maintain an accurate record of a trucker's driving history in order to ensure that they are still qualified to operate a heavy goods vehicle such as a semi-truck or 18-wheeler. The driver's qualification file is often one of the first pieces of evidence we request from the trucking company. A driver's qualification file should contain the following information:

- The driver's original application for employment
- A record of inquiries to and responses from the driver's previous employers regarding driving history
- The pre-employment moving violations report (MVR) for the driver
- A copy of the driver's commercial driving license (CDL)
- A copy of the driver's most recent annual review
- Any MVR related to the most recent annual review
- A certified list of moving violations and accidents caused by the driver
- The medical examiner's certificate of physical qualification

Trucking companies have a duty to maintain an accurate for each truck driver under their employ throughout the driver's employment with their company. They must also keep the record on file for a minimum of three years after the driver leaves the company.

Semi-Truck Wrecks Caused by Poor Vehicle Maintenance

The Federal Motor Carrier Safety Administration (FMCSA) requires that every tanker truck, tractor trailer and other big rig is routinely inspected, repaired and maintained in order to keep them up to code to prevent unnecessary accidents. The FMCSA mandates all trucks to undergo a thorough pre-trip inspection and post-trip inspection to make sure all auto parts are functioning correctly and that there is no necessary maintenance which is required.

Commercial vehicles travel great distances, so they regularly rack up considerable wear and tear. Failure to repair or replace worn out parts can be a recipe for disaster and more often than not an innocent motorist or pedestrian will pay the price for the negligence of the motor carrier company and their drivers. Common defective auto components responsible for truck wrecks include brakes, lights, steering mechanism, tires, horn, windshield wipers, mirrors, coupling devices, rusty or worn-out door hinges, rusty or worn-out load restraints, wheel bearings and cracked rims, leaking fuel tanks, missing reflectors/reflective tape, and loose or missing mud flaps.

According to the FMCSA guidelines, trucking companies are required to keep records of all maintenance records for every one of their trucks. These reports much catalogue where and when every inspection occurred as well as detailing any maintenance which was required, including parts which were repaired or replaced. If a truck is found to be unsafe, the FMCSA requires that it be taken out of service until it can be brought back up to code.

Car Crashes Involving Parked or Stalled Trucks

There is a common misperception that the rear-most driver is always the motorist at fault in any multi-vehicle collision. However, that is not necessarily always the case – in particular in cases involving semi-trucks or other commercial vehicles which are parked along the roadside.

Federal law requires truck drivers to put out warning signs such as hazard triangles or flares if their rig breaks down or is stopped alongside a roadway. Failure to place such warnings for other drivers is an act of negligence, meaning that if you are riding in a car which crashes into the stalled truck you have a legal right to pursue compensation against the at-fault trucker and their employer.

Texas Law Concerning Parked, Stalled and Stopped Trucks

Texas Transportation Code Subchapter G (sec. 545.301, et seq.) prohibits all semi-truck, 18-wheeler, and tractor trailer drivers from stopping, parking, or leave their vehicle standing (either attended or unattended) on any main traveled part of a highway outside any business or residence. There are, however, certain circumstances when such action is permissible, though it is generally illegal to do so – meaning you have a right to make a claim.

The law also states that it is illegal for truck operators to stop, stand, or park a vehicle on a sidewalk, in an intersection, on a crosswalk, obstructing a marked or otherwise defined safety zone, alongside or opposite a street excavation or obstruction, on a bridge or other elevated structure, on a railroad track, or in any other place where an official sign (or local ordinance) prohibits stopping.

There are also instances when a claim might be brought even in instances where the truck driver correctly laid out appropriate warnings. For example, some city ordinances in the Dallas-Fort Worth area prohibit stopping or loading and unloading in certain areas. If your accident occurred while the truck was parked in one of these areas, they they are in breach of the local law, and therefore negligent – meaning you can make a claim against them.

Free Consultation

Call the Anderson Law Firm today for a free, no obligation consultation with a board certified personal injury trial lawyer.

Call toll free at 800-354-6275 or locally in Fort Worth, TX at 817-294-1900.

