MARTIN & JONES PLLC
Attorneys at Law

The Federal Motor Carrier Safety Administration reports that well over 5,000 vehicles are involved in truck accidents in North Carolina every year. Over 3,000 people in our state are injured each year in truck accidents. Many of those injuries prove to be fatal. Truck accidents are a major problem in North Carolina, and as traffic continues to increase in our state, there is no reason to expect the problem to go away anytime soon.

Most truck drivers are seasoned professionals who understand how their equipment operates and how to react appropriately in dangerous conditions, but trucking companies can rely on new drivers who lack appropriate training. These drivers may make mistakes that can have deadly consequences.

Trucking companies have a duty to ensure that the drivers who operate their trucks are adequately trained and prepared for the tasks they are assigned. When they fail to fulfill that obligation to others on the roads of North Carolina, they should be held responsible for injuries that result. They keep teams of attorneys on the payroll to avoid accepting legal liability for accidents, so it is important for accident victims to work with equally experienced injury lawyers who know how to stand up to the corporate trucking interests and fight for full compensation.

Federal and State Training Requirements

There are federal and state laws that set basic requirements for drivers of certain classes of trucks. When a truck operator fails to comply with requirements, that disregard for the law can be used as evidence of negligence to establish liability.

Licensing

In many cases, trucking companies must verify that their drivers hold a commercial driver's license (CDL). This type of license is not required to operate many trucks that weigh less than 26,000 pounds, such as smaller box trucks, delivery vans, and some flatbed trucks. But a CDL is required to operate tractor-trailers as well as many trucks that seem relatively small, such as cement mixers and garbage trucks.

The North Carolina Department of Transportation requires drivers to meet certain qualifications before they can receive a CDL. Many of these qualifications are established by federal law. To get a commercial learner's permit, a driver needs to study the North Carolina Commercial Driver License Manual and pass tests demonstrating knowledge. Then the driver needs to complete a federally approved Entry-Level Driver Training (ELDT) course and pass a road skills test. For certain types of cargo, a driver must not only have the appropriate CDL but also a special endorsement indicating they have demonstrated knowledge of how to handle potential problems.

Entry-Level Driver Training

The Federal Motor Carrier Safety Administration (FMCSA) maintains a registry that records whether commercial driver's license applicants have completed the required ELDT course. These courses provide information on safe truck operation and hands-on training in truck handling. Federal regulations mandate that five specific areas of knowledge be covered in training and require students to receive a minimum score of 80 percent on the tested theories. There is no minimum-hour requirement for theory or behind-the-wheel training. The training instructors are expected to assess each student's individual performance to determine that it meets the standards.

Some of the issues that truck drivers need to understand include:

- How to complete mandatory safety checks before and after trips
- Braking distances
- Turning radiuses
- Handling heavy loads
- Managing fatigue and complying with hours of service requirements

If a trucking company uses a driver without the correct type of license and the appropriate endorsement when required, the company is not only liable for regulatory violations but can also be held civilly liable for harm that results if the driver causes an accident. Even when a driver presents proper credentials, the trucking company should supervise conduct and ensure that the driver is properly trained on the equipment being used.

English Language Requirements

Commercial truck drivers are expected to be proficient in English so they can read traffic signs, communicate effectively with police and other officials, and understand feedback and directions provided in English. While the FMCSA has had English language requirements in place for a long time, the enforcement of the requirements was

suspended under previous federal administrations. The requirements are now being enforced so that drivers who are not able to sufficiently read or speak English or comprehend highway signs are supposed to be placed on out-of-service status, demonstrating that they are not eligible to drive commercial motor vehicles.

Signs That a Trucking Company May Have Failed to Provide Adequate Training

Trucking companies have an obligation to put only qualified drivers on the road. They need to be certain that the drivers understand their legal duties and how to handle their equipment. Some signs that a truck accident may have been caused by a driver who was not adequately trained or supervised include evidence of:

- Poor maneuvering, such as taking turns too wide or narrow, jackknifing, or failing to yield when appropriate
- Failing to properly secure cargo
- Failing to follow hours of service or other rules
- Incorrect use of electronic logging devices
- Misunderstanding of advanced safety features, such as speed limiters
- Driver certification from a training program that is not up to federal standards

It often takes significant investigation to determine how a trucking company may have acted negligently in training or supervising a driver. Trucking companies will not openly admit that they were sloppy or irresponsible. So it is important to start working with an experienced truck accident attorney as soon as possible to give your legal team time to fully investigate these issues.

Martin & Jones Knows How to Hold Trucking Companies Accountable

Trucking companies can be held vicariously liable for the actions of their employees and agents, but when their liability is based on a failure to adequately train or supervise drivers, that liability can be direct. At Martin & Jones, we have decades of experience recovering full compensation for those injured in truck accidents in North Carolina, and we know how to stand up to corporate lawyers and insurance defense teams. If you or a loved one has been injured in a truck accident, it is important to get legal advice as soon as possible to prevent trucking company representatives from tricking you into doing something that could make it more difficult for you to recover.

For a free consultation and case evaluation to learn how we could help you obtain full damages for your losses, call us at 800-662-1234 or contact us online now.

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