

# Durham Truck Accident Lawyer

## Helping the Injured

Because trucks are so much larger and heavier than passenger vehicles, truck accidents can be terrifying - the force exerted by a vehicle of that size when traveling at speed can cause tremendous damage. As a result, truck accidents typically result in severe injuries, often much more severe than your typical car accident.

However, the size of the truck and the severity of the injuries involved is not what makes these cases unique. If you've been injured in a truck accident or [commercial vehicle accident](#) and need to pursue a claim, you need an attorney experienced in handling truck accident cases who knows how to navigate the complexities of your case. A Durham truck accident lawyer can protect your rights and help you pursue a successful claim for your injuries.

## Durham Truck Accident Lawyer Explains Common Causes of Accidents

As discussed above, many truck accidents are the result of the same unsafe driving behaviors. However, there are some causes that are more prevalent in truck accidents:

- **Drowsy driving.** Truck drivers spend very long hours behind the wheel and are under a great deal of pressure to make deliveries on time. As a result, driving while fatigued and falling asleep behind the wheel are increasing reasons for truck accidents. Driving while drowsy can cause slowed reaction time, clouded thinking, and poor decision-making.
- **Lack of training or experience.** Driving a large truck requires a specific skill set. As mentioned above, trucking companies are responsible for ensuring their drivers have the necessary training and experience to ensure they can operate the truck safely.
- **Mechanical failures.** Large trucks are almost constantly on the road and require regular maintenance to ensure they are in good working order. Both drivers and their companies must take the necessary steps to

make sure maintenance is performed regularly and any issues are addressed immediately. Failing brakes, old tires, or other problems can result in a catastrophic injury.

Identifying the cause of your accident is critical to pursuing a successful claim. Unfortunately, determining the cause of a truck accident can be quite difficult, and there are multiple factors involved. An experienced Durham truck accident lawyer will review your case and identify the potential causes so that you can determine who may be liable for your injuries.

## About Negligence in Truck Accident Cases

All drivers have a legal obligation to drive safely at all times, including truck drivers. Many accidents are unintentional but sometimes negligence is a contributing factor to a catastrophic truck accident. Similar to [car accident cases](#), often truck accidents are the result of mistakes by drivers and manufacturers. Speeding, unsafe lane changes, distracted driving, and defective parts can contribute to accidents and serious injuries.

Driving commercial trucks requires special training and a specific license because large trucks require a greater distance to stop, are harder to maneuver at speed, and have larger blind spots than your average passenger vehicle. As a result, negligence in a truck accident case arguably should be judged according to a different standard than in a car accident. For example, speeding in a large truck presents a far greater hazard than a speeding passenger vehicle.

## Potential Liability in Commercial Vehicle Accident Cases

One of the most complicated aspects of truck accident cases is the fact that there may be more than one party responsible for your injuries:

- **The truck driver.** The truck driver's negligence could have contributed to the accident.
- **The trucking company.** The trucking company is responsible for ensuring their drivers are properly trained and adequately supervised. In addition, they are also responsible for ensuring the truck is properly maintained and is safe to be driven on our roadways.
- **The cargo loaders.** An unbalanced load can make a truck very difficult to drive safely. The company responsible for loading the truck could have contributed to the crash.
- **Other drivers.** The truck driver may have been trying to avoid an accident with another driver who was negligent.

Some truck drivers are independent contractors or may own their trucks. These situations can further complicate who may be liable for your accident.

Finally, there may also be multiple insurance companies involved in a truck accident case, which can lead to delays and leave you feeling like you are trapped in the middle of an insurance dispute. An experienced Durham truck accident lawyer can help you navigate these complexities so that your claim gets resolved as quickly as possible.

## Vicarious Liability: Holding the Trucking Company Liable

Many truck accidents are the result of the driver's negligence, but ultimately, the trucking company is responsible for their drivers. To put it another way, trucking companies are vicariously liable for the actions of the drivers. Under the law, all employers can be held liable for accidents caused by their employees if the employee was acting within the scope of their employment. This means that the trucking company may be held accountable for your injuries and other losses.

