

Introduction

This e-book was written for someone who has been in a truck accident has questions and concerns about what to do and where to turn with their case. In addition to dealing with pain and going to medical appointments, you are likely confused and uncertain about what rights you have legally-speaking following a trucking accident. Trucking accident cases are among the most serious and difficult to win in the field of personal injury, but they can be won with the right combination of tenacity, skill, and thoroughness.

This book will go into great depth on all topics you need to understand in order to obtain a successful outcome for your trucking case. The book explains how truck accidents frequently occur, the injuries people typically receive from these accidents, how an attorney can help you, among other topics. There are also tips on how to maximize the value of your case and ensure you receive the most amount of money for your case.

Do you have questions regarding your case? If you do, feel free to call us for a free consultation to discuss your case. We do not charge any money for a consultation. As personal injury attorneys, we work on what is called a contingency fee basis, meaning we do not get paid unless you do first and we take a third of the recovery from your case. Having a personal injury lawyer on your case who is skilled, knowledgeable, and diligent on working on your case can net you significantly more money than if you were try to go against the trucking company on your own.

Hopefully, this short but informative e-book will answer questions you have regarding your case. To access it, all you need to do is input the information in the boxes below and it is yours to read. Thank you for reading.

Washington State Truck Accidents

This book is intended to help you understand the nature and legal complexities surrounding trucking accidents in Washington State. Whether you have been in a truck accident with a normal sized pickup truck or an 18-wheeler, also known as a semi-truck, this book is intended to help you understand every aspect of the truck accident case.

This book will go into detail over the kinds of trucks that are on the road in Washington State, the kinds of injuries most people sustain in these accidents, the insurance considerations that factor into your case, how the Jackman Law Firm can help you, and much more. If you have questions after reading this book, feel free to call us. The consultation is free. We can be reached via phone at 206-245-6442 or through our website.

We hope you learn something from this book. Thank you for reading.

Chapter One: Information Concerning Trucking Accidents

Commercial truckers typically drive for about 11 hours. They haul vehicles with a weight of 80,000 pounds through roads that are unfamiliar, unpredictable driving situations, and unfavorable weathers. Although this job may not be the safest and best way to make a profit, more than three million Americans make a living out of it. Compared to average motorists, truck drivers usually have a lot of experience behind the wheels. However, just like with any driver, they're not immune to accidents and collisions.

A massive number of people either die or gets seriously injured in truck accidents every year. It is expected that by 2030, the fifth leading cause of death in the US will be car crashes. Most of the time, the victims are those individuals in passenger vehicles who are not equipped to endure a collision with vehicles a hundred times its strength and weight.

It is much more catastrophic to be involved in commercial truck accidents compared to those between two vehicles for personal use. A commercial truck that's fully loaded typically has a weight of at least 25 times as much as your regular car. Because of this drastic weight difference combined with the laws of physics, a lot of accidents involving big trucks with other vehicles on the road lead to serious, and at times fatal injuries.

What Makes Trucks Extremely Dangerous?

Trucks are massive in size, so they have the capability to produce an amount of force that's tremendous. When these machines are going on high speeds, and suddenly collide with a car or other smaller vehicles, the devastation they can unleash is unimaginable.

During night time, the contributing factors to truck collisions are increased. For instance, a lot of the crashes are due to the fact that truck drivers have a hard time seeing smaller vehicles that are driving beside them. Also, the visibility of these vehicles at night are less, especially when the road is poorly lit.

Is There A Difference Between Truck And Car Accidents?

Despite public perception, not all vehicular accidents are the same. For example, truck accidents and how they are handled are unique in some key areas. By definition, truck accidents are vehicle crashes that involve commercial vehicles such as semi-trucks, 18-wheelers, and tractor-trailers that cause damage to properties or personal injuries.

The statistics released by the Federal Motor Carrier Safety Administration states that every year, large trucks involved in collisions account to 77,000 injuries, 287,000 property damages, and 4,321 fatalities. The vehicles they collide with are typically substantially damaged since they are significantly larger in size. Furthermore, commercial trucks account to a small portion of highway accidents. However, because these trucks are massive, the potential danger and severe damage they can cause are higher than usual.

Another worth noting between a truck and a car accident is the associated effort and cost involved in the investigation. Also, the remedies associated with truck accidents are not just costly, but complexed and time-consuming as well.

Statistics And Facts Of Truck Collisions In The United States

While it is true that compared to automobile drivers, truck drivers are generally much more careful, massive trucks still account to thousands of deaths and hundreds of thousands of injuries each year as per the U.S. Department of Transportation.

Here's a quick look at the statistics in numbers:

- In 2008 alone, 123,918 large trucks were involved in non-fatal accidents, 49,084 were involved in injury collisions, and 2,609 were involved in hazmat (HM) placard wrecks.
- 700 truck drivers including their passengers are killed every year.
- 68% of all truck collisions that are fatal happen in rural regions and not in cities.
- More than 50% of these deadly truck crashes occur in broad daylight, and roughly 80% happen during weekends.
- Surprisingly, 71% of these truck accidents happen when roads are dry and the weather is clear.
- Every year, 5,000 individuals in passenger vehicles die in crashes involving semi-trucks. While around 700 people in semi-trucks die in these crashes yearly.
- About 64% of semi-truck accidents that are fatal involve a semi-truck that's towing a trailer. 32% of these crashes include single-unit trucks.
- Multi-trailer vehicles account to 4% of these accidents.
- According to a 2014 report by the National Highway Traffic Safety Administration, more than 11,000 individuals were injured while 3,900 died due to bus or big truck (18-wheelers, coal trucks, cement trucks, etc.) collisions.
- The death of passengers in a motor vehicle was a staggering 68%, while 15% were pedestrians, cyclists, and motorcyclists.

