

Trucking Accidents: A Guide for the Injured



Produced for You by the
Law Offices of Gacovino Lake

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INTRODUCTION

Accidents are an unfortunate part of life. Devastation and losses caused by accidents are difficult to sort through, especially when you feel that someone else should be held responsible. *Trucking accidents* can be especially devastating.

Our team assembled this guide to help you understand many aspects of trucking accidents and how these claims are filed. You can find other original articles on our website: www.GacovinoLake.com/free-resources. We've selected twenty four of them for this guide. Since they are individual articles, some information overlaps, but we have kept this to a minimum for your ease of use.

We are sure you'll find this guide useful. If you have further questions about anything in it or about a case of your own, please do not hesitate to contact us at: (800) 246-4878.

For additional information and articles, visit our website: www.GacovinoLake.com.



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WHAT TO DO AFTER A TRUCK ACCIDENT

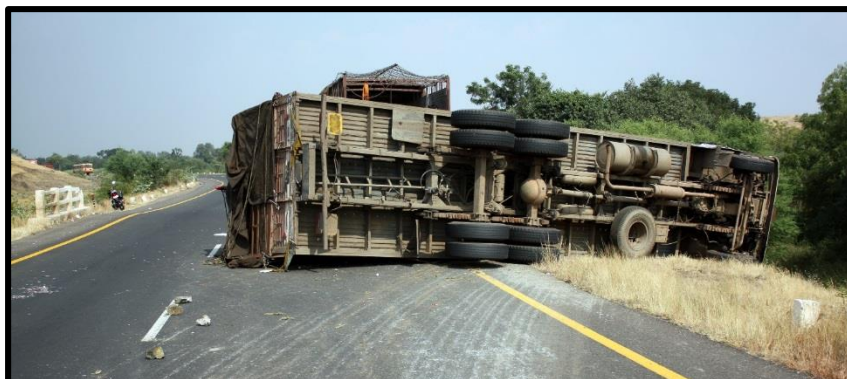
It's natural to feel stressed and overwhelmed after accidents. Injuries can affect you or a loved one for days, weeks, and even years. Be sure to collect all the information you can after an accident. Keep frequent track of how you're feeling, what your doctors have said, notes from doctors, and any other information you believe to be a result of your injury.

This section will give you detailed advice for obtaining reports and evidence, and about things you should and shouldn't say.



What to Do at the Scene of a Truck Accident

Accident scenes can be chaotic and charged with emotion. But remaining calm and taking appropriate steps to protect any future claim is critical. This is especially true when it comes to a truck accident, as there can be a lot of complex issues that arise along the way.



What You Should and Shouldn't Say at the Scene of a Car-Truck Accident

The first thing you should do – unless someone is seriously injured and requires immediate medical attention, in which case you should call 911 – is contact the police. The responding officer will complete an accident report and take statements from everyone involved, including witnesses.

One of the most important things to remember after an accident is to be careful about what you say. This means refraining from antagonizing the truck driver. Although it can be challenging to keep one's composure, failing to do so could negatively impact the direction of things to come.

At the same time, it's imperative not to take blame for the accident. Even making a comment such as, "If only I hadn't" or "I didn't see the truck" can be misconstrued. There could be other circumstances surrounding the crash of which you aren't aware, which is why suggesting or outright taking blame isn't a good idea. In fact, it could hurt your ability to recover compensation later.

Statements could be misunderstood, twisted, or they may not even be accurate. For instance, indicating that you never saw the truck could be interpreted to mean you weren't paying attention when in fact it could be the truck had been traveling at such an excessive speed you couldn't know it was going to be there.

Start Collecting Evidence at the Scene

A lot of people don't think about evidence when at the scene of an accident. But to build a strong case, it's important to preserve as much of it as possible, which is why evidence collection should start right at the scene.

Photographs can be one of the most valuable forms of proof utilized in a trucking accident case. Most people have access to a camera on their phone. Take advantage of this opportunity to get as many pictures as possible before the scene is cleared.

Take a wide-view shot of the entire accident scene. It's also important to get specific angles; for instance, close-ups of damage on the vehicles or other damaged objects, such as a broken light pole. Also take pictures of any debris in the road, along with tire marks.



Collecting information from those involved in the accident is critical. Be sure to get not only the truck driver's name but also the name of the trucking company for which he/she works, along with a driver's license and license plate number. If there is a phone number on the truck, a company name or other relevant information, write that down as well.

Finally, be sure to get contact information from anyone who witnessed the crash or saw what happened afterward. Testimony from others could help determine what caused the accident. Someone in another vehicle or a person walking down the street at the time may have seen the accident.

Ways to Obtain Evidence After Being Injured in a Truck Accident

Anyone who has been injured in a truck accident knows the fear, pain, and loss that it brings into your life. If you've been hurt in this type of accident, you may be entitled to compensation. One of your first steps will be obtaining evidence to support your case.

An accident involving a large commercial carrier differs in many ways from other types of vehicle accidents. The most obvious difference is due to the size of the truck compared to the other vehicle involved in the wreck. The sheer size of the truck can cause major damage to a smaller vehicle and to the passengers inside. The injuries incurred can be life-changing and cause the victim to suffer loss of income, require long-term care, and go through long periods of physical therapy.



There are also other differences that have an impact on the legal process of filing your accident claim. Obtaining evidence when you've been injured in a crash with a commercial truck is important and may include:

- pictures from the accident scene;
- copies of medical records and photo documentation of your injuries;
- accident reports;
- testimony from expert medical witnesses;
- testimony from a certified safety expert,
- driver's record of duty status (or logbook); and
- automatic on-board recording device.

The last 2 items listed are unique to commercial truck accident cases; they are excellent sources of evidence that can sometimes be difficult to obtain.

Utilizing the types of evidence listed is useful when proving negligence when you are injured in a truck accident, which is the aim of any personal injury case. Negligence simply means being at fault for the accident. In order for your case to be considered valid, there needs to be evidence that points to the crash being at the fault of the truck driver (or trucking company).



When it comes to the details of obtaining evidence, there are many sources available. When you were injured in a truck accident, you likely were cared for by quite a few people at the scene and afterward, and there was documentation involved. There may also be evidence that proves not just your injuries but the truck driver's negligence.

The drivers logbook is one of the pieces of evidence that might be of help to you. The logbook, also known as the record of duty, is a book that keeps track of truckers' trips. It records their itinerary and rest stops and shows their total hours driving for each trip. Federal law requires truckers to keep log books so that they will follow a manageable work schedule and avoid dangerous sleep deprivation that can lead to accidents.

When you're injured in a truck accident, time is of the essence if you want the logbook as evidence. Trucking companies have their own legal teams and, for the obvious reasons, they are not quick to hand over the log book to the injured party.

Logbooks can be falsified in the days or weeks following an accident, and trucking companies can dispose of logbooks after six months have passed; therefore, it's imperative that these pieces of evidence are obtained and thoroughly studied as soon as possible after a truck accident in New York.