However, there are exceptions to this rule, and trucking companies do what they can to limit their liability. For example, the drivers may be considered independent contractors or may have been "off the clock" and driving for their own personal purposes when the accident occurred. Pursuing a claim against the trucking company is always difficult, even when it is clear that you have a valid claim. An experienced Durham truck accident attorney will know how to get the compensation you deserve.

## When the Trucking Company May Be At Fault

There are also instances where accidents are caused by the trucking company's negligence. Trucking companies have a legal obligation to ensure that their drivers and their trucks are safe to be on the road with other motorists. Trucking companies can be held liable when they are negligent in the following ways:

- Failing to maintain the truck in good working order
- Failing to adequately supervise or train their drivers
- Failing to conduct background checks and screen out potentially dangerous drivers
- Encouraging unsafe driving practices

There are a variety of ways in which the trucking company's negligence can lead to a serious accident. Proving negligence on the part of the trucking company can be quite difficult. A Raleigh truck accident attorney will know how to get the evidence you need to prove your case.

## About North Carolina and Federal Trucking Regulations

Truck drivers and trucking companies are subject to both state and federal trucking laws that govern many aspects of what they do. Intended to keep motorists safe, these laws include the following requirements:

- Rest requirements for drivers
- Maintenance standards
- Weight and size limits
- Requirements for the transportation of hazardous materials
- Commercial driver's license requirements

Violations of state or federal trucking regulations are compelling evidence that your accident was caused by negligence on the part of the driver or the trucking company, perhaps even both. An experienced truck accident lawyer will know the laws that apply to your case.

## Breaking Down the Need for a Durham Truck Accident Lawyer

There is no legal obligation for you to hire a lawyer if you have been involved in a truck accident. If you have not been seriously injured and are certain you won't have any uncovered losses, it may make sense for you to simply move on with your life. Unfortunately, many people realize that they should have hired a lawyer only when it is too late. They may have medical bills they can't pay, lost wages, and severe injuries that have left them wondering if life will ever be the same. If you've been injured in a truck accident, here are the biggest reasons to consider hiring a lawyer.

### 1. There Are Multiple Parties Involved

Because tractor-trailers are so big and heavy, it is not uncommon for them to collide with multiple vehicles in the event of an accident. If there are multiple vehicles involved in your accident it can make your case significantly more complex. For example:

- There may not be sufficient insurance coverage to cover all claims.
- The negligence of other drivers may have contributed to the accident, complicating the question of who is at fault.
- Drivers may have conflicting accounts of what happened making it difficult to identify the cause of the accident.

An experienced Durham truck accident lawyer who has handled all [types of truck accidents](#) involving multiple vehicles will know how to sort through the issues and help you successfully pursue your claim.

## 2. Truck Accidents Have Unique Issues

Similar to many car accidents, many truck accidents are the result of simple errors or negligence on the part of the driver. However, many other truck accidents have unique aspects that may play a role in your case:

- Was the driver and/or trucking company in compliance with all federal, state, and local trucking regulations?
- Was the accident caused by a mechanical issue on the truck due to negligent maintenance?
- Is the driver an employee of the trucking company or an independent contractor? Is there some other corporate entity that may be responsible for the accident, such as the party who was responsible for loading the truck?
- Was the accident caused by an unbalanced or unsecured load?
- Was the truck carrying hazardous materials that caused additional injuries?

An experienced Durham truck accident lawyer will be able to identify these issues and determine how they affect your case.

## 3. You Have Suffered Serious Injuries That Require Extensive Medical Treatment

Because of their size and weight, truck accidents can result in catastrophic injuries and even death. Even if you have health insurance, the potential long-term cost of your injuries can be significant. While most of your medical bills may be covered, you may have expensive deductibles or copays that can accumulate over time. In addition, your injuries may require you to miss work. The lost income stemming from your accident could impose a heavy financial burden on top of any uncovered medical expenses you are already facing. Working with a Durham truck accident lawyer can help you get the compensation you need to cover all of the losses caused by your accident.

