

## FMCSR: Motor Carrier Safety Regulations and Your Rights

*Most truck-related accidents involve some violation in safety regulations. Your board certified civil trial attorney will passionately pursue those violations to obtain compensation on your behalf.*

When it comes to the law in an **Federal Motor Carrier Safety Administration** cases involving negligent truck drivers, **Federal Motor Carrier Safety Regulations** (or FMCSR) are crucial to establishing liability and thereby negligence in a personal injury case.

Your board certified civil trial attorney will know the best and more efficient way to pursue your right to compensation if you've been injured or lost a loved one to the negligence of a truck driver that didn't meet their required safety regulations.

There are certain steps your attorney must take to prove the truck driver was at fault.

### Does FMCSR apply?

The FMCSRs apply to every commercial vehicle on the road. This is defined as any "self-propelled or towed motor vehicle" that is driven or pulled on a highway or interstate for either commerce, property, or to transport passengers.

The above apply when a vehicle:

- Has a vehicle weight or combined weight of 10,001 pounds or more;
- Was designed to be used as transport vehicle for more than **(8) eight** passengers (this including the driver) for financial gain.
- Is used to transport more than **(15) fifteen** passengers (this including the driver) and is not designed to transport for compensation;
- Is used for transporting materials deemed to be hazardous (Hazmat) under the law.

### Interstate commerce: how does the United States define such?

Interstate commerce can mean several different things. In the United States "interstate commerce" can refer to:

- Going to or from a place inside a state and a place outside of that state (this can include a place not within the United States or United States territory)
- Between places (as in a state through another state; crossing state lines)
- Crossing state lines as part of traffic, trade, transport. This last point can originate or end outside the state or outside the United States or United States territory

Failing to prove that FMCSR applies to the truck and its driver in the case, the judge will most likely dismiss the case based on lack of evidence to the contrary.

### Were there strict operating rules in place?

FMCSR is considered the minimum requirement as per the Federal Motor Carrier Safety Administration. Your attorney should never give up if the "defendant" (in this instance the trucking company by which the driver was employed at the time of the accident, injury, or death) has the ability to show they were simply complying with their federal regulations, which are the bare minimum.

This is where an experienced attorney would know what to do best!

The process of “discovery” would be applied in this case, and experts should hone in on whether the trucking company (the “defendant”) did any or all of the following:

- Were all necessary FMCSR complied with?
- Do state laws in which the accident took place require a higher degree of care than the FMCSR standards regulate?
- Did the trucking company have stricter internal regulations and/or operating procedures enforced for drivers than the FMCSR standards?

Your attorney’s investigation will bring to light any evidence of such violations. Your attorney will also be able to uncover whether the standard of care required of the driver by the trucking company was violated.

Each case is different, and it’s important to retain board certified civil legal counsel to represent you if you are injured or have lost a loved one due to the negligence of a truck driver who failed to meet their standard of care within their profession.

### What’s next? Part 2 will investigate the “Theories of Negligence”

In part 2 of this series of articles, we will investigate the “Theories of Negligence” and what they mean in accordance to personal injury sustained in a trucking related motor vehicle accident.

1. Negligent Operation
2. Negligent inspect and maintenance
3. Negligent hiring practices
4. Retention & Entrustment

These points and more will be covered in-depth in part 2 of our “Federal Motor Carrier Safety” series.

**Contact us to schedule a complimentary consultation. There’s no obligation. Take the first step and call today: (877) 529-0080**