As time goes on, lawmakers are realizing the need for more reliable record keeping in the trucking industry. With the number of trucks on the road increasing, and the number of truck accidents on the rise as well, the federal government is considering implementing the use of Automatic On-board Recording Devices (AOBRD's) in all commercial trucks.

AOBRDs are devices that serve the same function as paper log books, and have replaced log books at some trucking companies in the U.S. AOBRDs keep track of a trucker's rest stops, mileage, and other information. These are more difficult to falsify than logbooks in the event of an accident, so they make an excellent item for a lawyer to think about when obtaining evidence.

Obtaining Police Accident Report for a Truck Accident Claim

Evidence like the police accident report is important to a truck accident claim to establish the cause of the accident and who is at fault for the commercial truck accident.

Where do I get a copy of the police accident report after a truck accident?

This varies for each state and sometimes each jurisdiction. In New York, a police accident report can be accessed online through the Department of Motor Vehicles (DMV) site. This requires a search fee of \$7 and \$15 for a copy of the report.

It will be necessary to provide a full name, address and email. Additional information is required in order to identify the accident. For instance, by entering the date of the accident and the location (county), it will show a list of plate numbers for all vehicles involved.



If the searcher has the accident case number – which may be given at the time of the accident – it may help locate the report, too. Further, the driver’s license or vehicle plate number can be entered.

A copy can also be obtained by calling or visiting the police agency that responded to the crash. There may be a fee for getting a copy of the report. If you’re filing a truck accident claim following serious injury, an accident attorney can help New York victims obtain this document and help evaluate it to present it as evidence in the claim.

Is there a special police accident report if a large commercial truck is involved?

The responding officer is required to fill out a “Truck and Bus Supplemental Police Accident Report” whenever there is a crash involving a commercial truck. This applies to trucks with a gross vehicle weight rating or gross combined weight rating of more than 10,000 pounds.

It also applies to trucks that carry a hazardous materials placard. This is a law enforced not only by the state of New York, but the Federal Motor Carrier Safety Administration and the U.S. Department of Transportation.



The other requirements necessitating filling out this form include:

- at least one fatality;
- at least one person transported to a hospital for immediate medical care; or
- at least one vehicle is towed from the accident scene as a result of property damage.

How can a police accident report help a truck accident claim?

A police report can help in establishing who was at fault. What’s critical is that truthful, detailed information is given to the responding officer at the scene. This is because with time, the facts and circumstances surrounding the crash can begin to fade from memory.

Oftentimes the officer can get a good understanding of what happened after talking to all of the parties. The report might provide a summary of what he or she believes is the cause of the crash, which can be very useful when filing a truck accident claim in New York.

Meanwhile, an automatic onboard recording device or the driver’s log books can help establish whether the driver was in violation of federal hours of service rules. Federal law mandates that the hours of service electronic display, chart or printout is provided to law enforcement when requested.



If there is evidence that the driver had gone beyond the allowable time, it could support suspicions of drowsy driving or falling asleep at the wheel. An accident attorney may also request this information from the trucking company if pursuing a truck accident claim in New York.

If the truck driver is cited for a traffic citation and it's included on the police report, it may show fault. Or if a blood alcohol content (BAC) test is administered, the results could be used as proof of negligence, too.



PURSING YOUR CLAIM

A strong case is based on evidence. Building the evidence is a very technical skill, which is why successful cases are fought by qualified attorneys. The trucking company may destroy or alter certain records in order to dispose of evidence.

Another reason for seeking legal counsel is that injuries from a truck accident are often disabling or life-threatening. Tremendous costs of rehabilitation and normalization are at stake. The sooner an attorney's help is enlisted, the better. The Law Offices of Gacovino Lake can help accident victims pursue a truck accident claim and appropriate compensation for damages. Call us at (800) 246-4878 to set up a free consultation with an attorney.



Three Tips after a Truck Accident When Dealing With the Truck Company's Insurance Company

After a truck accident, injured victims may find themselves dealing with the truck company's insurance company if the company is liable for the truck accident.

Even if the truck driver was clearly at fault, there can be uncertainty about the proper way to handle the situation and what should and shouldn't be said to the insurer. A personal injury lawyer in NY can also help accident victims unsure of which paperwork to sign and when to settle.

Use Caution When Talking with an Insurance Claims Adjustor

The first tip is to know how to talk to insurance companies. Although it might be obvious that an injured victim should never take blame for the accident, some things may be said the wrong way and twisted or used against the victim.

At the same time, it's important to not lie or exaggerate about the truck accident. This can end up damaging or possibly even destroying a claim.



The insurance adjuster will ask lots of questions, which can sometimes trip up the person responding. Not only should careful consideration be given before providing an answer, but it helps to be prepared prior to having the conversation so the claimant understands how to talk to the insurance companies from the start.

One way to prepare is by having all of the facts written down. Then the injured victim can refer to that information and doesn't have to try to rely on memory, which can increase the chance of incorrectly representing the facts and details of the accident.

Don't Sign Anything without Talking to a Lawyer First

The second tip is to seek legal counsel before agreeing to sign anything after a truck accident. There are three main documents that insurance companies may try to get an injured person to sign.

The first is a medical release form, which they may indicate is necessary in evaluating the claim. But those who have been injured as a result of the truck driver's negligence are under no obligation to provide this to the truck company's insurer.



By giving the insurance company access to full medical records, it puts the injured person in a vulnerable spot. Pre-existing conditions or past medical problems may be blamed for the injuries related to the truck accident.

The second document that the insurance company may try to get signed is a written statement. The tactic oftentimes used is that it's just the injured person's chance to tell his or her side of the story. Just as what is said verbally can be damaging, so too can what is written down. In fact, that could be more risky since it's right there in black and white.

Another document an injured person may be asked to sign is a settlement. When injuries are serious, however, it is usually difficult to know if the amount being offered is full and fair. So no matter what the paperwork, nothing should ever be signed without talking to a personal injury lawyer in NY first.

Don't Accept Less Than What Is Deserved

The final tip is to make sure all damages have been accounted for before agreeing to a final settlement after a truck accident. In the case of medical bills, it's important to consider any future costs that may come up.

One way to ensure all expenses have been accounted for is to make sure a final diagnosis and prognosis has been given. If the claim is settled and it's then learned that additional surgery will be required to treat an injury, the additional cost may not be recovered.

With the potential to face other medical treatment, come additional losses in the way of income as the injured person recovers. These also can't be recovered if the claim is settled too quickly.

Do I need an attorney for my New York truck accident claim?

The need for an attorney in a New York truck accident claim will depend on the unique circumstances surrounding your case. Most truck accident claims that involve minimal damage and no injuries can be handled without an attorney. If there is significant damage or serious injuries, an injury lawyer may be necessary.



How an Attorney Can Help with Your New York Truck Accident Claim

If you have been seriously injured in a truck accident in New York, this can be a more complicated type of case than your average personal injury claim. This is because not only are you dealing with the liability of the truck driver but you may also be entitled to hold the trucking company that employs the driver liable for your injuries.