## Contact a Durham Truck Accident Lawyer for a Free Consultation

If you've been injured in a truck accident, your future is at stake. You may be unable to work, pay your bills, or support your family. You need someone on your side who knows how to help you get through this.

Founded in 1982, the attorneys at Martin & Jones have decades of experience helping injured people in the Durham area, and across the state of North Carolina. Whether in or out of the courtroom, we fight to get you fair compensation for your injuries. If you'd like to discuss your case with a Durham truck accident lawyer, call us at [1-800-662-1234](tel:1-800-662-1234) or [complete our online contact form](#) to schedule a free consultation.

# Our Commercial Vehicle Accident Attorneys Will Fight For You

If you or a loved one have been involved in a collision with a large truck, you know how devastating and destructive the damage can be. While no amount of money can bring a deceased family member back or make your painful and often permanent injuries go away, hiring the right lawyer is essential in helping you recover compensation. An attorney from Martin and Jones is ready to fight for your right to compensation for your serious personal injuries or for the wrongful death of someone close to you.

## A Raleigh Truck Accident Attorney Handling Cases Involving All Types of Trucks

Truck accidents can include more than just semi-trucks, and the type of truck could have a significant impact on your claim. An experienced Raleigh truck accident attorney can help with your case if it involves any type of truck, including the following:

- Tanker trucks
- Cement trucks
- Garbage trucks
- Box trucks
- Panel vans
- Flatbed trucks
- Refrigerator trucks

- Delivery and pick-up trucks

## Our Raleigh Truck Accident Lawyer Explains Common Causes of North Carolina Wrecks

You are not alone in being seriously impacted by a tractor-trailer accident. Trucking company negligence causes thousands of crashes every year. According to the [Federal Motor Carrier Safety Administration \(FMCSA\)](#), in 2019 alone there were nearly 130,000 wrecks nationwide involving large commercial vehicles. More than 68,000 people involved in these crashes were injured and more than 3,500 died.

The sad truth is that many North Carolina truck accidents could have been avoided if trucking industry regulations had been followed. While a Raleigh truck accident attorney is in the best position to investigate and identify the cause of the collision in order to hold the at-fault parties accountable, the following offers an explanation of how negligence causes dangerous accidents every day:

### Distracted Driving

In recent years, we have become increasingly aware of the devastating consequence of driving while distracted. While legislative efforts have been rightfully focused on restricting phone use while behind the wheel, distracted driving can occur in many forms:

- **Visual distractions** - Anything that takes the driver's eyes off the road including looking at the scenery out the side of the truck or checking notifications on a smartphone.
- **Manual distractions** - Actions such as eating, changing the radio station, or reaching onto the floor require the driver to take one or both hands off the wheel. This can result in delayed reaction times or loss of control of the truck.
- **Cognitive distractions** - Failing to pay full attention to the road can also lead to an accident. Daydreaming, talking on the phone, or anything else that distracts the driver can make it difficult to avoid an accident.

The danger with smartphones is that they usually involve all three types of distractions, but there are many other instances that involve two or more types of distractions.

### Drowsy Driving

Truck drivers are under immense pressure to make deliveries on time. In addition, they are often incentivized by their employers to drive as many miles in a day as possible. As a result, truck drivers often find themselves driving on little sleep or late into the night to make up time. Drowsy driving presents numerous potential issues that could lead to an accident, including delayed reaction time.

## **Driving While Under the Influence**

Everyone knows that driving while under the influence can be deadly. Drug testing and other measures outlined by national trucking and transportation regulations have reduced the number of accidents caused by truckers driving while under the influence of alcohol or illegal drugs.

Prescription medications and over-the-counter drugs can sometimes have unexpected side effects, especially when taken in combination. "No-doze" and similar products can allow a driver to stay behind the wheel far longer than they should. A truck driver may find themselves impaired and unable to safely drive even though they had no intention of operating "under the influence."

## **Dangerous Road Conditions**

Rain, snow, and ice create low visibility on roadways. Sudden storms, quick-changing weather patterns, and debris in the road create dangerous road conditions for both motorists and truckers. However, it takes a big rig a lot longer to slow down than a standard sedan. As a result, these dangerous road conditions often lead to catastrophic truck accidents.

