

# KENTUCKY TRUCKING ACCIDENT LAWSUITS ARE THEY DIFFERENT FROM A CAR ACCIDENT LAWSUIT?

*If You Are the Victim of a Kentucky Trucking Accident,  
or You Lost a Loved One to a Trucking Collision, It Is Important  
that You Understand those Differences*



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Any motor vehicle accident can leave the victims with serious, even fatal, injuries. A collision involving a tractor-trailer or other large truck, however, has an increased likelihood of causing catastrophic injuries to the victims. Although the basic concept of a truck accident is the same as that of a car accident, there are some important differences as well. If you are the victim of a Kentucky trucking accident, or you lost a loved one to a trucking collision, it is important that you understand those differences.

## TRUCKING ACCIDENTS BY THE NUMBERS

It is all but impossible to spend more than a few minutes on one of the



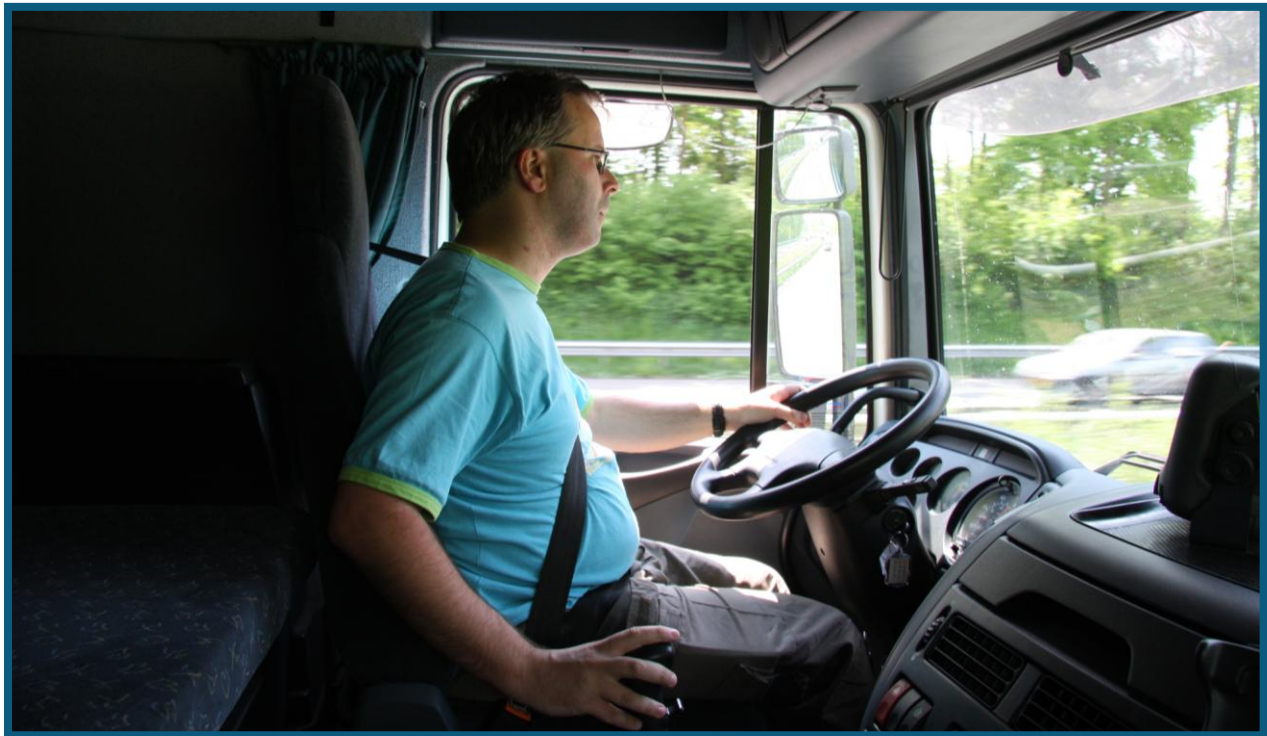
nation's highways without seeing at least one tractor-trailer on the roadway. In the U.S, we remain heavily dependent on large trucks to move merchandise and supplies from Point A to Point B. Despite the fact that large trucks are heavily regulated by both federal

and state governments, trucks continue to be over-represented in collisions across the country each year. Large trucks represent approximately four percent of all registered vehicles in the U.S., yet they are involved in about ten percent of all collisions throughout the country each year.

According to the Federal Motor Carrier Safety Administration, or FMCSA, there were 2,817 crashes involving a large truck in Kentucky during 2013, up from 2,640 the previous year. In 2013, 82 people lost their lives in a

large truck collision in Kentucky according to figures released by the National Highway Traffic Safety Administration, or NHTSA. That year, 11 percent of all fatal accidents involved a tractor-trailer, down from 12 percent the previous year. Trucks are not only disproportionately involved in accidents but they are also more likely to result in a fatal injury given the size and weight of the average tractor trailer. Where the average passenger vehicle weighs in at about 4,000 pounds, a fully loaded 18 wheeler can weigh 80,000 pounds, making them extremely lethal when involved in a collision.