You are more likely to obtain a higher settlement if you have the help of an injury lawyer. An injury lawyer can thoroughly evaluate your case to determine the extent of your injuries and estimate how much compensation you may be entitled to receive. If you proceed with a claim, your attorney will fight to help you get a full and fair amount.

The trucking company will likely want to settle quickly and for a low amount. Rushing a claim after a truck accident in New York isn't to your advantage. An injury lawyer will take the time that is necessary to help collect adequate evidence to build a solid and substantial case.



UNDERSTANDING TRUCKING ACCIDENTS

Trucking accidents can be more complicated than car accidents. This section will help you understand different kinds of truck accidents, what might cause them, driver negligence, the impact of evidence, and more. In the two sections that follow this one, we'll get into the details about (1) what you'll be up against in making your case and (2) influencing regulations.



How Commercial Truck Accidents Cause Personal Injury

An accident with a commercial truck can result in devastating personal injury or death because of the severity of the crash. Commercial truck accidents occur for a variety of reasons and the more you understand the hazards these oversized vehicles can impose, the better chance you have of avoiding a serious accident.

One of the main causes of commercial truck accidents is driver negligence. Negligence comes in many forms, and with truck drivers this can mean:

- failure to follow driving duty regulations;
- driving while intoxicated; or
- neglecting to secure their cargo load properly.

Drivers aren't always the responsible party in a truck accident; in some cases accidents are purely accidental because of road hazards that are unavoidable, like poor weather or debris.

Manufacturer defects in commercial truck assemblies can also cause devastating accidents.

There are common types of accidents involving commercial trucks that can occur because of any of these factors:

- jackknifing;
- rollovers;
- overrides;
- head-on collisions; and
- underride accidents.

Crashes because of jackknifing and rollovers are attributed to a commercial truck's high center of gravity. The height of the truck creates less stability when making sharp turns or abrupt stops, often causing the cab to flip or double back on itself. Underrides and overrides are common when passenger vehicles follow too closely or do not compensate for a truck's reduced field of vision. Head-on collisions are almost always caused by driver negligence, but can also be caused by a mechanical defect such as brake failure.

The best way to avoid becoming a victim of a serious truck accident is to exercise caution when sharing the road with these massive vehicles. Commercial trucks take longer to react to changes in traffic patterns which means you should be aware of when a truck is making a maneuver near you and give them plenty of space should an error occur.



No matter what caused your truck accident, if you are seriously injured you may need the help of a personal injury attorney to get your case settled. Remember that when an accident is caused by another's negligence you have the right to seek compensation!

Types of Truck Accidents

It takes a semi longer to stop than it does a car, especially if carrying a heavy load. As a result, a truck may rear-end the vehicle in front of it if it does not have enough room to apply the brakes and come to a stop.

This becomes especially dangerous when on the highway and traveling at a higher rate of speed. Rear-end accidents can lead to the truck jackknifing, when the trailer swings out to the left or right at a 90-degree angle.

Another type of accident is when the truck driver is unable to see a vehicle because of the truck's blind spot. There are blind spots in both the front and back of the truck. This can lead to the truck driver improperly passing or turning in front of a vehicle, which could have devastating consequences.



Head-on collisions with a truck, as with any vehicle, may be among the most dangerous types of truck accidents. The outcome is even worse when either or both vehicles are traveling at a high rate of speed.

Underride truck accidents occur when a car slides underneath the truck. Although this generally happens at the back of a truck, a car may also slide underneath at the side. One of the dangers in this situation is that the roof of the car could be crushed or even ripped off.

Unlike an underride accident where the car slides underneath, an override accident is when the truck rides over the car. This could lead to a victim being pinned inside his or her vehicle.

Trucks that are overloaded or not properly secured run the risk of a rollover accident. This can become especially dangerous if the load being carried is hazardous, such as chemicals that could ignite a fire.

Tire blowouts may lead to an accident. These cause the truck driver to lose control, and any vehicle in its path is at risk of being struck.

In some cases, a truck accident can be the result of defective equipment, such as the brakes. If the trailer wasn't properly inspected and there were repairs needed, it could lead to an accident as well. In cases like this, you may be able to file a claim against a manufacturer or an independent contractor who may be responsible.



In the following section, we will discuss four types of trucking accidents in greater detail.

Jackknife Trucking Accidents

A jackknife accident occurs when the trailer attached to the cab of the truck swings outward, then folds in on the cab to form a "V." As it swings outward, it can strike another vehicle. There is also the potential for a vehicle (such as a motorcycle) to be caught in between the truck's trailer and cab.

A jackknife accident can happen when the truck travels at a high speed and has to brake suddenly. As the truck skids, there is no control over the trailer, causing it to fold.

It also can occur when the truck loses traction because of wet conditions or heavy winds. Again, speed can be a significant factor. If going too fast and unable to brake safely, the truck might jackknife.

Taking a sharp curve too fast is another cause. When attempting to apply the brakes, the momentum can push the trailer outward. In a lot of cases, speed is a major factor in jackknife accidents.

Underride Trucking Accidents

This happens when a passenger vehicle strikes the back of a truck and slides either partially or completely underneath it. Although trucks are supposed to have underride guards to prevent this, sometimes they fail or are missing.

Even a vehicle traveling at a relatively low speed could slam into the back of a big rig and end up underneath. The faster someone travels, the greater the risk may be of sliding underneath and suffering serious injuries.

Injuries tend to occur to the upper part of the body and may cause decapitation. Whether it's the head, face, neck or chest, the damage can be significant.

Override Trucking Accidents

Instead of a vehicle sliding underneath a truck, the semi actually rides over it in an override accident. This can happen when the truck has been traveling at a high speed and/or is following another vehicle too closely. Victims of this kind of accident can sustain crush injuries. Fractures, head trauma and dismemberment are examples.

Rollover Trucking Accidents

Rollovers sometimes occur after a truck has jackknifed, but there can be other causes. For instance, an improperly balanced or overloaded semi may have a greater chance of rolling over, especially when making a sharp turn or sudden stop. Instead of skidding, the center of gravity in the trailer may cause it to roll.

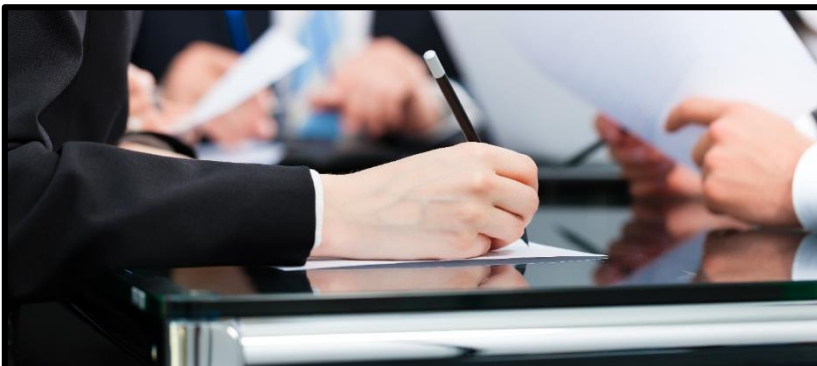
As is the case with many other types of truck accidents, speed can be a contributing factor in a rollover. Traveling too fast when taking a ramp or curve increases the risk of a rollover. It's also a risk when driving during windy conditions.



