

A Guide to Trucking Accidents in Texas

Every year, Texas leads the nation in fatal semi-truck accidents. In 2016 alone, there were 556 deaths resulting from trucking accidents in Texas.

Many other Texas motorists suffer severe injuries in crashes involving large trucks. An accident with a semi-truck is different than one that involves another passenger vehicle. Property damage and injuries tend to be more serious and pursuing a personal injury case can be more complex and complicated.

Read on to learn more about semi-truck accidents in Texas and how the legal process may unfold if you choose to pursue an injury claim.

I. What to Do After a Semi Truck Accident

Semi-trucks, also called tractor-trailers and 18-wheelers, are a vital part of the Texas economy. These trucks haul goods around the country and allow Texans to buy produce from California and sell their goods to people in Maine and Vermont.

Because of their size, semi-trucks can cause horrific accidents when they collide with a passenger vehicle. If you have been involved in a collision, you need to take certain steps immediately to protect your right to compensation.

Call for Emergency Services

After the crash, you might be in a state of shock. However, you quickly need to assess whether anyone in your vehicle is injured and if their injuries require immediate attention from emergency services. If you believe an ambulance is required, there's no reason to hesitate. Remember that you and your passengers' well-being is paramount. Call 911 or ask someone else to call if you are too injured.

If your injuries are relatively minor, you might wait to go to the hospital until after the police arrive. It is, however, important to see your primary care physician or an urgent care medical professional to give you a check-up as soon as you can. The shock of a semi-truck crash can disguise injuries that may become more apparent days or weeks down the road.

Call the Police

You need an officer to come out to the scene of the accident and file a police report. This report will contain helpful information, such as the date, time, and location of the crash, as well as identify the parties involved. If you don't call the police, then it can be hard to establish later when the accident occurred.

Identify Witnesses

Someone might have seen the collision, such as a pedestrian or a passing motorist. Get their names and contact information. Your attorney might need to contact them later to ask what they saw. Witness accounts can help prove your account when liability is disputed by the trucking company or insurance adjusters.

Take Photographs of the Accident Scene

Semi-truck accidents can be particularly devastating. You might be shocked at the damage to your vehicle. If possible, walk around and take pictures. If someone is injured and still in the car, you can show discretion and not photograph them while they are waiting for help. However, if you have time later, take pictures of the truck and your vehicle from different angles.

You can use your smartphone to take pictures or ask someone else to take pictures for you. These will prove helpful when establishing fault for the accident and the severity of the crash.

Avoid Giving Statements about the Crash

Anything you say can be used against you by the trucking company and their insurance providers, and unfortunately many people say things when disorientated or scared that they quickly come to regret. Keep conversation to a minimum and don't accept responsibility for the crash.

Reach out to an Attorney

Apart from getting medical care, you might be unsure of what to do after a semi-truck accident. Fortunately, an experienced attorney can help you build your case for compensation and assist you throughout the recovery process. Remember that the trucking company will probably have an investigator on the scene soon after the crash, collecting evidence for the company. The sooner you contact an attorney on your behalf, the quicker they can collect evidence and bolster your personal injury case.

II. Elements of Negligence in a Semi Truck Accident

In Texas, most truck accidents will be based on negligence, which essentially means carelessness. Texas law requires that truck drivers operate their vehicles with sufficient care so that they do not injure other motorists around them. If a truck driver fails to be sufficiently careful, you can seek compensation for your injuries from the driver and his or her employer.

Negligence has [four elements](#), and you need to prove each:

- The defendant owed you a duty of care
- The defendant's conduct breached that duty
- You suffered legally-recognizable injuries, called damages
- The defendant's conduct caused your injuries

If you can't prove each element, you can't receive compensation. Attorneys with vast experience handling trucking accident injury cases can assist with proving these elements to opposing counsel, mediators, judges, and jury members.

Duty of Care

The law imposes a duty on drivers to operate their motor vehicles safely, and this duty applies to truck drivers as well. Truck drivers owe a duty of care to other motorists on the road but also to

anyone who could be affected by their conduct. For example, a truck driver transporting hazardous materials owes a duty to those who live along the road who might be injured if there is an accident.

Breach of Duty

To discharge their duty, drivers must follow all traffic laws and signs, and they must drive safely based on the conditions. When they fail to, they have violated their duty of care, which is called a “breach.” Breach of the duty of care is the second element in a negligence claim.

Truck drivers also must abide by federal guidelines that limit how much they can drive during the week. If they violate these rules, then they are probably negligent as well. For example, a truck driver who drives 16 straight hours has broken federal law and, as a result, is probably too tired to drive.

