

Being involved in an [accident with a tractor-trailer](#) can be a terrifying experience. Not only can these large trucks cause severe injuries and extensive property damage, but they can also result in wrongful death. If you or a loved one has been impacted by an accident involving a tractor-trailer, it is important for you to know your legal rights.

Whether you've been seriously injured in a collision with a tractor-trailer or have lost a beloved family member in a truck collision, our truck accident attorney offers the following brief guide to help you understand the issues surrounding liability, insurance, and the rights of victims and survivors.

Understanding Tractor-Trailer Accidents

Tractor-trailers, sometimes called semi-trucks or 18-wheelers, are an integral part of the transportation sector throughout North Carolina and the rest of the country. However, their size and weight make them even more dangerous in collisions. A fully loaded tractor-trailer can weigh more than 80,000 pounds, whereas an average passenger car weighs about 4,000 pounds. As a result, when a tractor-trailer collides with a car or a bicycle, victims can suffer traumatic brain injuries, spinal cord injuries, loss of limbs, internal injuries, fractures, and other painful injuries. Additionally, deaths are not uncommon in tractor-trailer collisions since those vehicles strike with such force. This is especially the case where smaller vehicles are involved.

Besides the obvious physical damage, a collision with a tractor-trailer can cause extreme damage to vehicles and property, and surviving or witnessing an accident involving a big rig can lead to a condition such as post-traumatic stress disorder (PTSD).

Common Causes of Tractor-Trailer Accidents

Understanding the common causes of tractor-trailer accidents can help in determining liability and pursuing a claim.

Some of the leading causes include:

- **Driver Fatigue:** Truck drivers often work long hours, which can lead to fatigue, which impairs reaction times and judgment.

- **Distracted Driving:** Distractions such as texting, using a GPS, or eating while driving can cause truck drivers to lose focus on the road.
- **Speeding:** Tractor-trailers require more time and distance to stop, so speeding significantly increases the risk of accidents.
- **Improper Loading:** Overloaded or improperly secured cargo can cause the truck to become unbalanced, leading to rollovers or loss of control.
- **Mechanical Failures:** Poor maintenance, brake failures, tire blowouts, and other mechanical issues can contribute to accidents.
- **Driving Under the Influence:** Truck drivers under the influence of alcohol or drugs pose a significant danger to everyone on the road.
- **Adverse Weather Conditions:** Poor weather conditions such as rain, fog, or ice can make it difficult for truck drivers to control their vehicles.

What Are Your Legal Rights After a Tractor-Trailer Accident?

If you've been hit by a tractor-trailer, you have several legal rights that allow you to seek compensation for your injuries and damages. These rights are designed to protect you and hold the responsible parties accountable.

Above all, your health and safety are the most important concerns you have after you have been in an accident. That being the case, you should seek medical attention immediately, even if you don't feel that you have substantial injuries at the time of the accident. Many injuries, including internal bleeding and certain forms of concussions, don't present obvious symptoms. Medical attention right away will help you prevent further complications. The medical records will also serve as initial documentation for a potential claim.

The Right to File a Personal Injury Claim

You have the right to file a [personal injury](#) claim if you have been injured in an accident involving a tractor-trailer caused by the negligence of the tractor-trailer driver, the trucking company, or another party. Personal injury claims entitle you to compensation for all related medical expenses, lost wages, pain and suffering, property damage, and loss of consortium.

The Right to Hold Multiple Parties Liable

Tractor-trailer accidents are usually somewhat complicated because there are several parties that may be responsible for causing the accident. Depending on the nature and circumstance of the accident, you may have a cause of action against any or all of the following parties:

- **The Trucking Company:** The trucking company can be responsible if it does not properly train the driver, enforces unreasonably fast delivery schedules that encourage speeding or fatigue, or neglects to maintain the vehicle.
- **The Cargo Loader:** If the loading or securing of the cargo was the cause of the accident and that loading or securing was the responsibility of the company, then that company can be held liable.
- **Vehicle Manufacturer:** If a defect in the truck or any part of it (i.e., brakes or tires) caused or contributed to the crash, then the manufacturer may be held responsible.
- **Other Drivers:** Sometimes, another driver may have caused a truck driver to crash into your vehicle. That driver, too, may be at fault.