Certain driver errors also increase the chance of a rollover. Trying to counter-steer can cause the truck driver to lose control. This can be a result of drifting off the road or into another lane and trying to overcorrect it. Fatigue and not paying attention can cause this to happen.

Why a Truck Accident Claim May Be More Complicated Than an Auto Claim

There can be many complex issues that arise in any type of accident claim. However, truck accident claims tend to be especially complicated for a variety of reasons, such as the various regulations affecting the case and the availability of different types of evidence.



Impact of Federal Regulations in a Truck Accident Claim

One of the biggest differences between a car accident claim and truck accident claim is the fact that the Federal Motor Carrier Safety Administration (FMCSA) oversees the trucking industry. This agency strives to make the roads safer by enforcing federal rules and regulations that the trucking company must follow.

Because their main focus is to reduce the number of injuries and deaths, victims of truck accidents should determine if the trucker or trucking company violated any of these federal regulations. Not only could this result in the trucking company and its driver facing penalties; it could help establish fault.

For instance, there are rules regarding the amount of time that a truck driver can operate a semi. By placing limits on driving, it reduces the chance of an accident caused by fatigue or falling asleep at the wheel.

Regulations also prohibit truck drivers from using a handheld device to talk or text. So it doesn't matter if the driver happens to be traveling through a state where cell phone use while driving is allowed or the laws are limited. Truck drivers cannot use them. Again, this could come into play when determining fault in an accident.

Federal regulations from the FMCSA apply to:

- truck drivers;
- the vehicles;
- trucking companies; and



- hazmat material transport.

For this reason, it is important to talk with an attorney when pursuing an accident claim.

Impact of Evidence in a Truck Accident Claim

The type of evidence relevant to the case is another reason truck accident claims are more complicated than car accident claims. In a typical accident, proof may include a police report, statements from witnesses and photographs. While this can certainly be helpful in a truck accident case, there are additional types of evidence used as well.

One example is the driver's logbook, where the record of duty status indicates how much time the driver spent:

- driving;
- on duty;
- off duty; and
- using a sleeper berth.

This could help prove a violation of the hours-of-service rules. Claimants can also find the same information in an automatic onboard recording device. Yahoo! News recently reported on a truck accident in upstate New York and listed some additional rules to which truckers must adhere, "In New York, trucks are required to be inspected at least once a year and are subjected to random roadside checks by the Department of Transportation or state troopers, said Jennifer Post, spokeswoman for the DOT.

"Drivers are also required to do a 'walk-around' inspection of their trucks every time they make a trip, checking — among other things — tire pressure and condition, brakes and the coupling between truck and trailer." Thus, there are many more regulations and rules that a standard passenger car isn't liable by law to perform before driving.

There may also be other types of evidence that can be helpful to the case; for instance, records that indicate whether a driver was medically fit to operate a semi or proof that the driver possessed a proper license. It may even be possible to obtain the trucker's driving history to learn if there were previous problems with traffic violations or impairment.

Common Types of Truck Driver Negligence

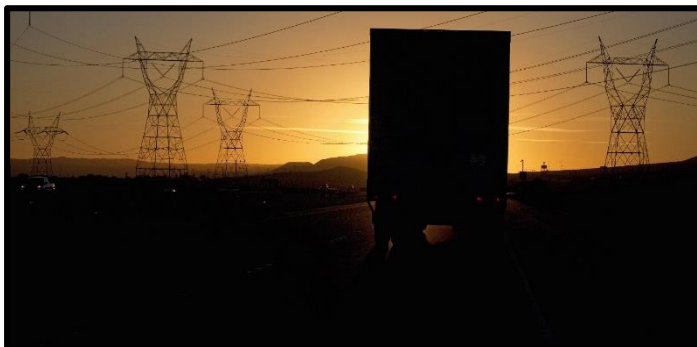
Types of Truck Driver Negligence

Truckers are known to travel great distances for long periods of time. Because of the risks associated with fatigue, the Federal Motor Carrier Safety Administration (FMCSA), who oversees the trucking industry, has implemented strict rules for how many hours a driver can operate a truck.



Drowsy driving could be one type of truck driver negligence that causes a truck driving accident. If there are deadlines to meet in picking up or dropping off a load, some drivers may exceed the speed limit. This is another type of negligence.

It is especially dangerous for a vehicle of such a large size and weight to be traveling at a high rate of speed, as there is the risk of losing control and possibly overturning or jackknifing. Jackknifing is when the truck stops short or swerves and the rear of the truck swings around toward the front, closing like a jackknife blade, essentially.



It is also more difficult for a truck to stop, so if the driver has to suddenly brake, he or she could end up slamming into a vehicle in front. A trucking company may be found negligent if it required drivers to exceed allowable hours or to drive unsafely to meet a deadline.

A driver may also be considered negligent if there is a lack of training associated with a truck driving accident. Motor carriers who take shortcuts to quickly train employees may allow a driver to get behind the wheel before ready. Or it could be that the driver lacks the proper skills, sometimes the result of a poor driving history.

Driver impairment is another type of truck driver negligence that could be to blame for a truck driving accident. Not only in the way of alcohol or street drugs, but some prescription medication could be dangerous to take while operating a vehicle.

Truck driver negligence may also be established if the driver violates a traffic law:

- going through a red light;
- driving through a stop sign;
- failing to give the right-of-way;
- not checking for blind spots; and
- changing lanes without signaling.

Finally, drivers have a responsibility to ensure the loads they are transporting are safe. This means making sure they are properly secured and balanced. The same is true with checking the condition of the cab and trailer. If a driver's or trucking company's negligence is suspected, a truck accident attorney can help pursue compensation through an accident claim.



Accuracy of Truck Data and Reports

One of the major differences between a typical accident involving passenger cars and a crash involving a truck is the type of evidence that can be collected. For instance, many trucks now come equipped with an electronic device, similar to a black box, which can provide helpful information.

These devices can record data related to patterns of speed, the length of time the truck was on the road and other pertinent information. However, one of the potential downfalls to this is that the data could be erased.

Therefore, if you were injured in a truck accident, evidence must be immediately preserved.



Another way to collect evidence after a truck accident is through the driver's report or logbook. These records keep track of how many hours the driver was on the road. It may include stop and start times, or dates and times of the deliveries made by the driver.

You may be able to calculate the amount of time behind the wheel by figuring out the time between each delivery.

These reports are kept by the driver but should be monitored by the trucking company. Sometimes, however, the reports aren't accurate. Drivers could be logging in the wrong information just to avoid revealing how long he or she was on the road.

