



SEMI-TRUCK ACCIDENT **GUIDE**

Navigating Your **Semi-Truck Injury Claim**

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Accidents that result in personal injury happen on a daily basis. Whether its on the road, in a public place or at work, when people are injured, knowing what to do next very important.

Due to the fact that all personal injury cases will vary and each state has it's own laws as to when and how you can pursue compensation, this guidebook is a great first step in understanding what to do next.

In this FREE guide, you will learn more about types of claims, do's and don'ts when you've been in an accident, the process of filing a claim, and much more.

If you have any additional questions or would like to set up your FREE consultation with a personal injury attorney, please feel free to contact us on (800) 863-5312 or visit the Zinda Law Group website at www.zdfirm.com.

Sincerely,

Jack Zinda

Zinda Law Group Founder

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Causes of Trucking Accidents

Truck wrecks are some of the most serious accidents to occur on the roadways across Texas and throughout the United States, due to the massive size of commercial vehicles as compared to much smaller passenger automobiles. Some 300,000 truck accidents happen each year, killing about 5,000 people and injuring many more.

Truck accidents can be caused by a variety of factors. Understanding the causes, triggers, and risks of truck accidents can help you to stay safe while navigating the roadways alongside large 18-wheelers.

Common Causes, Triggers, and Risks Associated with 18-Wheeler Accidents

1. Driver fatigue: All truckers must abide by federal and state Hours of Service (HOS) requirements set by the Federal Motor Carrier Safety Administration and by the applicable state department of transportation.

These regulations dictate how many hours of sleep a truck driver must have before getting back behind the wheel, as well as rest stop requirements. Due to economic incentives and tight deadline pressures, however, many truckers will exceed these maximum requirements. This can result in driver fatigue and serious accidents.

2. Distracted driving: Truckers spend countless hours on the road, and that extended driving time may lead them to become distracted while behind the wheel. Drivers that engage in this behavior can be held accountable for the damages that ensue. Some common distractions include:

- Texting
- Eating or drinking
- Emailing
- Reading
- Personal Grooming

3. Driver inexperience or lack of sufficient training: All trucking companies must ensure their drivers have a sufficient amount of training to safely take to the roads. Overlooking crucial training time may lead to careless accidents and devastating injuries, which can mean liability for the employer.

4. Mechanical failure: Federal and state regulations also govern the maintenance of trucks. Failure to regularly inspect and maintain the vehicle can result in serious accidents. The trucking company, the truck driver, or the manufacturer could be held accountable when parts on a commercial truck fail and lead to an accident.

5. Speeding: Exceeding the speed limit is not just dangerous but also potentially deadly, particularly when an 18-wheeler is involved.

Numerous studies have shown that speeding is one of the most common causes of truck accidents nationwide.

The black box within the truck that caused your injuries will offer vital information as to the speed at which the truck was traveling when the accident occurred. This will be strong evidence of the negligence, and thereby fault, of the truck driver.

Things to Know in a Trucking Case

First Things to Consider

Say absolutely nothing to other drivers involved and insurance representatives. Make sure a police report is filed—keep your statement to only the essentials--and ask for medical help, even if you think your injuries are not serious. Documentation of all pertinent information will be essential when you seek reimbursement for your losses.

Time Is of the Essence

In many states, there are statutes of limitations regarding how long you can wait to file a truck accident claim. It is vital to start investigating the scene of the accident and collecting evidence to support your case as soon as possible. People forget details, weather can degrade physical evidence, and road conditions may change. It is also necessary to hire a professional and reputable investigator with the knowledge to assess the accident scene.

Pertinent Details

Do not talk, tweet, e-mail, post, or blog about the incident. These statements may come back to haunt you in a later claim. A competent insurance attorney can twist a casual comment into an admission of guilt.

Only discuss the case with your attorney. Your representative will also know which jurisdiction is best to pursue judicial recourse. Not all courthouses handle 18-wheeler accidents the same, and only an experienced truck injury attorney will know where you will seek the most favorable treatment.