Large trucks are classified by the Federal Motor Carrier Standards Act as vehicles with a gross weight rating exceeding 10,000 pounds. 15-passenger vans were defined by the National Highway Traffic Safety Administration as large trucks. The NHTSA has issued several notices to groups who use this type of vehicles concerning the risks of putting drivers with little experience behind its wheel as well as loading the vans entirely with passengers and cargo. They also recommend that individuals with prior large truck driving experience should drive these vans.

Fatal multi-vehicle crashes are most likely to occur with a large truck involved than passenger vehicles. According to the Insurance Institute for Highway Safety, 98% of the deaths in accidents involving other vehicles and big trucks are those individuals in passenger vehicles.

As per the Federal Motor Carrier Safety Administration or FMCSA, in 2014, tractor-trailers were involved in 72% of these truck accidents that resulted in fatalities. There are more than 15 million trucks hitting the road every year, and out of that number were 2 million tractor-trailers which makes it one of the most dangerous vehicles out there. Furthermore, more than 25% of all deadly tractor-trailer crashes are caused by those truck drivers who have had a previous speeding penalty before the fatal event.

However, these sobering numbers do not bear turmoil created by truck collisions both financially and emotionally. Aside from the emotional trauma caused by the accident, victims and their families are often faced with tremendous debt because of lost income and medical bills piling up. Although victims can file personal injury claims, the hardships they have to go through because of serious accidents cannot be compensated by any amount of money.

Keep in mind though that there are times when these crashes are caused by the truck drivers themselves. It may also be the result of other driver's carelessness or unexpected road hazards. Moreover, the load the truck is carrying can also worsen it such as flammable or hazardous materials which can lead to secondary injuries.

Deadly Truck Crashes Statistics Per State

The Truck Accident Attorneys Roundtable 2014 data based their rank every of state in the United States on fatal truck accidents per capita. This method was both new and original in terms of truck crash data analyzation.

| State | Population | Large Trucks Involved | Fatal Truck |
|-----------|------------|-----------------------|-------------|
| Accidents | | in Fatal Crashes | per Capita |
| Alabama | 4,779,736 | 111 | 0.0023% |
| Alaska | 710,231 | 4 | 0.0006% |
| Arizona | 6,392,017 | 73 | 0.0011% |
| Arkansas | 2,915,918 | 85 | 0.0029% |

| | | | | |
|----------------|------------|-----|-----|---------|
| California | 37,253,956 | 244 | | 0.0007% |
| Colorado | 5,029,196 | 51 | | 0.0010% |
| Connecticut | 3,574,097 | 14 | | 0.0004% |
| Delaware | 897,934 | 10 | | 0.0011% |
| Florida | 18,801,310 | 194 | | 0.0010% |
| Georgia | 9,687,653 | | 149 | 0.0015% |
| Hawaii | 1,360,301 | 6 | | 0.0004% |
| Idaho | 1,567,582 | 17 | | 0.0011% |
| Illinois | 12,830,632 | 115 | | 0.0009% |
| Indiana | 6,483,802 | 115 | | 0.0018% |
| Iowa | 3,046,355 | 65 | | 0.0021% |
| Kansas | 2,853,118 | 59 | | 0.0021% |
| Kentucky | 4,339,367 | 88 | | 0.0020% |
| Louisiana | 4,533,372 | 102 | | 0.0022% |
| Maine | 1,328,361 | 10 | | 0.0008% |
| Maryland | 5,773,552 | 56 | | 0.0010% |
| Massachusetts | 6,547,629 | 14 | | 0.0002% |
| Michigan | 9,883,640 | 69 | | 0.0007% |
| Minnesota | 5,303,925 | 54 | | 0.0010% |
| Mississippi | 2,967,297 | 44 | | 0.0015% |
| Missouri | 5,988,927 | 89 | | 0.0015% |
| Montana | 989,415 | 11 | | 0.0011% |
| Nebraska | 1,826,341 | 42 | | 0.0023% |
| Nevada | 2,700,551 | | 20 | 0.0007% |
| New Hampshire | 1,316,470 | | 6 | 0.0005% |
| New Jersey | 8,791,894 | 61 | | 0.0007% |
| New Mexico | 2,059,179 | 39 | | 0.0019% |
| New York | 19,378,102 | 97 | | 0.0005% |
| North Carolina | 9,535,483 | | 132 | 0.0014% |
| North Dakota | 672,591 | 44 | | 0.0065% |
| Ohio | 11,536,504 | 146 | | 0.0013% |
| Oklahoma | 3,751,351 | 124 | | 0.0033% |
| Oregon | 3,831,074 | 28 | | 0.0007% |
| Pennsylvania | 12,702,379 | 175 | | 0.0014% |
| Rhode Island | 1,052,567 | 3 | | 0.0003% |
| South Carolina | 4,625,364 | | 79 | 0.0017% |
| South Dakota | 814,180 | 16 | | 0.0020% |
| Tennessee | 6,346,105 | 107 | | 0.0017% |
| Texas | 25,145,561 | 543 | | 0.0022% |
| Utah | 2,763,885 | 17 | | 0.0006% |
| Vermont | 625,741 | 6 | | 0.0010% |
| Virginia | 8,001,024 | | 89 | 0.0025% |
| Washington | 6,724,540 | 44 | | 0.0007% |
| West Virginia | 1,852,994 | 47 | | 0.0025% |
| Wisconsin | 5,686,986 | 60 | | 0.0011% |
| Wyoming | 563,626 | 27 | | 0.0048% |

The data shows that the 3,903 deaths in truck accidents equate to more than 1 death per 100,000 individuals in the US. Trucks comprise 6% of registered vehicles in the United States but cause 11% of fatalities in national roads.