Proving a breach of duty can be complicated, since truck drivers are not in the habit of admitting when they have been driving too fast or for too long. They also are unlikely to admit to using prescription or illegal drugs, which can also impact their ability to drive. Nevertheless, your attorney can help find evidence that shows the driver was insufficiently careful.

Damages

A motorist cannot receive compensation unless they suffered a legally-recognizable injury. Typically, the injury will be a bodily injury or at least damage to their vehicle. However, a purely emotional harm probably does not qualify. Common injuries sustained in a truck accident vary in severity, from soft tissue injuries to spinal cord injuries and traumatic brain injuries.

Causation

A truck driver can be careless, and you can suffer an injury, but there must be some connection between the two. This connection is called causation. Basically, the truck driver’s carelessness must have caused your injuries. In many cases, this is easy to prove, especially if the big rig slammed into your vehicle. A direct hit from a semi-truck is a common cause of crashes, but unsafe lane changes, improper passing, speeding, and driver distraction are other causes of trucking accidents. In other cases, drivers or their company may have failed to properly inspect and maintain the truck, allowing the driver to operate a vehicle that is not road safe.

III. Common Injuries in a Semi Truck Accident

There’s no way around it: semi-trucks can cause horrific injuries to unsuspecting motorists. Many motorists will even die, especially if the accident happened at high speeds. Injuries from trucking accidents can cause years of struggle for victims, including surgeries, return hospital visits, and therapy.

Below, we summarize some of the more common injuries in a semi-truck accident.

Soft-tissue injuries. The soft tissue includes muscles, tendons, and ligaments. After an accident, they can become stretched or torn. In severe cases, the tendon or ligament can be torn completely from the bone, which requires surgery to reconnect. Soft-tissue injuries have a reputation for being relatively minor, but they can result in permanent muscle damage if not treated properly.

Fractures. Our clients have broken many bones in accidents, including legs, arms, hands, wrists, ankles. Even the skull can be fractured. Broken bones might require surgery to pin or screw the broken pieces together so they can heal. If the skull is fractured, then surgery is often necessary to relieve pressure on the brain.

Nerve damage. Your nerves might be damaged if you strike the steering column or the side of your car. Often, internal bleeding will increase pressure on nerves, damaging them. Nerve damage can be temporary or, if not treated correctly, permanent.

Internal organ damage. Fractured bones can spear internal organs, which might also be injured by the trauma of the accident. A motorist can experience internal bleeding or even organ failure.

Amputation. A limb might be crushed beyond recovery or it could be torn from the body.

Traumatic brain injuries. Any jarring blow to the body or head can alter how the brain works. Many people suffer traumatic brain injuries, including concussions, after semi-truck accidents. [Symptoms](#) might not be immediately apparent but should manifest within a couple of days:

- Headache
- Dizziness
- Nausea
- Neck pain
- Increased sensitivity to light or sound
- Mood swings
- Sleep disturbances

Brain injuries can also impair memory, mobility, and speech. These injuries might require years of rehabilitation before the patient can regain normal function. Other victims will need to relearn ways of doing things, such as getting dressed and bathing.

Spinal cord injuries. Damage to the spinal cord can cause partial or complete loss of sensation or paralysis. Many people with spinal cord injuries will need medical care for the remainder of their lives.

Emotional injuries. The pain our clients experience after a semi-truck accident is not limited to physical pain. Instead, many clients report intense depression, fear, anxiety, irritability, and anger. If physical injuries occur on a visible part of the body, such as the face, then victims can become socially withdrawn and feel embarrassed.

Lastly, many people die in trucking accidents. According to statistics kept by the Federal Motor Carrier Association, large commercial vehicles like trucks and buses were involved in 4,440 [fatal crashes in 2016](#). They leave behind grieving family members who are unsure of how they will continue to move forward.

IV. The Process of a Semi Truck Accident Lawsuit

A trucking accident lawsuit can be simple or complex, depending on the accident. But one thing is for sure: you need to hire an experienced truck accident attorney to protect your rights. Below, we summarize the different steps involved in securing compensation for our clients.

Hire an Experienced Lawyer

The lawyer you hire will make the difference between maximum compensation for your losses and little or possibly no money. Semi-truck accident lawsuits are not like other cases, and only lawyers with experience in this field will know how to bring the case in the right way.

At Thomas J. Henry, we happily meet with potential clients to discuss the case and possible compensation. We also answer any questions you have. If you like what you hear, you can sign an engagement letter with us to formalize the attorney-client relationship.

Once hired, we will handle all communications between you and the insurance adjusters who are calling you. Always go through your lawyer so you don't say anything you might regret.

Investigate the Semi Truck Accident

Investigation is a long process. Immediately after the crash, you may have collected some evidence, such as photographs and witness information. Be sure to provide any such evidence to your attorney, should you decide to hire one.