With regulations on how many hours a truck driver can operate a commercial vehicle, deceptive practices may be used to avoid liability. Again, it comes down to immediately preserving truck accident evidence. This is something with which a personal injury law firm can help.

Especially if you are dealing with a small-time trucker who owns his or her rig, the electronic on-board "black box" is a source of contention. Traditionally, the paper log-books have been accepted, wherein the driver records their own drive time, break time, etc.

Independent truckers do not appreciate bearing the cost of an electronic on-board record keeper, as they can run thousands of dollars. In a case like this, an attorney will know how to proceed.

Avoiding Inaccurate Truck Data and Reports

One of the ways you may be able to avoid inaccuracy in your truck accident evidence is through a spoliation letter. This is something an attorney will compose and send to the trucking company. It is designed to keep the company from destroying any evidence.



A spoliation letter lets the company know that legal action is being taken. It also issues a demand that all evidence (which is usually listed in the letter), is preserved. If there are documents related to the accident, such as a police report, those may be attached to the letter.

Generally, the letter includes information pertaining to the fact the plaintiff has acquired legal counsel. Along with that are basic facts related to the truck crash, such as date and time and what happened regarding the actual accident.



INFLUENCING FACTORS IN A TRUCKING ACCIDENT CLAIM

Accident victims often take an oversimplified perspective of an accident. What appears straightforward and obvious is often lost in the complexity of properly handling a case. This section details liability, tests for truckers, truck maintenance, and more. We hope this will give you a better understanding of what you're up against. Then in the next section we'll explain regulations that may factor into your claim.



Post-Accident Truck Driver Testing

In the aftermath of a truck accident, the driver of the commercial motor vehicle will be required to submit to testing for alcohol and controlled substances under certain conditions. This piece of evidence can help prove liability and could be critical to the outcome of your case.

Post-Accident Truck Driver Testing

Commercial truck operators are regulated by the Federal Motor Carrier Safety Administration (FMCSA). When an accident occurs involving a tractor-trailer on a public road, the FMCSA requires that the truck driver submits to an alcohol and/or controlled substance test under specific conditions.



It is the responsibility of the employer of the truck driver to ensure the post-accident test is performed according to FMCSA's specifications:

- The vehicle's specifications required the driver to have a Commercial Drivers' License (CDL);
- Within eight hours of the truck accident there was a fatality;
- A fatality occurred between eight hours and 32 hours from the time of the accident; and
- The truck driver received a citation for a moving traffic violation, and there was an injury at the time of the accident that required medical treatment or a vehicle was so damaged it required towing.

In other words, if an individual was seriously injured as a result of the truck accident, but the driver was not cited, they will not be required to undergo testing. If an injured party dies 32 hours or more after the accident, the driver will not need to be tested because any intoxicants that may have been in his or her system would no longer be detectable.

Exceptions to Post-Accident Testing

There are two exceptions to the FMCSA's rules on post-accident truck driver testing. The driver will not be required to undergo post-accident testing if the incident occurred when the driver boarded or exited the vehicle while the truck was parked or otherwise stationary; or cargo was being loaded or unloaded.

Alcohol & Drug Testing

The FMCSA requires that alcohol testing be performed "as soon as practicable" and within two hours of the truck accident. If eight hours have elapsed since the incident and no alcohol test was performed, the employer cannot continue with the scheduled testing.



Controlled substance testing must be completed within 32 hours of the incident. If an employer is unable to initiate either test, they must document why they were incapable of administering the test within the given timeframe.

Drivers who meet the conditions for post-accident testing must make themselves available for the test, unless they require medical treatment. If a driver refuses to complete a drug/alcohol test or attempts to disrupt the testing process, their employer cannot allow them to continue operating a commercial motor vehicle.

Alcohol testing is done via blood or breath sample; drug testing is completed by urine sample. In order to “pass” the test, the driver must have a 0% blood alcohol concentration. Drivers cannot drink any alcohol for eight hours following the accident and may only consume alcohol after the test has been administered.



Liable Parties in a Truck Accident

Possible Defendants for a Truck Accident Claim

The truck driver is the most likely party to be blamed for a truck accident. Drivers often get paid by the mile, so they often push themselves over the federal limit in order to make more money. They may forgo breaks or drive longer than they should, which could result in fatigue and drowsiness and, ultimately, an accident. They may also engage in dangerous activities, such as driving under the influence of a substance or speeding.

Although the truck driver plays a direct role in a truck accident, the liability can extend to other parties, especially if their actions partially caused the accident. For example, if a trucking company did not train the truck driver well or was negligent in other ways that caused the accident to happen, it can be held liable. The truck's owner, the trailer's owner or the company that leased the truck or trailer can also be at fault.



Manufacturers can be at fault also. A truck has many parts that all need to be in good working order so that the truck can operate effectively and safely. Any one defect can cause a serious truck accident. Accidents can be caused by bald tires, malfunctioning brakes, broken axles or broken straps. If the truck crash was caused by a defective part of the truck, the manufacturer of the part can be held liable. Using a truck accident attorney to argue your case often increases your chances of a larger settlement.

Accidents can also be caused by cargo issues. These can occur if the cargo was loaded incorrectly, the trailer was overloaded or the cargo was not properly secured. Any types of negligence in this area can be blamed on the loading company.

In some rare cases, if the truck is carrying hazardous materials, the manufacturer of the materials can be at fault for not properly informing the truck driver of the cargo's contents. The manufacturer would then be liable for any injuries caused.

Because of all these possible relationships to the truck driver, it will be up to your lawyer to identify relationships between the truck driver and employers and prove that the truck driver was operating under those relationships. It can be a highly complex issue, which is why experience and knowledge of trucking laws are critical.

When Inadequate Truck Maintenance Causes a Truck Accident

Driver errors are not the only cause for a truck accident. Equipment problems, stemming from inadequate truck maintenance can also be a potential cause for a crash.

Responsibility for this may be with the motor carrier or another entity such as a leasing company or a repair center. If it's an independent truck driver, responsibility for the upkeep of the semi would be with him or her. Personal injury attorneys can assist truck accident victims in evaluating liability of the driver, trucking company, or other parties.

Equipment Problems That May Contribute to a Truck Accident

Not every part that breaks down on a truck is a potential risk for a crash. But certain equipment malfunctions significantly increase the likelihood of an accident.

An example is tires. Low tire pressure and worn treads are some of the common issues that may contribute to a crash. Tire blowouts are another problem. These usually occur when the tires are under-inflated.

Regular maintenance is important. But besides just checking to be sure the tires aren't going flat. It's also critical that when tires are inflated, the size of the truck and the load being carried is taken into account.



There are regulations in place for when a truck cannot be driven concerning tires. According to the Federal Motor Carrier Safety Administration (FMCSA), trucks shouldn't be in operation when belt material or body ply is exposed through the sidewall or tread, there is a leak, or there is sidewall or tread separation.