It indicates that 90% of the states deemed dangerous are those with a population of five million and below, and those at the top spot have less than one million. In North Dakota for example, large trucks were involved in 23% of the deadly collisions here in 2017. Furthermore, it also shows that the ratio of fatal accidents is 6.5 per 100,000 residents which is five times greater than the national average.

More than 10 million large trucks including single-unit plus combinations that travel an accumulated 285 billion miles each year. It is estimated that in the next decade, it is estimated that there will be a 29% increase in freight tonnage. This means that we will see an increase in the number of large trucks on our roads.

Statistics Of Semi-Truck Accidents In Washington State

The accidents that involve semi-trucks, which are also called 18-wheelers or big rigs, are one of the most catastrophic collision you'll ever see in Washington State. The main reason for this is because of their size. Most of the time, truck mishaps lead to permanent disabilities, catastrophic injuries, and at times cause fatalities. The losses involved here are high, and trucking firms will defend and support these cases strongly.

With a weight of more than 10,000 pounds, and an engine far more powerful than a regular vehicle, these trucks also need to take in a lot more weight. They also require twice as much effort, distance, and time to stop compared to regular motor vehicles. A regular vehicle going at a speed of 55 miles per hour around 130 to 140 feet to stop, while these large trucks traveling at the same speed may need a distance of up to 400 feet to stop. Because of the excessive weight and difference in stop times, the crashes involving commercial trucks can cause further damage and can happen more frequently.

In 2015, the Washington State Department of Transportation (WSDOT) compiled the following truck accident statistics:

- The total number of fatal crashes involving heavy or commercial trucks in Washington State is 38.
- Large trucks are involved in 6,091 collisions, making it the second most prevalent type of road accident.
- The number of serious injuries in semi-truck collisions was 85 while the number for minor injuries was 1,352.

In 2018, the WSDOT reported that there were 108,363 vehicular accidents in Washington state. These crashes resulted in 504 deaths and around 9,000 injuries ranging from minor to severe. The overall total of accidents that resulted in either injury or fatality involving tractor-trailers or heavy commercial trucks was 162.

While this may seem like a small portion of the overall total of vehicle accidents in the state of Washington in 2018, keep in mind that the damage heavy trucks can cause in an accident is massive and far greater than a regular vehicle could.

Here's the 2018 crash data report by the WSDOT which also comprises the truck accident type details that happened in Washington State:

- There were 51 deaths in the 162 truck accidents.
- Out of those 162 collisions, 137 resulted in presumed severe injuries.
- 8 of the 162 crashes accounted for were due to drowsy driving.
- The contributing factor in 40 of the accidents was speeding.

These reports by the WSDOT coincide with the statistics collected by FMCSA, which is the United States' federal agency that oversees the trucking industry in the country. They identify driver error as the number one reason why truck accidents occur in the state of Washington. This may involve distraction, unsafe driving, failure to understand road hazards, and non-performance.

Furthermore, almost 90% of commercial truck accidents were the result of driver-related problems, while the remaining 10% was due to defects in the vehicles, and the rest was because of environmental or road issues.

Chapter Two: Common Reasons Why Truck Accidents Are Caused by Drivers

Unfortunately, many truck collisions are because of the driver error and mistakes on the part of the truck drivers. The following are some of the most common reasons:

1. Truck driver fatigue and tiredness.

Driver fatigue and sleep deprivation are one of the top reasons why truck accidents happen. There are regulations by the federal which sets restrictions for how long per week truck drivers can log their driving.

The maximum limit set for those carrying cargo after they've had 10 consecutive hours off work is 11 hours. This will help truckers to avoid driver fatigue and give them ample time to get the rest or sleep they need. However, even if they are not supposed to drive many hours, most do anyway. Most of the time, their scheduled routes involved hundreds and even thousands of miles, which can wear down even the most seasoned driver.

2. Substance Abuse

In order to cope with the demands of their life on the road, there are a lot of truckers that turn to illegal drugs and alcohol. Sadly, this causes deadly accidents despite numerous laws regulating substance abuse.

Research shows that 8% of truck drivers use amphetamines while 12.5% have a problem with alcohol. According to legal experts, there are approximately 200,000 commercial truckers hitting the road who are suffering from problems with substance abuse.

Unfortunately, many trucking companies hire their drivers without testing them properly. There are also times when truck drivers cheat on their drug tests to get the job. The worst thing about it is that once the accident happens, they tend to disappear miraculously, making it difficult to find, test, and require them to testify.

3. Reckless Driving and Speeding

The reason why truck drivers frequently speed is that they are following strict timelines. Speeding accumulates to 29% of vehicular crash fatalities in 2013. And since 2004, it has been a contributing factor in around 30% of deaths in crashes.

Large truck drivers exceeding the speed limit is putting other people the road in extreme danger since they are not driving in accordance with the traffic's flow. Furthermore, it's a tremendous concern especially since they're driving a vehicle that's 20 times heavier than a regular passenger car, add to that the weight of their load.

A lot of truck collisions are caused by unnecessary speed coupled with drivers getting too close to other vehicles and changing lanes unsafely. They have the inability to stop immediately, and the potential jackknifing or rolling over are higher on commercial trucks as well.

4. Distracted Driving

Commercial truck drivers spend more time on the road than the average drivers. Most of the time they are driving through remote locations, and the likelihood and temptation to get distracted here is greater since they may want to multitask. They may be tempted to text, talk to someone on the phone, or even read, which will take their focus off the road.

The attention of truckers should be 100% on the road even if there's no traffic. Any type of distraction, even setting up the GPS system can be hazardous. As we all know, taking our eyes off the road even for a millisecond can lead to fatal accidents.

5. Texting while Driving

The majority of states in the US prohibits texting while driving, and there's a nationwide ban for it for commercial truckers. However, even if there's a law about it, some drivers still continue to do it while they are on duty.