How Does a Truck Accident Case Work?

If you have been involved in a trucking accident, you should call an experienced personal injury attorney who can evaluate what your options are moving forward.

When taking on a case, one of the first things we will do is investigate, ensuring that we know exactly what happened and why it happened. We do that by talking to police and witnesses, as well as obtaining the driving record of the individual who was involved and the logs that show how many hours per week or per day the truck driver was actually working.

At the same time, we want to make certain that you are following up with your doctors as needed and getting the care that you require.

Once we have accomplished those goals, we are likely going to file the case in either the jurisdiction where the incident happened or where the driver or the company reside. We will subsequently get more information from the company and the driver about what happened and from their history through what is called "discovery."

There are two types of discovery:

- **Oral:** Taking deposition and asking questions; and
- **Written:** Getting information and past documents that we may not have been privy to prior to filing a lawsuit.

After the discovery phase is completed, we typically try to mediate the case. If both sides can come to an amicable resolution, the case may be settled without going to trial. Meanwhile, we prepare as if the case is going to trial; if we are unable to resolve the case during mediation, we will take it to court.

How Long Do I Have to File a Claim?

Truck accidents are unfortunately all too common and can result in serious injuries and property damage. If you have been involved in an accident, there is a limit on the amount of time you have to file your claim. If you wait too long, your rights as a truck accident victim could be lost forever.

State Where the Accident Occurred

The state where your truck accident occurred will be the most crucial factor in determining how long you have to file a lawsuit.

Oregon offers the longest time for plaintiffs to file suit at 10 years after the accident, while North Dakota, Maine, and Minnesota tie for second, allowing victims 6 years to file their accident claim. Most other states allow for between 2 and 3 years.

Insurance Policy Contract

Your filing window may be shorter, however, due to the terms of your insurance agreement. Many drivers have uninsured or underinsured motorist coverage, commonly abbreviated as UM or UIM insurance, respectively.

With these options, there is sometimes a notice provision that places shorter requirements than a multiple-year statute of limitation for filing a legal action against the at-fault truck driver. In these cases, the insurance policy contract will take precedence over state law and set the ultimate time limits for filing your action.

Don't Wait

It is important that you act as quickly as possible following your truck accident. Though two years sounds like a long time to file a suit, the longer you wait to retain the assistance of an experienced truck accident attorney, the harder it may be to successfully bring your action.

Critical and Time-Sensitive Evidence

In the hours and days following the truck accident, critical evidence must be gathered or it could be lost forever. This evidence will uncover liability for the crash, pointing to the truck driver's negligence.

This includes:

- Photographs of the scene
- Cell phone records
- Black box data
- Signs of alcohol or drug use

Establishing Injuries

It will also be essential to establish your injuries stemmed from the truck accident. Seeking medical attention right away is the best step towards thwarting any claims that your injuries are unrelated or preexisting.

It is imperative that your first stop after the truck accident is to a medical provider who will assess and treat your injuries. Your attorney will then guide you through maintaining records of all medical treatment, time off work, and other expenses associated with the accident, which you will need to support your legal claim. With swift action, you may be able to seek a full recovery for your injuries that resulted from the truck accident.

How Much Does a Lawyer Cost?

If you have been injured in a truck wreck, you are likely feeling overwhelmed by the physical, emotional, and financial impacts of the incident.

While it might seem like seeking the assistance of an attorney is an additional financial burden, a truck accident lawyer may offer many valuable advantages and necessary experience that prove vital to you seeking compensation.

What Is a Contingency Fee?

Many personal injury attorneys work on a contingency fee basis. This means you will only have to pay for legal services if you successfully seek compensation, with the attorney fee being a certain percentage of the damages won.

Do I Really Need a Lawyer?

Choosing the right trucking accident attorney can save you time, money, and stress. The following is a look at how an experienced lawyer can help you with your potential accident case.