## **Speeding**

Many truck drivers routinely drive in excess of the speed limit for the same reasons that they wind up driving while sleepy - they are under significant pressure to make their deliveries on time. Speeding can be especially dangerous for large trucks, as the increased speed requires a longer stopping distance and makes the truck harder to control.

## **Reckless or Aggressive Driving**

Tailgating, unsafe lane changes, and other risky behaviors can easily lead to a serious accident. A Raleigh truck accident attorney can help identify if erratic driving may have resulted in your accident.



## **Mechanical Failures**

Mechanical failures with either the truck itself or the trailer can cause the driver to unexpectedly lose control and result in an accident. For example, the driver may be unable to stop due to failing brakes or may lose traction due to worn tires.

Many mechanical failures are the result of negligent maintenance. Trucking companies have a legal obligation to ensure that their trucks are properly maintained. Drivers have a duty to ensure that the truck is safe to operate before getting on the road or should get off the road the moment they realize the truck is in need of maintenance or repairs. Some truck accidents are caused by defective parts that can fail in certain conditions.

If you have been injured in a truck accident that was caused by a mechanical failure, a Raleigh truck accident attorney can review your case, identify the cause of the accident, and determine whether you should pursue a claim for compensation.

## **Unbalanced or Overloaded Cargo**

While trucks are designed to carry heavy loads, a truck will handle differently when it is loaded than when it is empty. When a truck is overloaded or the cargo isn't properly balanced, it can negatively affect how the truck handles. It may take much longer to stop and be at greater risk of rollover accidents. It can also lead to mechanical failures such as tire blowouts and brake failures. Other cargo-related accidents can occur when cargo breaks loose and spill onto the roadway because it wasn't properly secured. If you were injured in a cargo-related accident, a Raleigh truck accident attorney can help you get the compensation you deserve.

## **Insufficient Training**

Truck drivers should undergo extensive training in order to be able to drive the truck safely, and trucking companies have a legal obligation to ensure that their drivers are properly trained. Holding a CDL (commercial driver's license) may demonstrate that the driver has received the minimum amount of training, but further training may be required. Furthermore, the driver may not have the proper licensing, training, or experience to drive a particular type of truck.

## **Negligent Supervision**

Trucking companies also have an obligation to ensure that their drivers are driving safely. This includes making sure that their drivers are obeying traffic laws and trucking regulations. Some companies use GPS tracking to monitor their drivers and reprimand, suspend, or terminate drivers for unsafe driving. Unfortunately, many trucking companies do not supervise their drivers or take any action when they know their drivers are ignoring traffic laws and trucking regulations. In some cases, the trucking company may even encourage their drivers to drive unsafely. If your accident was caused by the trucking company's negligent supervision of its drivers, a Raleigh truck accident attorney will be able to hold them accountable.

## Understanding the Importance of Hiring a Lawyer

Pursuing a trucking accident claim is a complicated matter that requires experienced lawyers. Not only could there be multiple parties responsible for the accident, but trucking companies and their insurers are extremely sophisticated in defending truck accident cases. They consider defending cases like yours part of doing business and have legal teams ready to deploy as soon as a truck wreck happens. Their job is to settle the case for as little an amount as possible.

Do not be surprised if the trucking company or its representatives reach out to you or your family directly, or even show up at your home or the hospital. They often try to get people to agree to settlement amounts that may initially sound like a lot of money but are wholly inadequate to cover what the victim actually needs to recover.

The experienced commercial vehicle accident lawyers at Martin & Jones know what the trucking companies are up to and what it takes to get you the compensation that you.

## Contact a Martin & Jones for a Free Consultation Today

If you have been injured in a truck accident, the North Carolina personal injury trial lawyers at Martin & Jones offer compassionate, results-driven representation. There are time limits for filing a truck accident lawsuit in North Carolina, so please [contact](#) our offices right away for a free, no-obligation consultation. We can be reached online or by phone at [1-800-662-1234](tel:1-800-662-1234). We have offices in [Raleigh](#), [Durham](#) and [Wilmington](#) and serve clients throughout the state.