The possibilities of an accident happening while texting is increased significantly. There's also an increase in the risk when it is combined with sleep deprivation and driver fatigue or when a trucker is navigating a road that he's not familiar.

6. Unsafe Driving Practices

Each week, truckers drive through thousands of miles. Driving on roads that stretch for miles and miles can become wearisome and monotonous. Often, this leads to drivers operating their vehicles in an unsafe manner. Aside from over speeding, driving practices that are not safe include the following:

- Closely following another vehicle.
- Not checking for blind spots.
- Road rage.
- Not changing lanes often.
- Not using turn signals properly.

7. Improper or Not Enough Training

A driver will become a road hazard if he has not undergone proper training on defensive driving, handling a commercial truck, and other essential safety factors.

8. Inexperienced Driver and Unknown Roads

Any driver will be faced with challenges if they are driving on an unfamiliar road. Just imagine if that individual is driving a vehicle weighing 80,000 pounds on rough roads with narrow and sharp curves for the first time. It's unquestionably a disastrous combination of factors for anyone.

Common Vehicle Errors That Cause Truck Accidents

No matter how safe and compliant a truck driver is to the rules and regulations if there are truck-related errors, he can get involved in deadly collisions. Some of the reasons this could happen are the following:

1. Failure to Properly Maintain and Inspect the Truck

Both the drivers and the trucking company are responsible for ensuring that their vehicles are well-maintained and safe for use. They should document all maintenance checks, and if a truck accident is due to equipment that's maintained poorly, the company will be held accountable for it.

Equipment malfunction can vary from tire blowouts to faulty brakes. Before drivers go behind the wheel, things such as cargo, brakes, steering, tires, reflective tapes, mirrors, and conspicuity among others should be checked and verified to be working. However, most companies fail to keep their vehicles in top condition, and truck drivers don't give time to inspect their vehicles entirely which lead to hazardous trucks hitting the road.

2. A Defect in the Design of the Vehicle

If a truck was installed with wrong or improper parts like failing tires or brakes or was not accurately designed, the potential risks of accidents are increased. The designer and manufacturer of the trucks may also be held accountable for the damages incurred in the accident.

3. Failure of the Equipment

Large trucks are not exempted when it comes to equipment failure due to roads that are constructed poorly, seasonal elements, and other various factors. Severe weather conditions like typhoon or

snow storm can be extremely risky when commercial trucks are on the highway because there will be shifts in traffic, roads will be slippery, and there's a high chance of inability to brake.

4. Improper Loading

Traffic navigation in a regular vehicle is far different from driving a large truck. The amount of load a commercial truck carries will have a huge impact, and there are times when overloading is the principal cause of an accident.

There are packers that tend to load the truck quickly so that the driver will reach his next destination as soon as possible. Those inexperienced packers may not have the knowledge of how to distribute the cargo's weight suitably. These mistakes may cause a semi-truck to be hard to maneuver or result in jackknifing.

There are laws that set capacity restrictions on how much weight commercial large trucks can carry. If it's overloaded, it may detriment the driving of the trucker as well as the vehicle itself. Too much load can also blow out the tires. In addition, cargos that are not secured well are hazardous and can cause injuries and worst, fatal collisions.

5. Inability to Stop

The heaviest commercial trucks on the road are tractor-trailers, and as a result, they also have the most difficulty stopping. Large trucks going at 65mph need around 420 ft to come to a stop compared to normal vehicles that only require 160 ft.

Even when truckers realize that there's a need for them to stop, there are times when they simply can't because either their trucks are overloaded or they're over speeding.

Road Problems That Can Cause Truck Accidents

Road obstacles are also one of the most common factors that contribute to or cause truck collisions. Whether a trucker is a reckless driver or not, a dangerous or severe crash can happen if there are obstructions left on the road.

1. Road Constructions

Expect delays in traffic when there are ongoing road construction projects. Often times, these roadblocks restrict drivers to single lane traffic. There are drivers that tend to drive through the median or shoulder to avoid the construction. However, this may result easily in accidents.

2. Poor Road Maintenance

Road flaws are caused by poor maintenance, design, and use of substandard materials during construction. All of these can cause a catastrophic collision. In scenarios like these, the responsible individuals for the upkeep of the road are often government entities, and they usually become a lawsuit target.

3. Road Conditions

Not every roadway or highway is suitable for driving, particularly for commercial trucks. There are unpaved roads with a lot of potholes which can make it even harder for drivers. It is also hazardous for truckers to drive through roadways without shoulders or with narrow lanes.

Chapter Three: Injuries Caused By Truck Accidents

Injuries obtained from a truck accident are much more critical compared to a car accident. The size of the truck combined with its force when hitting a pedestrian, cyclist, motorcyclist, or a regular vehicle can cause damage to your body that's permanent or long-lasting. When they collide with anything on the road, the damage they can cause to anyone or anything they strike is catastrophic.

Aside from being heavier and bigger than the average passenger vehicle, commercial trucks are higher making them even more threatening for drivers and passengers of smaller vehicles who could get stuck underneath these massive trucks. Another potential risk to victims is the hazardous and flammable materials that an 18-wheeler is transporting.

Due to these facts, the likelihood of demanding personal injuries from an accident with a big rig is higher. If a collision with a semi-truck doesn't wrongfully kill you, it frequently leaves victims with injuries that are severe, debilitating, life-threatening, and even permanent. Most of the time, victims need years to recover from these injuries, and a lot of them may never fully recover from the injuries they sustained from these collisions.

Some of the most common injuries from a collision with a large commercial truck are the following:

1. Head Injuries

Head injuries obtained from a truck crash are typically the most severe aside from wrongful death and comes in two types:

- Open head injury. This is when a skull gets fractured resulting in substantial damage to the skull, head, and brain.
- Closed head injury. This type is when an injury was sustained in the brain, but the skull was not fractured.