Investigations

Your truck accident case can be made or broken by the strength of the investigations conducted. Investigations are critical to the discovery of evidence favorable to your case, and evidence can be permanently lost if not immediately uncovered.

Your truck accident attorney will ensure that investigations are promptly and professionally initiated when you retain their assistance. Investigations will include interviewing witnesses, reviewing photos and camera footage, hiring an accident reconstruction expert, analyzing medical records, and much more.

Determining Fault

It is common for truck accident victims to not know the identities of all parties involved or who could potentially be at fault. Your truck accident attorney may uncover all potentially liable parties, including the trucking company, truck manufacturers, or the driver. It is crucial to identify all parties that may hold liability to seek your full recovery.

Handling Issues of Comparative Negligence

Even if you are partly responsible for the accident, you can still seek a recovery from the other at-fault parties. These cases may be more complicated and involve considerations of shared liability, but your attorney can guide you through the complexities involved in comparative negligence cases.

Choosing the Best Legal Strategy

While many people seeking compensation after a truck accident will immediately file suit in court, there are other options to consider that may be more appropriate, depending on the specifics of your case. Many cases are settled out of court or go through mediation or arbitration to reach the best resolution.

There are benefits and drawbacks to each legal strategy, and your attorney will be best able to advise you as to the best legal option for obtain the maximum recovery for your case.

Protecting Your Rights to the Fullest Extent

The insurance company does not have your best interests at heart and will fight to deny or minimize your claim.

Your attorney will be the strongest party on your side, advocating for your best interests each step of the way. From ensuring proper investigations to subpoenaing evidence, selecting a legal strategy, and compiling your list of damages, your attorney will prove vital to the success of your case.

A layperson delving into the field of truck accident law for the first time may struggle to achieve the same results of an experienced truck accident attorney with resources and know-how.

How Long Do Trucking Cases Last?

Accident cases involving semi-trucks have varying lengths of duration. As with any motor vehicle accident case, several factors play into how long a case lasts. Among the issues involved are the manner in which the crash occurred as well as the nature and severity of the injuries.

Almost every crash victim wants their case over with quickly and for the full amount they demand. Who can blame them? They have been injured, they are left without a car, and they cannot work, all while medical bills continue piling up. Sometimes, though, the better course of action is to wait until your attorney has had the opportunity to gather all of the information needed to make your best case.

What Factors Determine Case Length?

Many factors contribute to the duration of a semi-truck case. Semi-truck accident cases tend to be more complicated than the average car accident case, as well they should be. Investigations into how a truck wreck happened take longer to conclude than the average crash. You can rest assured that the insurance companies providing coverage for the semi-truck involved in the crash will need to know exactly what happened.

A key component of the accident investigation will include examining the driver's safety record, certification record, and history of moving violations. This is a procedure that will take some time. Semi-truck accidents may involve investigations by federal and state regulatory agencies, as well as such law enforcement agencies as the National Highway Transportation Safety Administration and the Federal Motor Carrier Safety Administration. Their analysis and conclusions regarding the collision may help a victim with their case. These federal agencies are deliberate when investigating accidents, and their reports may take up to a year to be released. However, it may be worth the wait because the reports generated by these agencies are a wealth of information.

Your attorney must have the opportunity to gather from investigators all the reports they produced on the accident. Your attorney might also need to hire an expert in crash reconstruction analysis to help understand and evaluate the technical analysis included in those reports.

Another component of your attorney's investigation into the accident will involve trying to learn as much as possible about the driver of the truck, the trucking company, the cargo, how and when it was loaded and by whom, and at what facility.

Moreover, your attorney must accumulate all your medical bills, medical reports, evidence from your doctor about the duration of your injuries, lost wages, evidence of lost economic opportunity, pain and suffering, and property loss.

Your lawyer will also need time to learn about you and your life before and after the accident. Your attorney will need to know how this loss has affected you and how your life has changed since the crash.

How Do I Pay My Medical Bills Until I Get Compensation?

