

THE *BEST* BOOK ABOUT
**VIRGINIA
TRUCKING
ACCIDENTS**



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**KNOW YOUR RIGHTS IF YOU ARE INJURED
IN A TRUCKING ACCIDENT**

This book is intended to increase your knowledge of your rights if you are injured in a trucking accident. This book does not constitute formal legal advice or create any type of attorney-client relationship.

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TRUCKING IN VIRGINIA

Large commercial trucks are a common sight on major highways in Virginia and surrounding states. Interstate 95, which runs top-to-bottom through Virginia and all the way down into Florida, is a major trucking route prone to serious tractor-trailer accidents. Interstate 64 is used by big rigs traveling from the ports of Hampton Roads to Western Virginia. Interstate 81 through Winchester and Roanoke is another major truck route.

The number of truck accidents has increased 20 percent in the last two decades, according to the Federal Motor Carrier Safety Administration.

If you have been injured in an accident involving a big rig, chances are, your injuries will be more serious than if you had been hit by a car. Fatalities are more common.

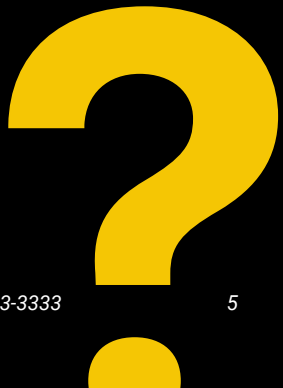
Where truckers are to blame, you may have grounds for a personal injury claim against the driver or the trucking company. You may have grounds to file a wrongful death lawsuit if a loved one has been killed.

WHY DO TRUCKING ACCIDENTS OCCUR?

The trucking business is one of America's **most competitive industries** and there's a shortage of truck drivers.

Because of this heavy competition, many trucking companies place far too much pressure on their drivers, often imposing **unrealistic schedules on deliveries**.

When a trucker's paycheck is contingent upon how quickly they make a delivery, or how many miles they drive in a day, it's easy to see why some truck drivers make compromises and operate their vehicles in unsafe circumstances.



THE MOST COMMON CAUSES OF TRUCKING ACCIDENTS

Truck drivers lose control of their vehicles far too often. There are a number of circumstances in which a trucker or a company may be to blame. They include:



Speeding



Fatigued drivers



Overloaded trailers



Improperly-secured loads



Defective brakes



Drug use



Inadequate maintenance

WHO CAN BE LIABLE AFTER A TRUCKING ACCIDENT?

Many people wrongly believe you can sue only the truck driver after an accident. In fact, other parties can be liable. Those who can be held responsible for your injuries include:

1

The truck's driver

2

The owner of the truck or trailer

3

The person or a company that was leasing the truck or trailer from the owner

4

The manufacturer of the big rig, or related equipment, like tires or another part of the truck that caused the accident or contributed to its seriousness

5

The shipping company or loader of the truck's cargo (in cases involving improper loading)

6

The broker or agent who arranged the transportation

Trucking cases can be complicated because the trucking, hauling, and leasing companies will often dispute whose insurance will compensate the victim. An experienced trucking injury law firm like Cooper Hurley Injury Lawyers, with knowledge of the laws of different states, can sort out the liability and insurance coverage minefield.

WHAT TO DO AFTER A TRUCKING ACCIDENT

As soon as a trucking accident occurs, the lawyers for the trucking company will be working to make a case that it was your fault or not their client's responsibility. Any fault by the injured person can affect them and stop them from recovering money in Virginia.

Steps to take after an accident:

- 1 Contact 911** – Everyone should be examined by a medical professional if there is any chance they are hurt. The police will need to write up a report.
- 2 Don't talk down your injuries.** Never say, "I'm OK," if you are not sure. Symptoms can set in later.
- 3 Take pictures** – Photos of the accident will be valuable evidence if you decide to file a personal injury case. Include your injuries, all vehicle damage, road conditions, and environmental factors that may have contributed to the accident.
- 4 Collect contact information** – You will need the name, address, insurance information, and license information from every driver involved in the accident, as well as the contact information of any witnesses
- 5 Contact your insurance company** – Your insurance company may send an adjuster to the scene.
- 6 Call an experienced tractor-trailer crash lawyer** to find out your rights.