Additionally, there are rules pertaining to tread depth. The tread groove must be at least 4/32 of an inch.

Brake pads are another example of equipment that could cause a truck accident. These should be checked frequently. If they squeal or vibrate when pressed, it may be time to change them.

Brake failure could be the result of a defect but it can also occur because of negligence by the driver. Examples include an unevenly balanced load and depowering front brakes (can make slowing or stopping difficult).

Brakes should be regularly inspected for:

- wear;
- loose components; and
- air leaks in the chamber.

Inadequate truck maintenance such as not checking for these problems or failing to correct them, it could cause a truck accident.

Other types of equipment problems stemming from inadequate maintenance that could contribute to a crash include:

- steering malfunction;
- burnt out lights; and
- incorrect attachment of trailer to cab.

In some of these cases, more than one party could potentially be held liable. Personal injury attorneys could help in determining responsibility.

FMCSA Rules Pertaining to Maintenance of Large Trucks

The FMCSA has strict regulations when it comes to inspecting, repairing and maintaining trucks. At all times trucks must be in proper and safe operating condition, which includes accessories and parts.

In addition, the motor carrier is required to keep records that must include:

- identifying information (company number, make, serial number, year, tire size, name of person who owns truck if not owned by motor carrier);



- due date of maintenance and inspection operations; and
- record of all inspections, repairs and maintenance (nature of each and date).

These records are required to be kept for a year at the location the vehicle is kept. If the truck is no longer under the control of a motor carrier or independent owner, the records must still be kept for at least six months.

When unsafe conditions are found with equipment, it must be recorded. If everything appears to be fine, this should also be noted.

Driver Liability and Pursuing a Truck Accident Claim

Where driver liability may come in is that the FMCSA requires that the last inspection on the vehicle is reviewed before taking to the road. So if a driver knowingly gets behind the wheel of a truck where repairs were necessary but not made, this could make him or her responsible. Of course, liability could also include the motor carrier and others responsible for the inadequate truck maintenance.

Electronic On-Board Devices as Truck Accident Evidence

Information obtained from electronic on-board devices could be used as truck accident evidence in a claim to recover compensation for damages. If you or someone you love was seriously or fatally injured in a crash with a big rig, contact personal injury lawyers to discuss your case.

Going Digital with Electronic-On Board Devices

Drivers are required to keep track of how many hours they are behind the wheel of their truck. In order to prevent driver fatigue or falling asleep at the wheel, there are limits in the number of hours a trucker can drive. These are regulated by the Federal Motor Carrier Safety Administration (FMCSA).

According to the FMCSA, there were 1.2 million citations given to truck drivers in 2011 for violating safety regulations. Nearly half of them (48 percent) involved hours-of-service (HOS) compliance and proper keeping of the logbooks.

Examples of violations included falsified logs and going over the allowable amount of time spent operating a commercial motor vehicle. As a result, there are considerations being made to require that electronic on-board devices replace handwritten logbooks.

It is believed that going digital would improve safety, reducing the number of crashes involving fatigued drivers. It would also make it easier to identify those who are going over the HOS.

An Overview of Hours-of Service Rules



One rule applies to the maximum amount of driving time. Truckers carrying property can drive as much as 11 hours, as long as they have been off duty for at least 10 consecutive hours. The 14-hour limit rule is that after 10 consecutive hours off duty, truckers can't drive beyond the 14th consecutive hours.

Another rule pertains to on-duty time limitations. A trucker cannot drive if he or she has been on duty for 60/70 hours in 7/8 consecutive days. However, if the trucker has taken 34 or more consecutive hours off duty, the 7/8 consecutive day period can be restarted.

There are also rules pertaining to the sleeper berth, used for rest and sleep. At least 8 consecutive hours must be spent in it. Additionally, two separate consecutive hours must be taken off duty, in the sleeper berth or a combination.

But revisions and updates to the HOS rules continue to be made. For instance, starting in July of 2013, new provisions will be in place regarding the 34 hour restarts. It will only be able to be used one time each week and it must include two periods of home terminal time between 1 and 5 a.m.



With all of these rules and provisions, keeping track of and monitoring a driver's time spent behind the wheel, resting and sleeping can be a challenge. Electronic on-board devices may do a much better job at tracking this information.

Types of Truck Accident Evidence

You may have some of your own evidence that can be useful in filing a claim, for instance, the following can prove invaluable when filing a claim:

- a copy of the police report;
- statements from witnesses; and
- photographs.

However, personal injury lawyers can help you get additional truck accident evidence, such as information contained in the logbooks or electronic on-board devices. A lawyer may also obtain the trucker's records, such as driving history and drug/alcohol test results, which may also be helpful in establishing negligence.





Q: When is the trucking company also liable for my injuries?

To determine if the truck company is liable for your accident injuries in a truck accident in New York you will need to provide evidence to establish that the driver who caused your accident injuries was working for their company and that the truck company approved of the driver's operations.

When you have suffered accident injuries in a truck accident in New York it may not always be just the driver's fault. The truck company owes you a duty of care to make sure their drivers are qualified and conducting their duties in a safe manner, as well as ensuring their equipment is kept in good condition to avoid mechanical failure.

Establishing liability for a truck accident in New York in which you sustained accident injuries takes a good deal of evidence. You may need to obtain driving records, maintenance reports, and proof of insurance to file your claim. The liability of the truck company depends on many factors.

If you do not explore all avenues of liability for your accident injuries you may find yourself offered an unfair settlement, which cannot compensate for the medical expenses, losses and damages you suffered from your truck accident in New York.

Q: I was injured in a New York truck accident and wondered if there are special rules about drug and alcohol testing for commercial truck drivers?

A: The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) regulates the drug and alcohol testing of commercial truck drivers. According to the FMCSA, commercial truck drivers are required to have a written policy that outlines their alcohol and drug program. These rules were established in order to prevent a New York truck accident.

According to the FMCSA rules, every motor carrier's drug and alcohol policy must be provided to each truck driver, as well as submitted to union representatives. This policy must be provided before the



motor carrier begins their required drug and alcohol testing. Furthermore, every individual truck driver must provide a signed receipt showing that they have received the drug and alcohol policy.

In order to comply with FMCSA regulations, a motor carrier must:

- establish a company drug and alcohol policy;
- designate a company official to run their drug and alcohol program;
- be aware of which employees must be tested for alcohol and drugs;
- establish a contract with a drug and alcohol collection service and medical review officer;
- train driver supervisors to administer reasonable suspicion testing;
- educate employees on testing procedures, consequences of refusal, consequences of positive testing and post-accident testing procedures;
- provide education materials;
- obtain the required, signed release and permission forms; and
- know the procedures when an employee tests positive for alcohol or drugs.



There are a number of other drug and alcohol rules established by the FMCSA. Therefore, if you have been injured in a New York truck accident and the driver of the truck was in violation of an established drug and alcohol policy, you may be eligible for compensation in a personal injury claim. The required testing that occurs after a truck accident could prove to be crucial evidence in your claim.