Your medical bills, pending a successful settlement or lawsuit, can be paid or delayed in several ways. If you have health insurance coverage, you can use it to seek medical care. Do not wait for the insurance company to finish its investigation before you seek a doctor. You will be able to pursue compensation for your outlaid medical expenses later, but use your insurance for now so that you can receive care.

Be sure to save all bills sent to you by your insurance company so you can later seek reimbursement for the expenses. Even if you have a high deductible, it is generally better to use your health insurance and later seek reimbursement, rather than wait for the insurer to provide you with coverage for your bills.

If you do not have health insurance, you still have options. You should consult with our attorney about preparing and issuing a letter of protection to a medical facility so that you can be seen. A letter of protection is a letter sent by your attorney to the medical facility, guaranteeing that the medical facility will be paid for bills from settlement proceeds once the case has been settled with the trucker's insurance company.

The downside to this approach is that not all doctors will accept a letter of protection. While more and more physicians are recognizing this useful tool, you will likely need to call around or enlist your attorney's protection to find a medical provider that will accept the letter.

How to Calculate Settlement Value

Many truck accident cases are settled prior to ever reaching trial. Before a case can be settled, you should first understand what your case is worth. Most truck companies and their insurers rely upon a general formula for assigning a value to your case. This value is just one of many factors that ultimately determines what dollar amount a particular case may settle for, but it can be a useful tool to better understand your case or help you evaluate a potential settlement offer.

One common formula to determine the rough settlement value of a case is calculated by inputting your medical expenses and using a multiplier to reach an estimated dollar amount for pain and suffering. Then add the value of other recoverable damages such as medical bills, property damage, and lost income to this estimate. Once each of these categories of damages is added together, you will have a rough settlement figure.

The following information can help you calculate a rough settlement value of your truck accident case:

Medical Expenses

Calculate the total for all your medical bills, including emergency room visits, ambulance or helicopter transportation, prescription drug costs, surgery expenses, rehabilitation or therapy expenses, and any other medical expenses incurred as a result of your accident.

Future Medical Expenses

If the injuries you suffered will require ongoing medical treatment, such as additional doctor visits, therapy sessions, surgeries, prescription medication, or other care, estimate the cost of this future treatment to the best of your ability using your past treatment as a guide. Add this estimate to your past medical expenses.

Property Damage

In addition to causing substantial injuries, truck accidents will frequently also result in significant damage to your vehicle. One method to calculate this value is to obtain a professional estimate of the costs to repair your vehicle or use online guides such as Kelley Blue Book to estimate your vehicle's value. Once you have this amount, add this figure to your medical expenses.

Loss of Income

If you missed work due to your injuries, your lost wages are also recoverable. To calculate this amount, use resources like your pay stubs to determine the total amount of missed work time that resulted from your injuries. If you used accrued benefits, such as paid leave or sick days to offset your time away from work, be sure to include those days in your calculations as if they were unpaid. Once you have calculated this amount, add it to the figures reached above.

Future Lost Income

Depending on the nature and severity of your injuries, you may be prevented from fully returning to work or may be forced to take additional time off to complete your treatment. If this is the case, enter the estimate as to your lost future earnings and add this to your medical expenses, property damage, and lost earnings.

Pain and Suffering

Calculating a value for pain and suffering is complicated. Of course, there is no formula that can quantify the exact amount of your individual pain and suffering caused by the accident. Every person reacts to injuries differently, and this is why estimating pain and suffering is so difficult. However, your truck injury attorney can assist you with estimating the value of your pain and suffering by using a combination of experience and research tools available to them. For purposes of this exercise, many insurance companies simply use a multiplier approach that you may find useful in obtaining a rough sum.

To calculate this value, multiply the total of all the economic damages calculated above by a number between 1.5 and 5. The appropriate multiplier to use will be determined by the seriousness of your injuries, the level of pain generally associated with the injuries, and the long-term impact of such injuries. Determining the appropriate multiplier is often a point of contention between victims and trucking companies and their insurers, and your attorney will assist you in assigning this value.

