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### **Commercial Truck Accidents - FAQ**

**Q: I've read that commercial truck accidents can result in serious injuries. What is a "commercial truck"?**

**A:** A commercial truck is a vehicle used in the course of business and/or for the transport of commercial goods. Examples are eighteen-wheeler tractor trailers, tanker trucks, delivery vehicles, and other large freight trucks.

**Q: Why is a traffic accident involving a commercial truck more likely to cause injury than one involving passenger cars?**

**A:** A typical fully-loaded large commercial truck can weigh 80,000 pounds or more, while an average passenger automobile weighs approximately 3,000 pounds. Due to this size disparity, and the basic laws of physics, any collision between a commercial truck and another vehicle is likely to result in serious, even fatal, injuries.

**Q: What are the most common factors in collisions between commercial trucks and automobiles?**

**A:** Generally speaking, these accidents are caused by a combination of a truck's characteristics and performance capabilities (including limits associated with acceleration, braking, and visibility) and car drivers' ignorance as to those characteristics.

**Q: I was injured in a crash where a truck driver was at fault. Can I receive money for time I missed at work?**

**A:** Yes. Your recovery in a personal injury action can include payment for income lost through missed work, and compensation for any loss of earning capacity resulting from the accident.

**Q: My daughter's car collided with a truck that was carrying a hazardous liquid, and she suffered respiratory problems. Can we sue the shipper of the chemicals as well as the truck driver?**

**A:** In limited circumstances, the shipper of such hazardous materials can be held legally responsible if injuries resulted from the type of cargo on the truck, especially if the shipper failed to advise the driver or the trucking company of the hazardous nature of material contained in the freight.

**Q: I've heard that it's dangerous to drive in a truck's "No-Zone." What does that mean?**

**A:** The "No-Zone" refers to the areas behind and beside a commercial truck, where the truck driver has limited or zero visibility: the left rear quarter, the right rear quarter, and directly behind the truck at a short distance.

**Q: Can I sue the truck driver's trucking company for my injuries?**

**A:** It depends on whether an employment relationship is established between the truck driver and the trucking company. If such a relationship is shown, the company can be held legally liable for the driver's negligence under a legal theory known as "respondeat superior." Establishing the liability of a company can become problematic when a truck driver is an independent contractor of the company. In such a situation, the key issue becomes the amount of supervising exercised by the company.

**Q: I was involved in a traffic accident where a big-rig "jackknifed." Can I automatically recover against the truck driver?**

**A:** Not necessarily. The fact that a truck jackknifes is not in itself proof of operator negligence, because many accident situations present difficulties in which there is no practical way to avoid jackknifing without risking some other catastrophe. For example, operation of a truck that has jackknifed may be held to be non-negligent where the jackknifing was due to unforeseeable slipperiness of the road, or to an abrupt turn undertaken to avoid a motorist or stalled truck.

**Q: If I may have been partially at fault for the accident, can I still win the lawsuit?**

**A:** It depends on the degree of your fault. Under the legal doctrine known as "comparative negligence," the amount of another party's liability for the accident is determined by comparing his or her carelessness with your own. That party's portion of liability determines the percentage of the resulting damages he or she must pay. In most states, you can't recover anything if your own carelessness was 50% or more responsible for the accident.

**Q: Should I meet with an attorney if I feel that I may have a valid legal claim for injuries I suffered in a traffic accident with a commercial truck?**

**A:** Yes. You should consult an experienced attorney to ensure that your claim is properly assessed and your legal rights to compensation are protected.

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