Both of these are extremely serious, but a closed head injury is riskier since there is no room for the swelling or accumulated blood to go. This causes damage to some parts of the brain because of the significant pressure it will create on it.

When a human brain has suffered significant or widespread damage, it is already classified as TBI or traumatic brain injury. Often, these damages are typically permanent and may lead to victims experiencing problems with cognitive function, exhausting headaches, and issues on their motor skills like coordination, balance, as well as movement.

There are times when a victim with TBI may never be able to get a job or perform normal and daily routines. There are even instances when they need assistance all the time or nursing care.

2. Spinal Cord Injury

Our spinal cord runs from the base of our brain down to our back and pelvis. Very hard bones called vertebrae encases it. There are also nerves emanating from it through small holes in every individual vertebra that extends to our legs, arms, feet, and hands. The purpose of these nerves is to provide sensation to us and help us with our movement.

When large truck accident victims suffer injuries to their spinal cord, it can result in a partial or full impairment of sensation or their ability to move some parts of their bodies. An incomplete or full spinal cord injury can lead to partial or complete paralysis as well.

Depending on the location of the spine injury, the victim may sustain paraplegia or the impairment of the lower limbs or quadriplegia, which is the diminishing capability of all four limbs. SCI often leads to victims being confined in a wheelchair or become bedridden all their life, and may also cost them millions of dollars.

3. Neck and Back Injuries

Gave neck and back injuries are commonly sustained by victims of commercial truck collisions. The back and forth whipping action by the victim which tends to be violent when hit by a large truck is the main reason for this.

There are times when the gel-like material known as discs cushioning our vertebrae on top of one another can be pushed out from their alignment or gets damaged. The spinal cord's nerves can be affected as a result.

The common back and neck injuries include:

- Nerve damage.
- Herniated discs.
- Dislocated discs.

Victims normally need to undergo surgery to try to lessen or prevent the unbearable pain. These injuries are life-changing and can debilitate a victim, leaving them unable to carry their kids or grandchildren ever again.

4. Broken Bones

Collisions with a truck are extremely powerful, so it's quite common for bones to break or get fractured. A lot of times, the broken bones are so severe that a victim needs to undergo surgery to repair them. There are also times when plates, rods, screws, pins, and other painful hardware are needed so that the bone can stabilize and heal.

5. Internal Injuries

The surprising impact of the force from a truck collision can lacerate or smash our organs easily even if they are protected by layers of muscles and our rib cage. Victims can suffer from horrendous pain and get incapacitated permanently from injuries from the kidneys, heart, liver, and lungs.

6. Wrongful Death

Wrongful death is probably the most terminal personal injury in all commercial truck crashes. Even if a large truck is not speeding, a collision from it can still result in fatalities. The victim's family can receive compensation to help them become stable financially, to heal and move forward, but still, it can never replace the loss of a loved one.

Chapter Four: Truck Accident Law

Compared to a regular vehicle for personal use, commercial trucks are greater in size and weight, so any accident involving it will result in long-term damages and injuries that are catastrophic. If you or a family member has been involved in a truck collision and got injured, there are plenty of things you need to learn about laws regulating trucks and the accidents involving it.

State and federal laws regulate the trucking industry and establish a set of standards that all trucking companies and their drivers must adhere to. These laws can help you determine the people who should be responsible for any accident involving a commercial truck.

The federal agencies that primarily manage this area are the following:

- The U.S. Department of Transportation or DOT
- The Federal Motor Carrier Safety Administration or FMCSA

You will mostly find the federal trucking laws in Title 49 of the Code of Federal Regulations where every state monitors intra-state commercial trucking by its own department of transportation.

If the collision you are involved in is related to big rigs, semi-trucks, and other commercial truck drivers that do not adhere to the laws that apply to their job, the driver and the trucking company could be held liable for your injuries.

There are many laws that trucks need to follow which include:

- **Commercial driver licenses.** Commercial truck drivers are required to follow the case law and statutes of the state on licensing of commercial drivers. If a driver without the proper license is involved in an accident with you, it will have an impact on your case toward the driver and the trucking company.
- **Driver's rest.** Also known as hours of service. The law also regulates the number of hours a truck driver is allowed to drive without resting or taking a break.
- **Maximum weight allowed.** The truck's size will determine the amount of cargo it can carry. For instance, a truck with a single axle is permitted to carry up to 20,000 lbs, while a truck with two axles or a tandem can carry a load of up to 34,000 lbs. It is dangerous for a truck to overload. Hence, it will be a vital part of your accident's investigation to know what the truck is carrying during your accident, as well as the last time it was weighed in.
- **Truck quality control.** Quality control is also ensured by regulating not just the manufacturing, but the repairs of commercial vehicles. For example, under product liability legal theory, you may be entitled to a claim from the truck's supplier, repairer, or manufacturer, if the accident was caused by a defect or failure of any of its components.
- **Hazardous waste.** Safety regulations for transporting hazardous materials were developed by the Office of Hazardous Materials Safety or OHMS. If by any chance a truck driver failed to heed by those guidelines and you sustain an injury because of it, you consult with a lawyer to know how you may pursue a claim against the company of the hazardous waste shipment, the trucker, and his trucking company.

Regulations For The Service Hours Of Truck Drivers

Trucking companies and their truckers are required to follow strict guidelines about their working hours. If they violate any of these rules, they are subjected to pay fines and possible civil liabilities.

The federal and state governments initiate hours of service laws to avoid catastrophic accidents caused by commercial trucks due to driver fatigue. The following are the scopes of the regulations:

- **Total number of hours per day.** Truckers hauling properties are allowed to drive a maximum of 11 hours per day. If they have been driving for 10 consecutive hours, they are allowed to have a break. During this time, they will be off duty. Furthermore, drivers are not allowed to go past their 14th consecutive hour once they've come off duty after their 10-hour break.

