

When truck accidents occur in Raleigh or elsewhere throughout North Carolina, determining liability can be a complex task. However, determining legal responsibility is essential to understanding the individuals or parties who are responsible for injuries or fatalities resulting from such accidents, and it requires a careful examination of the circumstances leading up to the incident and any parties who may be involved. Below, our experienced Raleigh truck accident attorney takes a look at some of the nuances of truck accident liability and provides helpful information regarding the roles of the truck driver, trucking company, manufacturers, and other potential parties.

Truck Accident Liability Can Be a Complex Determination

[Truck accidents](#) tend to be more complicated than ordinary [two-car crashes](#) because of the number of parties and special rules and regulations of the trucking industry. Rather than just a driver being held responsible, an accident involving a truck may have liability that extends to several parties.

Potential Parties in Truck Accident Liability Cases

The Truck Driver

The most common cause of truck accidents is driver error or negligence. This can include speeding, distracted driving, driving under the influence, and failing to adhere to traffic laws. Fatigue is another significant factor, given the long hours truck drivers often work. Under North Carolina law, if the truck driver's negligence caused the accident, they could be held liable.

The Federal Motor Carrier Safety Administration (FMCSA) limits the hours a trucker may operate before resting. A violation of those time limits can lead to a fatigue-based accident.

The Trucking Company

Truck companies are responsible for hiring drivers who are qualified, trained and experienced. If a company hires an unqualified driver who has a poor driving history or poor training, the company may be guilty of negligent hiring.

Additionally, truck companies are responsible for making sure that their trucks are inspected as required and [well-maintained](#). If an investigation reveals a lack of proper maintenance, the company may be held liable. Such companies are also obligated to comply with all federal and state statutes and regulations, including but not limited to the rules set forth by the FMCSA.

Truck Manufacturers

If an accident involving a truck is caused by a mechanical failure due to faulty parts, the manufacturer of those parts may be found liable for any injuries that occur. This can include brakes, tires, engines, or other essential parts of the truck. In some circumstances, accidents result from inherent design flaws in the truck or its parts, and in those cases, the manufacturer may be held liable for any resulting damages.

Truck Loaders

Trucks must be loaded properly to prevent shifting or falling cargo, which can cause accidents. If a third party responsible for loading the truck fails to do so correctly and an accident occurs, they can be held legally responsible. Overloading a truck can affect its handling and braking capabilities, which increases the risk of an accident. That said, the companies responsible for loading must adhere to weight rules and regulations.

Other Third Parties

If a third-party company is contracted to maintain and repair trucks, they can be liable if poor maintenance or faulty repairs contribute to an accident. Also note that in some cases, government entities responsible for road maintenance can be held liable if poor road conditions, lack of proper signage, or inadequate road design contribute to an accident.

Determining Liability in Raleigh Truck Accidents

Determining liability in a truck collision requires a thorough review and investigation of the accident scene, the damage to the vehicles, and any other relevant documentation. Below, our experienced Raleigh truck accident attorney provides information about the process of determining fault in these types of accidents.

The Accident Investigation

Police Reports: When serious injuries or death occurs as the result of a truck accident, the police will arrive on the scene to take statements from drivers and passengers and investigate the accident. Their report will contain critical information about the accident, including a preliminary determination as to which driver may be at fault.

Witness Statements: Eyewitnesses can report what happened, which can be very useful in establishing a sequence of events and identifying the parties at fault.

Accident Reconstruction Experts: These experts evaluate accident characteristics, including physical evidence such as tire marks, vehicle damage and roadway characteristics to reconstruct how an accident occurred.

Reviewing Documentation

Driver Logs: A review of the truck driver's logs often provides the most accurate information about any violation of hours-of-service regulations and other instances of negligence on the part of the driver.

Maintenance Records: Maintenance logs can indicate whether the trucking company was complying with regular maintenance schedules and procedures.

Black Box Data: Most modern trucks have a computer that records the data related to the truck's speed, braking, and other operation parameters up to the moment of the accident.

Legal Analysis

Relevant Law: In certain states, notably North Carolina, an injured party can be barred from recovery if found to have contributed even slightly to his or her own injuries. This common law doctrine is referred to as **contributory negligence**.

FMCSA Regulations: Violations of regulations of the US Federal Motor Carrier Safety Administration by the driver or trucking company can be persuasive evidence of negligence.

The Role of a Truck Accident Lawyer

Given the complexity of North Carolina truck accident cases, it is imperative to hire a knowledgeable truck accident lawyer in Raleigh. Here are four ways in which your lawyer can offer legal assistance with your case:

Comprehensive Investigation

Lawyers can conduct thorough investigations and gather evidence that may not be accessible to the average person, such as trucking company records and black box data.

Expert Resources

Truck accident lawyers have at their disposal a variety of experts, including accident reconstructionists, medical experts, and engineers who may be called to testify or provide analysis on your behalf.

Negotiation with Insurance Companies

Insurance companies almost always want to minimize payouts, so a skilled attorney can negotiate effectively on your behalf and ensure that your payout reflects the extent of your injuries.

Litigation

If a fair settlement cannot be reached, a lawyer can represent you in court, presenting a strong case to ensure you receive the compensation you deserve.

Let a Skilled Raleigh Truck Accident Attorney Help

Raleigh truck accidents can involve numerous responsible parties, from the driver to the trucking company, to manufacturers, and to other third parties. Evaluating and establishing fault requires a thorough investigation and a familiarity with asserting claims under state and federal regulations. Due to complicated liability theories, injured individuals are encouraged to speak to a Raleigh truck accident attorney to maximize their recovery. [Contact our office](#) today.