Twenty-one states follow the 51 percent bar rule, where a damaged party cannot recover if they are 51 percent or more at fault. This means that if they are 50 percent at fault or less, they can still recover, but the recovery would also be reduced by the degree of fault. In other words, you might recover \$50,000 if you are 50 percent negligent, but if you are 51 percent at fault, you will recover nothing.

More Information & FAQs

What If I'm Injured in a Semi-Truck Accident?

Commercial trucking is a regulated industry. There are certain laws regulating the permitted weight of the truck, the amount and type of training a driver must have in order to operate a semi-truck, and the number of hours a truck driver is permitted to drive during a 24-hour period.

It is essential to have an investigation performed immediately after an accident involving a semi-truck to preserve certain evidence that may be necessary to prove a case against the truck driver or trucking company.

What is a "Black Box" and Its Role in an Accident Investigation?

When looking to file a claim, it may be necessary for the plaintiff to prove that the truck driver was negligent and thus the cause of the accident. While that may initially seem like a daunting requirement, it can actually be accomplished quite easily with the help of a lawyer.

In many cases, commercial trucks will have an electronic on-board recorder, also referred to as the "black box." The purpose of this device is to continuously record information relating to the operations of the truck, including the engine speed, how much pressure was applied to the brakes, and whether a seat belt was being used. If your attorney can retrieve this black box, it could play an immensely important role in the accident investigation and be invaluable in proving that the truck driver was negligent.

For this reason, it is imperative that you get the legal assistance of a knowledgeable injury attorney immediately following a truck accident as immediate steps will need to be taken to ensure that this box is not tampered with or destroyed.

What to Do to Maximize Your Recovery?

What can happen at times is that your insurance company will offer you a settlement that is less than what you believe you deserve and need to cover the cost of damages. One important thing to remember is to ask your insurance company for reasons. They should be able to articulate to you why they offered you the amount that they did. The trucking company may be claiming that you were partially at fault for the accident, which would significantly deduct from the amount that you can be compensated. This is where procuring the services of an attorney can come in. An attorney can assist you in filing all the necessary forms with your insurance company and ensure that you are not wrongfully deemed liable.

What If I'm Partially to Blame for the Accident?

If you are partially responsible for an accident, it does not preclude you from compensation. Most states use the 51/49 rule, which means that if you were 50% or less responsible for causing the accident, you can still collect at least part of your damages. Even if the police report indicates that you were at fault, further analysis of that report may reveal inadequacies. Do not get discouraged from pursuing a claim. Determining if gross negligence was involved can also lead to a favorable judgment.

About Zinda Law Group, PLLC

Representing All Types of Clients in Truck Wrecks

The attorneys of Zinda Law Group, PLLC represent people who have suffered injuries due to truck wrecks. We know firsthand that the injuries suffered because of an truck accident can be severe and life-altering for both the victim and their family.

Experienced Trucking Accident Litigators

Our experienced attorneys will determine if someone is responsible for your injuries. If so, they may owe you monetary damages. These can include compensatory or punitive damages.

Compensatory damages attempt to put an injured person back in the position they were in before being injured. They include lost wages, past and future medical expenses, and pain and suffering. In some cases, punitive damages are also awarded.

Punitive damages are given to the injured person in order to penalize wrongdoers and deter others from repeating the offense.

How Can Zinda Law Group, PLLC Help?

If you have been injured in a truck accident, the truck accident attorneys at Zinda Law Group will provide the exceptional representation you need to seek a full recovery. Our firm offers experienced, knowledgeable, and compassionate representation to truck accident victims across the United States.

Our dedicated attorney team can fight for your full recovery, including medical expenses, lost wages, pain and suffering, and more. We offer a free consultation to new clients and work on a contingency fee basis. This means if we don't win your case, you don't pay us anything. Call Zinda Law Group toll free at 800-863-5312 so we can start fighting for you!