- **When carrying a passenger.** If drivers are carrying a passenger and have been off duty for just 8 hours, they are only allowed to drive for 10 hours in a day. In addition, if they have been on duty for 15 hours after their mandatory 8-hour break, they are not permitted to drive.
- **Seven or eight days total hours.** Truckers who are carrying a passenger or properties that have driven 60 hours in seven days straight or 70 hours in eight days straight are not allowed to drive. They will be able to start driving and restart their next applicable shift of consecutive seven or eight days period after their 34 hours or more continuous hours off shift.
- **Rest breaks.** There are further regulations on rest break that may be implemented like being able to drive only the time passed since the end of the driver's current off shift period of a 30-minute minimum is 8 hours or less. However, there are exceptions to this like those truckers doing short-haul

Both the trucking company and their drivers must comply with regulations set by the state and federal. If truck drivers who are involved in a crash violate any of these regulations that are promulgated by the Federal Motor Carrier Safety Administration, it may be used against them as evidence in a case. It can usually mean that a breach of duty has been made by the driver, which is one of the essential components when creating a negligence claim.

The Washington State Trucking Regulations

The Washington State regulations on commercial trucks are designed to ensure the prevention of accidents and to save lives. In addition, the state implements jurisdiction covering commercial vehicles within its borders.

There are allowed exceptions though to federal trucking regulations and on imposing certain standards of the state in other locations. One example is for the interstate operations where Washington allows a person 18 years old and above instead of 21 or older to obtain a driver's license for driving a large truck. The state has established a lot of safety requirements such as:

- Drug tests
- Chains
- Fruit bin load securement
- Hay bale securement
- Hazardous material transport

The governing body of the state truck laws is the Washington State Patrol's Commercial Vehicle Enforcement Bureau.

How Trucking Companies And Truckers Are Proven Negligent In Washington

As mentioned, the Federal Law governs the industry of commercial trucking. However, truckers are still required to follow the various road rules in Washington. Additionally, there are several things that you may want to look into that may have contributed in a trucking case whether indirectly or directly.

There are a lot of rules that commercial truck drivers should follow in Washington, but the most common ones are:

- Carrying an overweight cargo.
- Driver fatigue.
- Driving too many hours without resting or taking a break.
- Driving too many days consecutively.
- Not going through pre-trip inspection.
- Failing to check blind spots.
- Driving under the influence of alcohol or any illegal substance.
- Distracted driving.

Chapter Five: Common Insurance Problems

Insurance companies are likely to take care of and cover any losses after a commercial truck crash. We all know that they are tough to deal with. However, dealing with insurers of trucking companies after you've been through a truck collision is nothing short but torture.

If you're a victim of an accident caused by the trucking company, trucker, or maintenance problem with the truck, there's a possibility that you have to deal with several insurers to cover non-financial and economic losses. As a victim wronged, you deserve fair treatment. To help you take the right legal claims, you need a lawyer with ample experience on truck collisions. He should have a better understanding of the different insurance issues regarding accidents caused by large trucks for a successful compensation claim.

Collisions with regular passenger vehicles normally involve one insurer in determining who should pay for the accident losses. On the other hand, accidents involving large commercial trucks are more complex. Here are some of the most common truck collisions insurance issues that you may encounter if you get involved in one:

1. Multiple Insurances

Things can get complicated after a truck accident. Truck insurers just like with all insurance companies want a victim to collect little time as possible. It can get even more overwhelming when a trucker carries several insurances.

It doesn't stop with truck drivers having separate insurance from their companies. The trucking itself may have a different set of insurances for its cargo and the trailer it's hauling. This means that if you're the victim, you may have to deal with different companies with an intention to ensure that they can get away with paying you with as little amount of compensation as they can.

2. Trucking Company Insurance Settling Too Quickly

Any truck collision will cost trucking companies a lot. For this reason, the legal teams representing them will go as low as intimidate victims so that they will settle with them right away.

Most of these companies think that you're too injured and tired, as well as desperate to try and take them to a court of law, that's why they will try to offer you with a low sum and hope that you'll take the bait.

Sadly, this lowball tactic works most of the time victims who are not aware or have a better understanding of their legal rights. Never fall for this trap. You may feel okay today, but most injuries sustained involving a big rig or an 18-wheeler have a high chance of manifesting in the future. This can cost you a lot more in your rehabilitation and medical bills which the small settlement amount will most likely be not enough to cover them.

3. The Complicated Process Of Determining Who's At Fault

The process of determining who caused the accident and how many individuals are involved or at fault is quite challenging.

It is a must for any trucking company and their insured trucks to abide by the laws set by the state and federal, as well as local driving regulations. Going through these standards that determine which of the traffic regulations were violated, if there are trucking protocols that were missed, or if there are ignored industry laws can eat up a lot of time to ensure that all facts are straightened.

In addition, truckers are also expected to obey a lot of traffic rules. Insurance companies will try their best to show the court that the victim was the one who violated a regulation or law and caused the accident even if it's the other way around.

4. Lost Evidence Intentionally Or Unintentionally

One of the tactics of insurance companies is to cite a lack of specific evidence to try and discredit your case. They usually do this in an attempt to bring down the amount of compensation you'll receive or for the dismissal of the case.

The pieces of evidence you have can be destroyed or expire naturally, which is what these companies are waiting for. There are times when evidence on the scene of the collision gets washed by bad weather which can affect your chances of winning the case. It is essential that the lawyer you hire will be able to secure any evidence relevant and applicable to your case safely.

