

TRUCKING ACCIDENTS IN ARKANSAS

Based On Recent Fatality Statistics, Gathered by the National Highway and Traffic Safety Administration, in 2012 There Were 88 Motor Vehicle Fatalities in Arkansas that Involved Commercial Trucks



Wesley A. Cottrell

Based on recent fatality statistics, gathered by the National Highway and Traffic Safety Administration, in 2012 there were 88 motor vehicle fatalities in Arkansas and 92 in Missouri that involved commercial trucks. Needless to say, the prevalence of truck-related roadway accidents is concerning.

To make matters worse, motor vehicle accidents involving 18-wheelers are usually the most devastating. While the average passenger vehicle weighs approximately 3,000 pounds, a loaded, commercial truck can weigh more than 80,000 pounds. The size and weight of these vehicles result in catastrophic injuries, even death. Some of these enormous vehicles also carry hazardous or flammable materials, making the injuries more severe. The most common injuries that are seen in motor vehicle accidents involving trucks are spinal cord injuries and paralysis, head, brain and neck injuries, broken bones, amputations, and burn or crush injuries.

Liability is generally based on negligence

The most common liability theory in a truck accident case is negligence. Proving a negligence claim requires a showing that the truck driver had a duty to exercise reasonable care under the circumstances, but failed to do so. That failure must have caused the victim's injuries. It is very important to begin investigating a truck-related accident as soon as possible in order to preserve evidence. This is where the knowledge of an experienced truck accident attorney is crucial. Most often, an expert should be retained in order to prove not only

negligence or product liability, but also possible violations of regulations relating , to the trucking industry.

Who is responsible?

Determining who is responsible for the accident and injuries is sometimes difficult. That is because the driver of the truck is not always the only person liable. Liability can also fall on the owner of the company the driver worked for at the time accident. In some cases, when there is some defect in the truck that caused the accident, the manufacturer may be liable. These are all issues and possible theories of liability that are considered by a truck accident attorney, when deciding to bring a lawsuit.

The Most Common Causes of Trucking Accidents

While the circumstances that lead to truck accidents are always unique, there are primarily five common causes of truck accidents.

Driver Error

Driver error has been determined by the Federal Motor Carrier Safety Administration to be the most common cause of trucking accidents. Driver error can be attributed to several factors including, fatigue,



distraction, substance abuse or drug intoxication. These factors, and others, create a situation where the truck driver becomes unable to appropriately react to dangers on the roadways. While these factors are can be just as common for automobile drivers, the nature of a collision with a truck makes these factors much more dangerous. Also fatigue is often more common in truck drivers, whose schedules of constant, repetitive, long-distance driving, makes them a more likely victim of fatigue. Despite laws and regulations that limit driving time and require rest breaks, these rules are not always followed and the results can be deadly.

Equipment Failure



The second most common cause of trucking accidents is equipment failure. Equipment failure can be the result of design flaws, manufacturing defects. Equipment failures can also result from lack of inspection, proper maintenance or necessary warning devices. The

Federal Motor Carrier Safety Administration, for instance, requires trucking companies to conduct pre-trip inspections, as well as regular inspections and maintenance throughout the year.

If these requirements are met and the inspections and maintenance performed, mechanical failures should be kept at a minimum. However, the reality is that these requirements and guidelines are most often ignored. The consequences, then, are preventable accidents and unnecessary injuries.

Improper loading

Loading an 18-wheeler is not a simple process, but instead a science that must be undertaken carefully. A load that is not properly distributed in or on the trailer can result in an imbalanced load. When the load is contained inside the trailer, the truck will likely flip on its side while moving. If the load is not enclosed and has not been properly secured, the load can fall off the truck into the roadway causing accidents and injuries to others.

Incompetent commercial truck drivers



Good help can be hard to find. The same is true in the trucking industry. Poor selection and hiring of commercial truck drivers has become a growing cause of trucking accidents. Due to either time limits or financial

constraints, drivers are not always provided appropriate training before they

begin. That lack of training can leave them unable to handle their trucks or loads competently.

In other cases, a trucking company may be in frantic need of a driver in order to make a timely shipment. As a result, the company hires an independent truck driver without determining whether that driver has the competence to do the job, or whether the company is in compliance with FMSCA regulations to safely ship their loads.

Weather conditions

As with passenger vehicles, weather conditions can seriously compromise road safety. Due to a truck's heavier weight, increased by its load, trucks are unable to brake as quickly. Braking becomes more difficult, especially in bad weather. When a commercial truck driver fails to account for decreased braking capability during bad weather, it may be nearly impossible to avoid an accident.

If you, or someone you know, have been injured as a result of a trucking accident, contact the experienced personal injury attorneys at the [Cottrell Law Office](#).

About the Author



Wesley A. Cottrell

Wesley A. Cottrell has been successfully practicing law for over 29 years. Born in Springdale, Arkansas and raised in Baxter Springs, Kansas, Wes is licensed to practice law in Arkansas, Kansas, Missouri, and Oklahoma.

Wes earned his B.A. from Pittsburg State University in 1981 and his J.D. from the Washburn University School of Law in Topeka, Kansas in 1985. He was admitted to practice law in Kansas in 1986, in Missouri in 1987, in Arkansas in 1989, and Oklahoma in 1993.

He is licensed to practice law in the United States District Court for the District of Kansas, eastern Arkansas, western Arkansas, and western Missouri. He was Deputy Prosecuting Attorney in Crawford County, Kansas from 1987-1989.

Wes lives in Rogers, Arkansas with his wife, Shelly, and their two daughters, Kennedy and Gabby. He is active in his community, and is regularly asked to teach courses to other attorney on personal injury and workers' compensation litigation.

Memberships and Associations:

National Organization of Social Security Representatives
Benton County Bar Association
Arkansas Bar Association
The Missouri Bar
Kansas Bar Association
Oklahoma Bar Association
Arkansas Trial Lawyers Association
American Association of Justice

COTTRELL LAW OFFICE

Rogers Office
117 South 2nd St
Rogers, AR 72756
Phone: (800) 364-8305
Secondary phone: (479) 631-6464

Joplin Office
2001 Empire Ave
Joplin, MO 64804
Phone: (800) 364-8305
Secondary phone: (417) 782-4004