Regardless of whether you were able to collect any evidence on your own, your attorney will be able to find additional evidence, such as black box data. This data can confirm how long the vehicle was in motion and whether the driver violated federal hours of service requirements. Some black boxes also include information about whether the driver stepped on the brakes and when.

Other evidence can include surveillance video from nearby witnesses that might have captured the crash. Depending on the case, expert witnesses, including accident reconstructionists, may be retained to help piece together what happened in the moments before your collision.

Send a Demand Letter to the Defendant

Ideally, you can settle your dispute outside of court for a good sum that fully compensates you. To get the ball rolling, your lawyer should send a demand letter to the trucking company's insurer. This letter will identify your injuries and state how much you are prepared to settle for.

Continue Negotiations

Unfortunately, insurance companies oftentimes will not agree to the first demand. It is their job to pay out as little as possible, and the initial demand is unlikely to be the amount they have in mind. Rather than accept your offer, insurance companies will counter with their own offer.

At this point, settlement becomes a back-and-forth negotiation process. Every case is truly unique, and there is no guarantee that a settlement will be agreed upon.

Head to Court

Some lawsuits cannot settle. Instead, the only thing to do is to go into court and prove your case. When you are deciding on a lawyer to hire for your trucking accident case, be sure to find a law firm with experienced litigators on their team with years of taking cases to court with success. Trial lawyers with a history of winning in court will not only be beneficial in court, but insurance companies may be more apt to settle outside of court instead of taking their chance in front of a jury.

V. Average Settlement in a Semi Truck Accident Lawsuit

After an accident, it is perfectly normal to begin thinking about compensation. Horrific injuries require substantial medical treatment, and few people are prepared to pay tens of thousands of dollars –or more–for medical treatment. If you are uninsured, then you will be expected to pay these amounts all on your own, which can lead to financial distress.

Furthermore, many injured motorists cannot return to work, particularly after a bad crash. They lose out on income at the precise moment when they need it the most. Accidents can alter your ability to return to your normal job, which may mean you have to take a lower paying job or change your career altogether. You can seek compensation not only for past lost wages but future lost wages as well.

Fortunately, you can receive compensation if the truck driver or trucking company is to blame for the accident. Read on for more information about how settlements are calculated.

There Is No “Average” Settlement

Every trucking accident is unique. For that reason, there isn't much benefit of talking about an “average” settlement for truck accidents.

Truck accidents cause economic losses, including medical expenses and lost wages. It also includes damage to your vehicle, which must be repaired or replaced. In most accidents, you can receive 100% reimbursement for these economic losses.

Add up the amount you have lost by finding all bills and receipts for medical treatment. Remember you can receive compensation for the following:

- Transportation to the hospital
- Surgery
- Doctor visits
- Prescription and over-the-counter drugs
- Assistive devices like canes or crutches
- Rehabilitation
- Mental health counseling

When calculating lost wages, find your pay stubs or any evidence of self-employed income. You can also rely on repair estimates to calculate the extent of the damage to your vehicle.

Estimate How Much You Might Lose in the Future

Semi-truck accidents cause such serious injuries that some people will need continuing medical care even after they have reached maximum medical improvement. For example, someone who is paralyzed might need an at-home attendant for the rest of their life.

If your injuries are serious, you may be unable to return to your old job or to any job. Someone permanently disabled, for example, will lose out on the ability to earn income in the future, and our clients have been compensated for this loss as well.

Calculate Non-Economic Losses

Texas law also allows victims to receive compensation for less tangible harms, such as:

- Pain and suffering
- Emotional pain or distress
- Disfigurement
- Disability
- Loss of enjoyment of life

These losses can be harder to translate into dollar and cents. Nevertheless, a jury will rely on their experience to come up with a number based on the severity of your injury and how much your life has been disrupted. Add these amounts to your economic losses to reach a ballpark figure for how much you can receive in a settlement.

Remember that every accident case is unique – crash circumstances, injuries, lawyers, judges, and juries are always different. The one thing that a truck accident attorney can provide you is peace of mind that they will fight for every penny to attempt to make you and your family whole again.

Hurt in a Semi-Truck Wreck? Speak with Thomas J. Henry Injury Attorneys Today

After a serious trucking accident, you are probably worried about your finances and your health. Let our team of experienced semi-truck crash attorneys help you throughout the legal process and fight to obtain the compensation you deserve.

At [Thomas J. Henry](#), for more than 25 years, our truck accident lawyers have gone up against many of the nation's largest trucking companies, achieving real results for injured clients. To learn more, call and speak with an attorney for your free legal consultation today.

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