Other items that can also aid everyone to determine and understand what truly happened include:

- Inspection reports.
- Maintenance logs.
- Driving logs.
- Electronic monitoring data

There are a lot of complexities involving commercial truck collisions, and these are just some of the most common ones. Truck insurance regulating laws are created to guarantee that victims who are injured from this catastrophic event receive the compensation they deserve.

Sadly, instead of protecting the victims, insurance companies are only after protecting their profits, as well as represent trucking companies and truckers who are their policyholders. Never allow yourself to believe that insurers are on your side, it is always best to get help and hire an experienced truck accident attorney with a background on these kinds of insurance issues.

Other issues which make filing large truck crashes claims complex are the following:

- **How severe injuries are.** From paralysis and permanent disability to the likelihood of a wrongful death will result in raising the stakes high on any insurance claims for truck collisions. In cases like these, it is vital to hire an attorney that's comfortable enough to handle issues such as complicated medical evidence, complex fact patterns, and challenging medical matters.
- **Special laws.** that apply to truckers. Several special regulations are established by the federal government governing the operation of large trucks and semi-trailer trucks. Numerous states have also enacted similar regulations with some even stricter than what the federal has imposed.
- **The truck's mechanics.** There's no doubt that big rigs and other machines like these are complicated. Their designs are intricate which means that the possibilities of mechanical problems are unavoidable. In instances like this, the trucking company or the manufacturer of the vehicle may be at fault.

Identifying The Proper Defendants

When establishing a truck collision compensation for recovery and liability, the first thing that a plaintiff must do is to identify everyone responsible which includes a business entity, individuals, and even government official. Naming all parties is vital in your court documents at the time of the filing of the lawsuit. Once you leave someone out, and then later exposed that a party responsible was omitted, you may not be able to add that particular individual or company because of the applicable deadlines for filing lawsuits in a negligence case.

Most victims with little to no experience in the litigation of personal injury often go after the truckers since they are the ones who are careless enough to cause the crash. While the truck driver is responsible, there are also several individuals that may be held legally accountable as well. These may include the manufacturer of the vehicle, trucking company, companies who made the parts of the truck if a part is defective, maintenance providers, and mechanics among others.

Proving Damages And Liability

Once everyone responsible for the accident has been identified, a theory of liability must be established by the plaintiff in the truck collision lawsuit. Negligence will be the basis of the theory except for cases on strict liability defective product. As stated against the trucker, the concept of negligence is straightforward and will only require the complainant to present that a reasonably cautious truck driver in the position of the defendant would have performed his job with utmost care.

However, there are also some factors that need to be considered on the negligence doctrine with respect to the defendant that may become relevant. For example, trucking companies may be held liable for their own negligence if they failed to train the driver properly, or at the time of hiring, they are aware of the trucker's substance abuse problem or previous involvement in an accident. However, based on the employer status, they can also be liable indirectly following the vicarious liability rules. This is also valid even if trucking companies are not at fault.

Aside from proving liability, defendants must also show the degree of injuries or damages they sustained from the collision. Using expert witnesses is the key to accomplish this the best way possible. Victims will need a physician to examine them, as well as offer a professional medical opinion about the injuries obtained from the crash. Defendants may also need to get the services of an economist to create an evaluation and opinion regarding earning capacity and loss of income, as well as explain the conversion of these numbers to manifest value.

When To Hold Trucking Companies Accountable For The Accident

Insurers and the trucking companies they're representing are always out to find ways on how to evade paying fair value to the victims of crashes caused by their truckers. One of the biggest tricks in their book is suggesting that the trucker was an independent contractor which means that the company is not in any way responsible.

The following is a list of areas where you can hold the trucking company responsible for their actions:

- **A truck driver is an actual employee.** Under the Federal Motor Carrier Safety Regulations and the doctrine of respondeat superior, trucking companies are automatically responsible in this case for their driver's negligent conduct. However, one exception here is if the employed truckers are not on duty or benefitting their employers at the time of the accident. The employer will be regarded as accountable for their actions if, at the time of the accident, the driver is driving on the job.
- **Owner-operators.** This means that the truck driver also owns the trucking business or leasing as an operator under a trucking company. Under the federal safety regulations, the trucking company or motor carrier, in this case, is also liable to the truck's operations as opposed to placing all the obligation on the owner-operators. The reason for this is to prevent trucking companies from escaping their civil liabilities through lease agreements.
- **Negligent hiring.** A trucking company can be held responsible alone for their own actions if they hire an unsafe trucker. The safety regulations state that they must guarantee that all drivers under them are safe and qualified. They must also do an investigation on the safety and background of the individual before hiring and letting them hit the road.
- **The condition of the truck.** If the reason for the collision was a dangerous vehicle, the motor carrier may also be held accountable due to their negligence. All trucking companies must inspect their big rigs or 18-wheelers routinely and repair anything that needs to be repaired. Those cutting corners with the safety of their tractor-trailers may be held responsible for their demeanor independent from that of their driver.

Vital Evidences For Winning A Commercial Truck Collision Case

Aside from needing a lawyer when you're faced with injuries or property damage from a commercial truck accident, you'll also need lots of evidence when pursuing a legal claim. It is crucial on your part to know how and what to look for to strengthen your case. But sometimes, finding that information and pieces of physical information can be challenging to accomplish.

- **Logging and tracking devices.** According to the Department of Transportation, most commercial large trucks are installed with tracking and logging devices in order to record data and as a standard procedure for keeping up with safety compliance. This is essential for tracking information such as times of rest, hours of service, brake usage, and speeds that may be helpful in case of a collision.
- **Computer data.** An electronic tracking device may provide you with the vital evidence you need, but usually, computer with the accident data, also referred to as a black box, is what will support your claim. It may also contain information such as electrical systems malfunction or if the engine of the truck installed, and all other defective issues of the vehicle.