The Right to Fair Compensation

You deserve to be compensated for your injury and damages. Insurance companies for trucking companies often try to pay out as little as possible, or they will attempt to deny the claim altogether. However, with the help of an experienced personal injury attorney, you may be able to obtain the proper compensation to which you are entitled.

Steps to Take After a Tractor-Trailer Accident

What you do directly following a tractor-trailer crash can make all the difference in preserving your rights and laying the foundation for a successful claim. Consider the following:

1. **Be Safe and Get Medical Help:** First and foremost, check yourself and your passengers for injuries and call 911 to report the incident. If you are able, move the vehicle to a safe location away from traffic.
2. **Call the Police:** The police officer responding to the scene will take a statement, secure the evidence, and submit a police report that will be a key element of your claim.
3. **Photograph the Scene:** If you are physically able, take pictures and videos of the scene, including the vehicles, skid marks, road conditions, and injuries.
4. **Get the Truck Driver's Information and Insurance Details:** Get the name, address, phone number, and insurance information from the truck driver and any other parties involved. Also, contact information must be obtained from any witnesses who saw the accident.

5. **Avoid Admitting Guilt:** Watch what you say at the scene of the accident. While you may believe that you are partially at fault, do not make any statements that could later be misinterpreted as an admission of guilt.
6. **Notify Your Insurance Company:** If your car is damaged and you are planning on making a claim against your own insurance company, notify your insurance company about the accident immediately – but do not give a recorded statement or sign any releases or other documents without first speaking to a personal injury attorney.
7. **Hire a Personal Injury Lawyer:** Talk to a lawyer who specializes in personal injury cases involving tractor-trailer collisions. Your lawyer can help you pursue a claim, protect your rights, and advocate for fair compensation.

The Role of a Personal Injury Attorney in Tractor-Trailer Accident Cases

Tractor-trailer accident cases involve legal and insurance issues that are often too complex for you to handle on your own. A knowledgeable personal injury attorney is needed to protect your rights and maximize your compensation.

Here's how an attorney can help you.

Investigating the Accident

Your attorney will investigate the cause of your accident and the negligent parties responsible to recover the maximum amount of damages. This may include:

- **Reviewing the Police Report:** Your attorney will review the report to determine what happened in the accident.
- **Collecting Evidence:** Your lawyer will collect all the data from the scene of the accident, including pictures, video footage, and witnesses to help you win your case.
- **Requesting Driver Logs and Records:** In cases where the possibility of fatigued driving or violations of federal regulations may be at play, your attorney will subpoena the truck driver's logs and records from the trucking company.
- **Contacting Experts:** Depending on the nature of the case, your attorney may hire accident reconstruction experts, a medical professional, or other experts.

Handling Insurance Companies

Insurance companies are notorious for trying to underpay legitimate claims. Your lawyer will deal with the insurance companies, negotiate with them on your behalf, and make sure you are not pushed into accepting a lowball settlement.

Filing a Lawsuit

If you can't agree on fair compensation through negotiation, your attorney will prepare and file a complaint on your behalf.

Hurt in a Tractor-Trailer Collision? Discuss Your Legal Option With Our Personal Injury Attorney

Being struck and injured by a tractor-trailer is one of the most serious situations you can experience, and your life may never be the same afterward. However, you don't have to deal with the aftermath of a collision on your own. Knowing your rights and taking the proper legal steps can help maximize your recovery and financial security.

Do not hesitate to call a personal injury attorney who can explain your legal options and help you secure the resources you or your loved ones will need to start rebuilding. [Contact](#) our firm today.