REGULATIONS AFFECTING LIABILITY

Now we'll look at some of the regulations that may be relevant to your case. Please don't feel overwhelmed by all the factors that must be taken into account. While you can certainly pursue your claim by yourself, we've been through the battles and we can guide you through all of the complexities that we explain in this section and more.



Q: Who Regulates Trucking Companies and Truck Drivers in a New York Accident?

A: If you have been involved in a New York truck crash, you should know that interstate trucking companies and truck drivers are regulated by the Federal Motor Carrier Safety Administration (FMCSA).

Since a truck accident can be a complicated case, involving not only the truck driver but the company they are employed by, contacting a New York truck accident lawyer should be your first step after receiving serious injuries from a truck accident in New York.



Overview of the Federal Motor Carrier Safety Administration

The FMCSA establishes regulations and rules for commercial motor vehicle companies and their drivers. These regulations are in place to make our roads safer, preventing serious truck accidents.

Some of the regulations the FMCSA has in place pertain to:

- number of hours truck drivers can operate a commercial motor vehicle;
- maintenance and inspection of the trucks;
- speed limits;
- use of alcohol; and
- driving under hazardous conditions.

When a truck driver or a trucking company violates any of the regulations set by the FMCSA and it results in a serious New York truck crash, they may be held liable for damages.

Damages That May Be Recovered from a New York Truck Crash

If you were seriously injured in a truck accident you may be entitled to recover damages that could include:

- past and future medical bills;
- current and future lost income;
- pain and suffering;
- emotional distress; and
- other considerations specific to your losses.

In the event you have lost a loved one because of a tragic New York truck crash you may be able to recover damages related to your loved one's passing, including loss of companionship and financial support.



Contact a New York truck accident lawyer today if you have been injured in a New York truck crash. They can determine if there was a failure by the truck driver or trucking company to follow regulations, which resulted in your truck accident.

Fatigue and Truck Driver Hours of Service Rules



Fatigue is a serious safety issue for truckers. It is for that reason new regulations are in full effect as of July 1, 2013. Mandated by the Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA), the truck driver hours-of-service (HOS) rules dictate the amount of time that drivers may spend behind the wheel or on-duty over a specific period of time.

Overview of the Hours of Service Rules

Under the FMCSA and DOT, driving hours must not exceed 11 hours after the trucker has spent 10 consecutive hours off duty. Additionally, drivers cannot drive past the 14th hour after coming on duty following 10 consecutive hours off duty.

Drivers cannot drive beyond 60 or 70 hours in seven- or eight-day periods, respectively. A restart is allowed only after being off duty for at least 34 consecutive hours. The new rules stipulate that this must include two night periods of sleep between 1 a.m. and 5 a.m. And drivers can only use the 34 restart once each week.

Drivers who use the sleeper berth provision must spend at least eight consecutive hours in it. Additionally, drivers must spend a separate two-hour consecutive time period in the sleeper berth or off duty. Drivers could use a combination of sleeper berth and off-duty time, too.

Finally, during the first eight hours of on-duty driving time, truckers must take a 30-minute break. Failing to abide by these rules could result in serious consequences.

Violations of the Hours of Service Rules

One penalty for violating HOS regulations could include putting a driver out of service, depending on the specific rule that was broken. In some cases the trucker might be forced to get the adequate amount of rest or sleep time required.

Drivers and truck companies could even face heavy fines if they violate the FMCSA and DOT driving hours rule. Truckers could receive as much as \$2,750 for each offense and trucking companies could be fined as much as \$11,000 per violation.



Impact of Fatigue on Truckers

Receiving adequate rest is a must for those truckers who travel long distances for extended periods of time. Not getting an adequate amount of sleep is a significant issue. Truckers should aim to get enough hours of sleep to ensure they are fully alert behind the wheel. But many receive very little sleep on the road.

The Driver Fatigue and Alertness Study (DFAS) found that drivers' ideal hours of sleep was a little more than seven hours a night, though many drivers in the study got only about five hours. The researchers, who evaluated four driving schedules and 80 drivers in the mid-1990s, also noted that episodes of drowsiness were a greater risk from midnight to 6 a.m. compared to other time periods.

Get Legal Help to Pursue a Truck Accident Claim

Although truckers are sometimes the ones who blatantly disregard the HOS rules, pressure from employers and shippers who want loads delivered by a certain time could also contribute. The manner in which delivery and pickup schedules are set can be a significant factor. Or it may be that a trucking company demands the trucker to go past the amount of time allowable behind the wheel.

No matter the circumstances, these are serious violations that evidence may relate to the cause of an accident. An attorney can help accident victims collect proper evidence and documentation to establish negligence and determine which parties hold liability for the accident and the victim's damages.

Texting and Driving Laws for Truckers

Texting and driving laws from the Federal Motor Carrier Safety Administration (FMCSA) prohibit the practice among commercial truckers. According to a study by the Virginia Tech Transportation Institute and commissioned by the FMCSA, truck drivers who text are 23 times more likely to be involved in a safety-critical event (such as a truck accident) than truckers who don't text and drive.



Who is banned from texting under these truck driving laws?

The texting and driving law applies to truckers and bus drivers who drive commercial motor vehicles.

A commercial vehicle is one that:

- has a gross vehicle weight/rating more than 10,000 pounds;
- can be used to transport 16 people or more (including the driver); and/or
- transports hazardous materials.

What is and what is not considered texting under the truck driving laws?



The definition of texting, according to the FMCSA, is “manually entering text into, or reading text from, an electronic device.”

Texting includes:

- short message services (SMS);
- instant messaging;
- accessing a website;
- email; and
- any other type of electronic text messaging or retrieval.

The following actions are not considered texting:

- entering or selecting a phone number or performing voice commands in order to make or receive a phone call;
- using a GPS or navigation device; and
- using a smartphone, CB radio, music player or dispatching system for any other purpose besides texting.

Penalties under Trucker Texting and Driving Laws

The penalties for truck drivers who text while driving are harsh. A first offense can cost \$2,750 for the driver, while the employer can be forced to pay \$11,000. Those accused of multiple texting violations will not be able to operate a commercial motor vehicle for a certain amount of time.

Two violations in a three-year period result in disqualification for 60 days, while those accused of three or more violations within three years can face 120 days of disqualification.

The penalties listed above are federal regulations. A truck driver can face penalties for violating state and local texting and driving laws as well. In New York, all drivers are prohibited from sending or receiving text messages using a portable electronic device. Using a hand-held mobile telephone is also prohibited for all drivers in New York.

How Texting and Driving Laws Affect an Injury Claim

It's important to not only be aware of truck driving laws, but to stay safe while driving. Driving is a privilege that comes with many responsibilities. Texting is an unsafe practice that causes drivers to lose their focus on the act of driving and instead become distracted. Texting behind the wheel has led to many accidents that have caused serious injuries and death.