FATIGUED TRUCK DRIVERS

Tiredness is a major cause of trucking accidents. Even though federal trucking laws prohibit truckers from driving for more than 11 consecutive hours without a break, many drivers cut corners in order to make deliveries on time and receive their paychecks. Fatigue can cause many drivers to:

- **Falsify their log books**
- **Fall asleep at the wheel**
- **Use drugs to stay awake**
- **Speed or engage in reckless driving habits**

WHO IS LIABLE?

When you are involved in an accident with a fatigued truck driver, there can be a number of liable parties:

- **The driver himself can be held liable for violating federal trucking laws**
- **The company the trucker works for can be held liable for forcing their driver to meet impossible demands, or knowingly allowing unsafe driving**

OVERLOADED TRAILERS AND IMPROPERLY SECURED LOADS

The maximum weight for a fully loaded tractor-trailer under federal law is 80,000 pounds. Research by the University of Michigan found a big-rig loaded to capacity is twice as likely to be involved in a fatal tractor trailer accident than a truck weighing 50,000 pounds.

Loads that are not correctly secured on a truck can fall off, hitting other vehicles or causing an obstruction in the roadway.

Poorly secured loads can fall onto the road causing a dangerous obstruction. There are specific requirements related to loads being tied down.

An improperly secured load represents negligence and can lead to lawsuits against a trucker, a loading or packing company, or a trucking company.



FEDERAL RULES RELATED TO TRUCK DRIVER HOURS

New rules related to the time truckers can spend on the road were implemented in July 2013. The rules:

1

Limit the maximum average work week for truck drivers to 70 hours, a decrease from an 82 hour maximum

2

Allow truck drivers who reach the maximum 70 hours of driving within a week to resume if they rest for 34 consecutive hours

3

Require truck drivers to take a 30-minute break during the first eight hours of a shift

Truckers are also submitted to an 11-hour daily driving limit and 14-hour work day. Companies that violate the rules face a fine of \$11,000 per offense.

Many trucking companies may seek to cut corners. If you are hit and hurt by a driver who is in violation of the rules, it will strengthen your injury case if safety rule violations can be proved.

OTHER FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) RULES

The FMCSA has a comprehensive set of rules related to trucking companies and drivers. They include:



Requirements for workplace drug and alcohol testing for truck drivers



Special training requirements for truck drivers of certain vehicles



Rules for the transportation of hazardous materials



Rules requiring the annual safety inspections of trucks



Rules on the preservation of records

An experienced Virginia trucking accident lawyer can find out if rules have been breached in the course of building a case against a driver, a trucking company, or another party.

THE COMMERCIAL DRIVER'S LICENSE

Driving a commercial motor vehicle is a major responsibility. It requires special skills and knowledge. Most drivers must obtain their commercial driver's license (CDL) through their home state. It's illegal to have a license from more than one state. Special endorsements may be required for driving any of the following vehicles:

- A truck with double or triple trailers
- A truck with a tank
- Trucks carrying hazardous materials
- A passenger vehicle

The state of Virginia has age and medical certification requirements for drivers applying for a CDL. You must be at least 18 to obtain an intrastate CDL and age 21 to obtain a CDL.

In some cases drivers involved in an accident, or the trucking company, may have failed to comply with the strict requirements.



TRUCK DRIVERS AND CELL PHONE

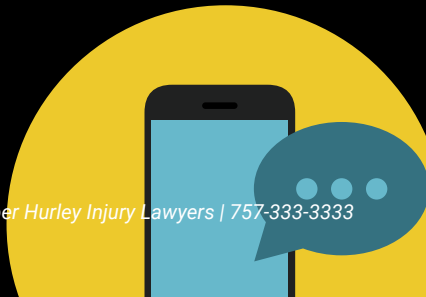
The federal rules that apply to truck drivers and cell phone use are different from those that apply to car drivers.

Truck drivers are prohibited from texting while driving irrespective of the laws of a state. Texting means manually entering alphanumeric text into, or reading text from, an electronic device. This includes SMS and email and surfing the Internet.

The driver of a commercial vehicle is also prohibited from reaching for or holding a cell phone, as well as pressing more than a single button.

Truck drivers who use a mobile phone while driving can only operate a hands-free phone.

An experienced trucking injury attorney can request or subpoena records and find out if a trucker was violating laws relating to cell phone use.



