

Trucking and 18-Wheeler Accidents and Injuries

Commercial trucks, including eighteen wheelers and other large freight carriers, are a fact of life on the roads in the United States. Although commercial trucks benefit our economy by shipping the majority of goods and other freight across the United States, they also present a peculiar and dangerous risk to Americans traveling in ordinary passenger vehicles. The typical fully-loaded large commercial truck can weigh 80,000 pounds or more, while the average passenger car weighs 3000 pounds. This disparity in size and weight explains why trucking accidents are more likely to result in serious injury or death. According to the National Highway Traffic Safety Administration, when large commercial trucks and passenger vehicles collide, 98 percent of the deaths happen to passengers in the smaller vehicles. One in every eight traffic fatalities is attributed to trucking accidents. In fact, it is estimated that every sixteen (16) minutes, a person dies or sustains serious injuries in a trucking accidents.

There are many reasons why trucking accidents occur. One of the most common causes of truck accidents is truck driver fatigue. While there are many federal and state rules regulating the trucking industry, including rules regarding the number of hours a truck driver may log behind the wheel, many truck drivers violate these rules. Truck drivers are often induced to do so by trucking companies who push their drivers and vehicles to the limit to boost profits. Paid by the driven mile, many truck drivers will drive their trucks past the point of fatigue creating a dangerous situation for others sharing the roadway.

Other common causes of trucking accidents include the following: 1) unrealistic delivery schedules for truck drivers; 2) jackknifing; 3) inspection or equipment failures; 4) improper loading of the truck trailer; and 5) drug and alcohol use by the truck driver. In any accident involving a commercial truck these factors and others should be thoroughly investigated to determine who is at fault. Along with the truck driver, the following persons and entities have been found liable for these trucking accidents:

- Truck Cab Owner – the owner of the truck cab, who may or may not be the driver, has a duty to inspect the cab’s equipment to ensure it is in a safe condition;
- Truck Trailer Owner – the owner of the truck trailer is often not the same person or entity that owns the cab. He also has a duty to inspect the trailer to ensure it is in a safe condition;
- Company Loading the Truck – the company responsible for loading the truck must ensure that it is loaded properly. Failure to load a truck properly can cause a load shift that may result in an accident or rollover;
- Manufacture, Installer, and Retailer – A truck is a complex machine with many different systems and components operating at the same time. A failure by any one of these parts could result in an accident. If a defective component on the truck resulted in the accident, then the manufacturer of the component, installer of the component, and

retailer of the component could all be potentially liable for the accident;

- Truck Driving Employer – if an employment relationship is established between an at fault truck driver and a trucking company, then that trucking company can be held liable for the truck driver’s negligence under the legal theory of “respondeat superior.” Under this doctrine, the injured person’s attorney will need to show that the company exercised control over the truck driver and the accident occurred while the truck driver was acting in the course and scope of the employment relationship. In addition, a trucking company that employs a truck driver may be negligent in its own right if it did not adequately investigate the truck drivers background or set unrealistic driving schedules that encouraged the truck driver to speed, drive too many hours, or violate the law in other ways. This could be grounds for exemplary or punitive damages under the legal theories of negligent hiring or negligent entrustment.
- Manufacturer or Shipper of Hazardous Materials – in some rare instances, the manufacturer or shipper of hazardous materials carried by the truck may be liable for injuries caused the type of cargo on board the truck. For example, this can occur if the shipper fails to advise the truck driver or trucking company of potential hazardous material within the cargo that subsequently catches on fire or is released into the ambient air.

An attorney representing a person injured in an accident with a commercial truck will need to thoroughly investigate all causes and all potentially responsible parties. Because the severity of injury, and therefore damages, associated with these accidents is often substantial, a lawyer will want to investigate all potential sources of recovery for his client. This includes applicable insurance coverage for all the potential liable parties discussed above.

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