Victims of truck accidents caused by a distracted trucker who was in violation of these truck driving laws may use such evidence to demonstrate the trucker's negligence in the case like:

- witnesses to the accident who saw the trucker texting;



- a police report that indicates there is evidence that the truck driver was texting while operating the vehicle; or
- phone records from the trucker.

By demonstrating the trucker was using an electronic device to send or read a text message, victims may establish fault for the accident and recover compensation for damages from the trucker and his/her employer.

FMCSA Regulations That May Matter in Your Truck Accident Claim

While there are many different causes of truck accidents, some of them could be directly affected by FMCSA regulations. There may be a variety of issues that will impact liability in a truck accident claim, along with the kinds of evidence that could be obtainable to prove violations of regulations or general negligence.

Impact of Federal Trucking Laws on a Truck Accident Claim

One law that may matter in a truck accident claim pertains to the amount of time a driver is allowed to operate a semi. The FMCSA, which oversees this industry, has limits in place when it comes to how often a truck driver can get behind the wheel of a big rig and for how long. These are known as the hours-of-service rules.



A violation may determine the cause of the crash. For instance, if it's found the driver went past the allowable time it could support claims that he/she was drowsy when the accident occurred or fell asleep at the wheel. Because drivers are required to keep logs on the number of hours spent driving, that information could be used as evidence in a truck accident claim. Another FMCSA regulation that may be applicable pertains to a driver's qualifications. Those who operate large trucks must meet specific medical requirements. One example is impairment of the hand which would interfere with handling of the vehicle. Allowing an unqualified person to drive could be considered negligence, which may be proven by obtaining the driver's personnel file.

Unlike other accidents where alcohol testing is only conducted when there is a reasonable suspicion, federal law requires that these tests be conducted if there was a fatality. They are also given at random intervals, and the results should be recorded by the trucking company.

Cell phone usage may impact a claim. Despite some states allowing limited or full use of mobile devices, truck drivers are prohibited from using a handheld device. It doesn't matter what the location, all



handheld devices are not allowed. Again, this could end up being considered a contributing factor in a crash.

Establishing Fault in a Truck Accident

Common types of evidence that are gathered in any type of crash are:

- a copy of the police report;
- statements from witnesses; and
- photographs.

But with truck accidents, there is often much more that can be collected and may be useful in an accident claim:

- inspection reports;
- driving history;
- logbooks;
- personnel files; and
- data from an automatic onboard recording device.

By securing as much proof as possible, it could be that not only is the driver liable for the accident, but so is the trucking company and other parties, such as whoever leases the cab and/or trailer. It may be that numerous violations from the trucking company could help substantiate liability as well.

Legal Counsel if FMCSA Regulations Play a Role

A thorough investigation may uncover additional information that helps to establish fault. Since FMCSA regulations may play a role, it's important to secure legal counsel that is knowledgeable with truck accident cases.

Compensation could be available to address:

- the medical costs incurred;
- lost wages; and
- pain and suffering and more.

Oftentimes more compensation is available when dealing with a company, so it's important to have as much evidence as possible. An attorney can even send a spoliation letter to the trucking company informing it that it must preserve certain evidence.



Truck Driver Training and How it Applies to Liability for Truck Crashes

Improper truck driving training may be a contributing factor to some truck crashes. Some employers may not properly train drivers on company, state and federal truck driving regulations, which can contribute to serious accidents. In such cases, victims of these accidents may pursue a lawsuit against the negligent party, or parties.

Required Truck Driving Training

Truck drivers often enroll in a school or training program in order to learn the fundamentals of driving a truck of such a large size. After students graduate from the program, they can pursue a commercial driver's license (CDL). This involves hands-on and written tests so that evaluators can adequately assess the person's skills.

Tests vary depending on the class of the CDL:

- **Class A CDL:** Allows drivers to operate a combination of vehicles with a gross combined weight rating (GCWR) of over 26,000 pounds or more, provided the gross vehicle weight rating of the vehicle being towed is greater than 10,000 pounds.
- **Class B CDL:** Allows the same GCWR, but as long as the vehicle being towed is less than 10,000 pounds.
- **Class C CDL:** Allows operation of a vehicle that doesn't meet the Class A or B definitions but is designed to transport 16 or more passengers or is transporting hazardous material.



If the person passes the tests, he or she can receive a license. Besides having a license, good driving skills and eyesight are essential. The ability to drive for long periods of time is also important.

An employer may also require previous experience as well as special skills and training pertinent to the type of driving that the driver can expect to perform. For example, some trucks contain hazardous materials, so a driver must have certain credentials and submit to extensive fingerprinting and background checks.

What does this have to do with liability?

It is up to the trucking company to ensure that all drivers meet training requirements. The requirements are set by not only the Federal Motor Carrier Safety Administration (FMCSA), but each state as well.



Proper training can affect a truck driver's decision-making skills, which, according to a FMCSA study released in 2007, was the most common cause of truck crashes during a 33-month period. This includes following other vehicles too closely, speeding and changing lanes or passing other vehicles in unsafe situations. In fact, 23 percent of truck crashes during that period – a total of 32,000 – were attributed to driving too fast.

If the truck driver's lack of training leads to an accident, there are multiple parties who could be held liable. Not only is the truck driver at fault, but the company that hired him or her could be held responsible, especially if it did not follow the proper steps to ensure that the driver is fully trained. A personal injury attorney can help you determine liability in your case.



Free Case Review

If you or a loved one has been injured in a trucking accident – or any type of accident – *you have nothing to lose by letting an attorney review your case.* The Gacovino Lake team are able to review your situation and tell you whether or not we think you may have a viable lawsuit. Please note that, when we do take on a case, we only get paid if and when it's settled outside of court or receives a positive verdict from a jury.

If we believe you have a case, we will tell you so. We have handled many thousands of cases. We handle them all with transparency. If we don't think you can build a strong case, we will say so.

Call: (800) 246-4878

Visit: www.GacovinoLake.com

About the Law Offices of Gacovino Lake

The law offices of Gacovino Lake was established in 1993 by two attorneys, Steven Gacovino and Edward Lake. These two men met in law school earning their degrees from the Touro College Law Center. What started as a friendship grew into a professional pursuit to serve the rights of injured victims. After graduating in 1992 they formed their partnership and started what we now know as Gacovino Lake.

Steven Gacovino and Edward Lake knew that if they wanted to become successful, they were going to have to put their clients first and give them their absolute best. For over twenty years these two men have served thousands of clients across the country.

Gacovino, Lake & Associates has carefully chosen a network of top personal injury lawyers. During the last 20 years, the attorneys in our network have successfully litigated more than 20,000 cases, including truck accidents. These positive settlements and verdicts have recovered hundreds of millions of dollars in damages for the victims of personal injury.

Our firm's affiliation with the National Crime Victims Bar Association, the Association of Trial Lawyers of America, as well as a number state and local trial lawyer associations have provided us with the ability to select additional outstanding attorneys to join our team of personal injury.