## CAUSES OF TRUCK ACCIDENTS



Although a tractor-trailer can cause a collision for many of the same reasons as a passenger car, there are some causes that are more common



in trucking accidents. The 2007 study by the FMCSA entitled “The Large Truck Causation Study” provided an unprecedented look at why large trucks crash. According to the study, the most common factors in tractor-trailer collisions include:

- **Drowsy driving** – driver fatigue has long been a problem for over the road truck drivers; however, according to the study it is not the number one cause of trucking accidents. The study concluded that driver fatigue played a role in just 13 percent of all crashes included in the study. Truck drivers are required to abide by the “hours of Service” rules set forth in the Federal Motor Carrier Safety Regulations, or FMCSR. The rules limit the amount of time a truck driver can be on the road without a rest break; however, drivers sometimes ignore those rules when trying to make unrealistic delivery deadlines.
- **Impaired driving** – drug use was the most common factor in the study with 26 percent of collisions involving illicit or prescription drug use by the driver. Over the counter medications also contributed to 18 percent of all crashes. Drivers often turn to drugs to stay awake during the long hours on the roadway; however, in many cases the drugs actually cause a slower reaction time and/or cause the driver to lose control of the vehicle.
- **Speed** – in 23 percent of all large truck accidents speed was listed as a factor. Speed can be deadly in any motor vehicle collision; however, a speeding tractor-trailer is even more deadly than a

passenger vehicle that is exceeding the posted speed limit or driving too fast for road conditions.

- **Driver error** – things such as failing to check the blind spot and errors relating to traveling an unfamiliar roadway accounted for another 36 percent of all collisions.



Unlike most car accidents, determining the cause of a tractor-trailer accident can be particularly problematic for several reasons. First, the primary witness to the crash may be the victim.

Given the rate at which victims suffer serious or fatal injuries in a trucking accident it can be difficult to elicit information from victims. Furthermore, both truck drivers and trucking companies are reluctant to turn over log books and maintenance records that might lead to a contributing factor because they fear costly violations from the FMCSA or NHTSA. All too often, accident reconstruction and/or expert analysis is required to definitely determine the cause of a trucking accident.

## LIABILITY IN A TRUCKING ACCIDENT

Apportioning fault, or negligence, in a Kentucky trucking accident can also be complicated. In the average car accident one (or both) of the driver's is found to have been negligent. That negligence determines who is liable for

the injuries caused by the collision. In an accident involving a large truck, however, there are several parties that could share liability, including:

- **Driver of the truck**
- **Company for whom the driver works**
- **Owner of the contents being hauled by the truck**
- **Manufacturer of the truck**
- **Third party maintenance company**
- **Person who loaded the truck**
- **Inspector**

On one hand, multiple potential defendants typically means there is plenty of insurance coverage to pay for the damages caused in the collision. On the other hand, a lawsuit involving multiple defendants is, by nature, more complicated to litigate. It is imperative that all possible defendants be identified and named in the lawsuit to ensure that anyone potentially liable is actually part of the lawsuit. Each of those defendants, however, will likely deny responsibility and retain counsel. This means that a victim could be facing not just multiple defendants but multiple attorneys and insurance adjusters as well. Not surprisingly, litigation can be complex and time consuming with that many litigants involved.

Although trucking accidents are frequently more complicated to litigate, an experienced trucking accident attorney will know how to navigate the legal system to ensure that you are compensated for your injuries. If you have been injured in a collision involving a tractor-trailer or other large truck in

Kentucky it is in your best interest to consult with an experienced Kentucky trucking accident attorney right away.

## REFERENCES

Federal Motor Carriers Safety Administration, [Hours of Service](#)

Federal Motor Carrier Safety Administration, [Overview of Drug and Alcohol Rules](#)

Federal Motor Carrier Safety Administration, [Large Truck Causation Study](#)

United States Department of Transportation, [An Analysis of Fatal Large Truck Crashes](#)

Federal Motor Carrier Safety Administration, [Crash Statistics](#)

## **About the Author**

Paul Musselwhite, Carol Blakeley Meinhart, Kimberly Musselwhite Staples, and Robert D. McIntosh are the experienced and knowledgeable attorneys that make up Musselwhite, Meinhart & Staples. With over 50 years of combined experience, they have been serving the legal needs of individuals, individuals in the military and families in Hardin county and all of central Kentucky with pride and dignity. Practicing in personal injury cases in Hardin county, central Kentucky and beyond, they are experienced in all types of law.

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