WHAT YOU CAN CLAIM FOR IF YOU ARE INJURED IN AN ACCIDENT WITH A TRUCK

In Virginia, a jury or judge can award you money for the following losses:



Any bodily injury sustained and how those injuries affect your health including the severity and length of time you are injured

Any physical pain and mental anguish suffered in the past or the future



Any scarring and humiliation and embarrassment due to the scarring

Any inconveniences that may be caused in the future due to the injury, medical expenses caused as a result of the accident, and future medical expenses



Any lost earnings

Any decrease of earning capacity that may be reasonably expected to be sustained in the future



Any damage to property

WRONGFUL DEATH

Accidents involving 18 wheelers often prove to be serious. If a loved one loses their life in a crash involving a truck, surviving family members can make a negligence claim against the insurance company of the trucker and the trucking company.

In a Virginia wrongful death lawsuit, you can claim compensation for:

- 1 Medical expenses
- 2 Reasonable funeral expenses
- 3 Projected future income of the deceased including health insurance and other work benefits
- 4 Projected future financial contributions (e.g., tuition and mortgages)
- 5 Loss of the value of services to the family (e.g., household chores and yard work)
- 6 Any sorrow, mental anguish, and loss of solace suffered by beneficiaries

Beyond these financial considerations, a wrongful death lawsuit will also seek to gain compensation for “loss of solace,” the unique loss experienced by spouses and children of the deceased.

OUR ATTORNEYS' PAST TRUCKING VERDICTS AND SETTLEMENTS

We cannot guarantee that you will receive particular results, as each case is unique. We promise, though, that we will work tirelessly on your case to seek the jury verdict or settlement that you deserve.

\$5 million to a Hampton woman – Our client was hit and seriously injured with broken bones and internal injuries in Gloucester County, VA. She was hit by a commercial truck owned by a construction company.

\$3.5 million settlement in wrongful death case – A car passenger was rear-ended by a dump truck on I-64 in Norfolk. He lost his life in a fire. The settlement went to his child.

\$900,000 for a brain injury – A tractor trailer collided with a passenger vehicle, causing a severe traumatic brain injury for a passenger. The case was settled before trial.

\$800,000 in a case where our client was a co-driver of a big rig which clipped another truck in the rain on the highway and was rear-ended by another commercial vehicle.

\$650,000 in broken leg case – Our client's leg was broken in two places when the tread separated on a MACK truck with worn tires and came into her lane in North Carolina.

\$550,000 in the case of a sailor who suffered serious injuries after he was hit by an out-of-control truck in Newport News.

ABOUT COOPER HURLEY INJURY LAWYERS



JOHN COOPER has represented injured people for over 30 years and focuses his practice exclusively on personal injury cases including truck accidents. He is licensed to help those who have been hurt in trucking accidents in Virginia, North Carolina, and West Virginia.

John's strong record has earned him numerous honors, including a Top Lawyer designation by Coastal Virginia Magazine, a VA "Super Lawyer" designation (awarded to only 5% of lawyers in Virginia), and an AV Rating by Martindale-Hubbell, the highest rating given, for his reputation in the practice of law. He is also rated 10 out of 10 ("Superb") by Avvo and is ranked among the top 100 trial lawyers in Virginia.



JIM HURLEY has been practicing law throughout Virginia for more than two-and-a-half decades. During his career, he has tried more than 100 jury trials – a staggering number – and handled hundreds more that were settled out of court. He is guided by the principle that

the client is in charge of his or her case and should be kept fully aware of the litigation process. Jim has been awarded an AV Rating by Martindale-Hubbell, the highest rating given, for his practice of law. He has been named in Virginia Super Lawyers since 2014.



BILL O'MARA has practiced in the field of plaintiffs' personal injury and other litigation. He has gained extensive court room and trial experience, including contested trials before judges and juries across Hampton Roads. In 2014, Mr.

O'Mara joined Cooper Hurley Injury Lawyers as an associate attorney. He became a partner in 2017 and dedicates his entire practice to helping injured people.



GRIFFIN O'HANLON joined Cooper Hurley Injury Lawyers as an attorney in the fall of 2015 and became partner at the start of 2020. He attended Virginia Tech and Saint Louis University School of Law.

Griffin represents those injured in car, truck, and motorcycle accidents and has extensive in-court litigation experience. In 2021, he was named an "Up & Coming Lawyer" by Virginia Lawyers Media.



JOHN BAKER joined Cooper Hurley Injury Lawyers as a new attorney in early 2018 and became partner at the start of 2022. John is a graduate of Hampden-Sydney College and University Of Mississippi School Of Law.

John is a skilled litigation attorney and has appeared in courts all over the Commonwealth of Virginia. He is an active member of his community and currently serves as President of the Virginia Club.

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*Helping those injured in car, truck, and
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and wrongful death cases.*