

Truck Accident Law: What is it? (And Why it Matters!)

Truck accident law isn't something we think of very often. Yet, we see commercial trucks out on the road every day. When we get on the overcrowded South Florida highways to go to work, it's hard to miss them. While commercial trucks on the roads are commonplace, the laws that regulate their commutes are complex. Statistics show that each year nearly 4,000 Americans suffer fatalities from truck-related accidents.

With these sky-high statistics, the laws surrounding truck accidents should be something the public has more exposure to. That being said, it takes an attorney with real-time experience in this nuanced area of personal injury law to successfully navigate a truck-related collision case. These cases are highly complex because they involved both federal and state law. A lot of attorneys will advertise that they're prepared to take on your truck accident claim but have never actually tried one in a court of law! This is not only deceitful advertising but can severely hurt the client whom these attorneys represent.

Trucking accidents are some of the deadliest road collisions and they're on the rise. In this series of articles, Shaked Law Blog will take you inside the reality of truck accident law, from the perspective of a personal injury attorney whose tried and won numerous cases in this highly complicated area of law.

In part one, we'll take a closer look at what *truck accident law* really is and break down all that convoluted legal jargon. In part two we'll expose the truth about what's known as *Hours of Service* and how these regulations are in place to help protect both the public and the driver. In part three we'll wrap up our series with an even deeper look inside *liability* and what it means for truck drivers and their employers who are found to have violated the law.

Here on the Shaked Law Blog we expose the truth about what the insurance companies hope accident victims won't find out!

Who is the Department of Transportation?

Commuting to and from work, or out on the road enjoying the weekend on a motorcycle ride, the first thing that comes to mind for a driver probably isn't who's out there keeping the road safe. In fact, we often take for granted that there's even a governing body for exactly this reason. The office that makes road safety for the public their first priority is known as the Department of Transportation, or, DOT.

The Department of Transportation is transparent in their mission. On their website they clearly state their purpose is to:

Serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future.

Shaked Law Fact: The Department of Transportation was established as a Congressional act on October 15, 1966. However, the Department's first day of operation did not commence until April 1, 1967.

The goal of the DOT is public safety. Americans travel 24 hours a day, 365 days a year. That's a lot of work, but the DOT is dedicated to serving the public and providing for their best interests. That's why they employ 55,000 government workers all over the United States. By maintaining public safety and regulating the laws surrounding transportation, the DOT is able to, as they state via their website, "contribute to the nation's economic growth".

Truck accident law: important laws and regulations

There are several points one should know when navigating truck accident law for the first time. The first of these is who's *really* in charge when you've been injured in a truck accident and there are clearly defined grounds for a lawsuit?

The answer to that question is: Federal Motor Carrier Safety Administration, or, FMCSA. The FMCSA regulates the laws surrounding driver safety, retraining, proper securing of cargo in or on a commercial carrier, and liability in cases of operator fatigue.

The second point to be one should familiarize themselves with in conjunction with truck accident law is the Federal Highway Administration. The FHA governs all aspects of highway transportation and therefore when a lawsuit is filed in a court of law, the laws they set forth apply in cases of liability. The FHA is part of the United States Federal Government, as is the FMCSA.

The third and final point one should be knowledgeable in is the National Transportation Safety Board, or, NTSB. The NTSB involves themselves in any serious accident that occurs on a highway, and therefore any laws they set forth would apply in a court of law, be it for liability, hit-and-run, or wrongful death.

Truck accident litigation: not all attorneys are created equal!

There are several different, specific areas of law that apply in the case of a trucking accident. A board certified civil trial attorney will have experience not only in personal injury, but the areas of law that often must accompany it. In trucking accident cases, victims may require that their attorney provide legal counsel in the area of worker's compensation, employment law, and have experience in both federal and state laws.

Because of this, not every attorney is suited to take on a trucking accident case and get their client the compensation they rightfully deserve. Some attorneys will claim to be ready and willing to take your trucking accident claim, only to leave you high and dry when it comes time to go to trial! This can cost clients financial, emotionally, and put further strain on their already compromised physical health.

A board certified civil trial attorney will know exactly what to do, when to do it, and how to get their valued client the maximum amount of compensation for their trucking related accident. This is because a board certified civil trial attorney has advanced knowledge of federal, state, and specifically trucking-related laws that their non-board-certified peers simply don't have! A board-certified attorney is held to a higher standard, and therefore works harder for the client.

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