- **Records of the truck's maintenance.** The maintenance record of the 18-wheeler or big rig may provide you with vital evidence needed for your claim if it's the one at fault. Trucking companies keep these records, and the entity or agency that hired the trucker is the one responsible. Trucking companies may owe you damages if proven that they are involved in violations of the maintenance of the truck or applied practices that caused the problem. Some of the most important things in maintenance inspections include cargo inspection, brake conditions, and electrical malfunctions.
- **Video captures.** Most commercial trucks are armed with dash cams that may have captured the incident. This is very helpful in proving the trucker is at fault for the collision. It is also possible for the video camera to capture violations of the trucking company such as issues with the vehicle, inspection failures, and failing to secure the cargo properly. Your case will be a lot stronger the more evidence the camera captures for the judge and juries to see.
- **Driver qualification.** Some truck drivers are more qualified than others. Evidence like drug tickets, driving under the influence of alcohol, and previous accident record of a person will strengthen your case further.

Chapter Six: Getting Compensation For Large Truck Collisions in Washington State

There are times when a trucking company in Seattle is self-insured or through a separate entity. Still, no matter where they are insured, obtaining just compensation when the basis of your injury is a truck collision, will most likely to be a challenging journey. Truck drivers have massive incentives to lie regarding how the crash actually happened. They will lie with their teeth so that they will not have a bad accident included on their record of employment.

Fighting this battle is almost always difficult because most of the time, victims need to obtain documentation and information from the trucking company itself. In addition, a lot of cases of trucking injuries involve greater injuries to the driver or passenger of the other vehicle due to the powerful impact associated with these type of crashes. Because of losses that trucking companies will face, they and their insurers will be more than willing to fight so that they can save their money.

Compared to cases on accidents with smaller vehicles, these cases are frequently litigated. Because of these reasons, it is of utmost importance to properly and immediately start your case after the crash to ensure that no evidence will get tampered, damaged, or lost.

When To File Your Truck Accident Claim In Washington

In Washington, the statute of limitations for truck collisions is three years. This is a piece of important information that you as a victim should be aware of. However, it is even more necessary in a lot of cases to involve an attorney from the get-go. Your case is more likely to get resolved with the immediate investigation since all essential evidence has been retained accurately. Furthermore, recognizing that an attorney will be after them, trucking companies have a greater incentive to respond prudently.

Are You Partly At Fault?

There are some advantages for being partially at fault in a crash in Washington. In most cases, if a person sustained injuries in a vehicular collision, they'll have several insurances that will cover their medical bills. Washington laws permit companies that pay healthcare first to be compensated if the victim then receives the money representing those same medical bills from the third party that's negligent.

For example, if the total medical bills paid by your insurance from a crash that's not your fault is \$4,000, and you were able to collect that amount as part of the overall damages you got from the negligent driver, you'll need to repay your insurer with that same amount of money.

But if you're partially to blame for the crash, you will only collect a certain percentage of your medical bills from the defendant for which they were at fault. So if you're 20% at fault for the crash, the driver will only be required to pay you \$3,200 from your \$4,000 medical bills.

This is where Washington laws become beneficial on the part of the victims. When a victim wasn't able to get full compensation from their damages from the trucker, they will not incur the same obligation to repay their insurer back with any money since they did not get all of their damages from the other party. Basically, if you're partly at fault and only a little amount is involved, it's advantageous on your part.

Furthermore, there are instances when trucking companies and their insurers go to such lengths as to allege the driver of the other vehicle is at fault as well because of the leverage it presents them. For this reason, it is always recommended to consult the particulars of your case with an experienced attorney.

Cost Of An Attorney In Washington State

There are attorneys in Washington State that you do not have to pay upfront, which means you only pay them once your case is resolved. They may also be compensated from a portion of the proceeds you will receive. Usually, this is a third of what you will obtain, but there are times when this can go as high as 40% depending on how complex your case is or the work they need to do to

obtain your damages. There are also instances when no fee will be collected if you weren't able to obtain a single cent.

Truck accidents in Washington are only allowed to hire an attorney if they understand that the overall cost of the case is ultimately their responsibility. Nevertheless, attorneys are also entitled to shoulder these costs as long as there's an agreement that they will be repaid from the proceeds of the settlement.

Chapter Seven: How The Jackman Law Firm Can Help You

After a truck accident, you need an aggressive and experienced truck accident lawyer who can help you get the most amount of compensation for your case as possible. These cases are not easy to win and they can drag on and on and be very difficult emotionally and financially unless you have a dedicated lawyer who can help with your case.

In every trucking case to be successful the first thing you must do is prove that you were fault-free. This may or may not be easy. Sometimes the trucking company's insurance company will allege that you were either partly or wholly at fault for the accident. If that is the case, then you may need to hire an expert to help prove that you were not at fault. This expert is normally an engineer of some kind who can study the accident scene, report, and pictures of the scene.

Legally, we have other options and weapons as your lawyer to use to help prove your case. This may also include taking depositions, which is like a question and answer interview, reviewing surveillance video of the accident, assuming it exists, and talking to key witnesses, along with sending subpoenas to get documents of the trucking company, including training manuals and logs the trucking company might have kept.

Once we establish liability, we can then begin negotiating with the insurance company for the trucker or trucking company who hit you. Legally, you are allowed to recover the following damages, or categories, for your case:

- Medical bills
- Future medical bills
- Lost wages
- Future lost wages
- Pain and suffering
- Out of pocket expenses
- Loss of consortium

Of course, the insurance company may not be willing to pay these damages. If that is the case, then negotiations may be futile, in which case a lawsuit will need to be filed against the trucker or trucking company. This may be the only option available. While most cases will settle out of court, without the need for a trial, the Jackman Law Firm will make sure we position your case in such a way as to secure the best possible outcome if a trial does happen.

If you have questions about how we can help you, feel free to call us for a free consultation.