

Who Is Liable for a Commercial Truck Accident in South Carolina?

Our experienced Lexington attorneys are ready to fight for you

If you've been involved in a commercial truck accident in South Carolina, you're likely dealing with a lot – from physical injuries and medical bills to lost income and emotional stress. All types of traffic accidents can be stressful, but the aftermath of [truck accidents](#) can often become overwhelming, especially when it comes to determining who is at fault.

Knowing who's responsible for your accident can make a big difference when it comes to securing compensation. Commercial truck accidents often involve multiple parties, and liability isn't always clear-cut. Was the driver at fault, or could the trucking company or even a manufacturer share responsibility?

At [Johnson + Johnson](#), we understand what you are going through. Our experienced team is here to guide you through South Carolina's complex truck accident laws and help you pursue the justice and compensation you deserve. Let us protect your rights while you get the answers you deserve.

Common causes of truck accidents

Many truck accidents are linked to preventable issues, but figuring out what caused the crash isn't always simple. By reviewing the most common factors, we can get a clearer picture of what often leads to these collisions. And who may be held liable.

- **Driver error or negligence:** Errors behind the wheel can have serious consequences when operating an 80,000-pound vehicle. Common acts of negligence include speeding, failing to check blind spots, or misjudging the distance needed to stop. Fatigue is another critical factor – many drivers push themselves beyond safe limits, leading to slower reaction times and impaired judgment.
- **Distracted driving:** Distracted driving isn't just a problem for passenger vehicles; it's a growing concern for truck drivers, too. Whether it's texting, adjusting the GPS, or eating while driving, any activity that takes a driver's focus off the road increases the chance of an accident. Even a split-second distraction can cause catastrophic damage for trucks due to their size.
- **Poor vehicle maintenance:** Commercial trucks require regular maintenance to operate safely. Brake failures, tire blowouts, and engine malfunctions are all hazards that could result from neglected upkeep. When trucking companies cut corners on inspections or repairs, it can create dangerous situations on the road. Even something as small as a worn-out tire can lead to a devastating accident if it causes the trucker to lose control.
- **Improperly loaded cargo:** How cargo is loaded plays a crucial role in a truck's stability. Overloading a truck or failing to secure cargo properly can cause the vehicle to tip or spill.

its load, creating a hazard for everyone nearby. Shifting cargo during transit can also throw off the truck's balance, making it harder for the truck driver to control.

- **Driving under the influence:** While it's less common for truck drivers to operate under the influence due to strict regulations, it does happen. Alcohol and drugs – whether illegal or prescription – can impair a driver's ability to focus, react, and make sound decisions.

Determining liability in a truck accident

Determining who's at fault in a truck accident can be difficult. While it's common to think the truck driver is always to blame, the reality is that there could be multiple parties involved. The trucking industry is complex, and accidents often happen because of multiple factors involving different people or companies.

Truck drivers

The truck driver is often the first party people think of when a crash occurs. Drivers are responsible for safely operating their vehicles and following all traffic laws and industry regulations. However, misjudgments, fatigue, distraction, or even recklessness, like speeding or driving under the influence, can lead to accidents. When drivers fail to meet their obligations behind the wheel, they may be held accountable for the resulting harm.

The trucking company

Trucking companies have a legal responsibility to ensure their operations are safe. This includes hiring qualified drivers, providing proper training, and routine care. Unfortunately, some companies cut corners to save money or meet tight deadlines. They might pressure drivers to work long hours, overlook safety inspections, or skip necessary vehicle repairs. If a company's policies or negligence contribute to a crash, they could be held liable.

The truck manufacturer

Defective truck parts can also play a major role in accidents. A faulty brake system, defective tires, or an issue with the engine could lead to a catastrophic failure on the road. In these cases, the manufacturer of the truck or its parts could be held accountable. Additionally, if a trucking company neglects to address a known defect or maintain its vehicles properly, liability could extend to them as well.

Cargo loaders

Improperly loaded or secured cargo is another common cause of truck accidents. When a load isn't evenly distributed or exceeds the truck's weight limit, it can make the vehicle harder to control or even cause it to tip over. The company or workers responsible for loading the truck must ensure that the cargo meets safety standards. If they fail to do so and their actions contribute to an accident, they may be held liable.

South Carolina's modified comparative negligence law

South Carolina uses a modified comparative negligence law to determine fault in accidents, including truck accidents. This means that fault for an accident can be shared among multiple parties. In South Carolina, if you are partially at fault for a crash, your compensation will be reduced by the percentage of fault assigned to you.

For example, if you're found to be 20% at fault for a truck accident, your compensation would be reduced by 20%. This rule also includes a 51% bar. This means that if you are found to be more than 50% at fault, you cannot recover any compensation. In other words, you must prove that the other party (or parties) are primarily responsible for the accident to seek damages.

Truck accidents often involve multiple parties, such as the truck driver, the trucking company, and even the manufacturer of the truck. South Carolina's comparative negligence law allows liability to be divided among these parties, depending on their level of fault. For example:

- If a truck driver was distracted and caused a crash, they might bear most of the fault.
- If a trucking company forced the driver to work longer hours than allowed, they might also share responsibility.
- If defective brakes contributed to the accident, the truck's manufacturer could be partially liable as well.

How is liability determined?

Determining liability in a truck accident can feel impossible to navigate. Evidence needs to be gathered to establish who was at fault. Because truck accidents often involve several parties, proving liability requires careful investigation and a strong understanding of the law.

- **Investigating the accident scene:** The first step in determining liability is investigating the scene of the crash. Police reports, witness statements, and photos or videos from the scene can provide important details. Skid marks, vehicle damage, and road conditions can also reveal what happened and who might be at fault.
- **Reviewing the truck's black box data:** Most commercial trucks are equipped with an electronic control module (ECM), often called a "black box." This device records vital information like the truck's speed, brake usage, and driver activity leading up to the accident. Black box data can help prove whether the truck driver was speeding, driving recklessly, or violating hours-of-service regulations.
- **Examining maintenance and inspection records:** Trucks require regular inspections and maintenance. If the truck's brakes, tires, or other parts weren't properly maintained, this could point to negligence by the trucking company. Reviewing these records helps determine if the accident was caused by equipment failure or poor upkeep.
- **Assessing driver behavior:** A truck driver's actions leading up to the accident are closely examined. This includes looking into their driving history, hours-of-service logs, and

whether they were under the influence or distracted at the time. Violations of federal trucking regulations can also help determine fault.

- **Consulting experts:** Accident reconstruction experts may be brought in to recreate the crash and provide clarity into how it happened. Their expertise can help establish who was responsible and why.

How a Lexington truck accident attorney can help

Determining liability in a truck accident can be overwhelming, especially with multiple parties, complex evidence, and trucking regulations involved. If you've been injured, an experienced lawyer can guide you through the process, handling every aspect of your case so you don't have to face it alone.

Our truck accident lawyers gather crucial evidence – including black box data, maintenance records, and expert opinions – and use it to build strong cases. We have experience negotiating with insurance companies that often try to minimize payouts to ensure your rights are protected and your compensation is maximized. We understand the challenges you're facing. Let us fight for you, from start to finish. [Contact us](#) today for a free consultation.