



# You've been injured in a truck accident. Now what?

Get full settlement with the help of  
our personal injury attorneys.

Truck accidents can be complex personal injury cases because injuries may be more severe and various parties may be involved if the truck is a commercial vehicle. When you or a loved one have been injured in a truck accident, you need strong legal guidance and aggressive representation to get you the justice you deserve.



[www.henessandhaight.com](http://www.henessandhaight.com)



(702) 805-HELP



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Chapter 01

# After You've Been Injured in a Truck Accident





If you have been injured, or believe you have been injured because of someone else's negligence it is critical to get medical attention right away.

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If you have been injured by a truck, chances are that you have suffered severe and serious injuries due to the size and weight differences between trucks and cars—especially semi-trucks.

The most important thing you need to do is get immediate medical attention regardless of the extent of your injuries, from minor to extreme. Seemingly small injuries can quickly become more serious without medical treatment.



*Medical studies confirm that most injuries will resolve quicker and more fully if medical care is initiated within hours or days, as opposed to weeks or months later."*

Our first and foremost concern is for your quick recovery. If you need help accessing medical care following a truck accident, our office can refer you to treating physicians and medical providers.

## My doctor says they won't treat my injuries. Why not?

Many people are surprised when they call their primary care physician for treatment and are turned away. Most primary care doctors won't treat acute injuries resulting from another's negligence such as car accidents. This is because your primary care physician is often not equipped to provide you with the comprehensive medical care needed for injuries caused by a collision with a truck.

Comprehensive medical care is more than emergent care. It is the post-traumatic care that your body needs to heal and is often provided by chiropractors and physical therapists who routinely treat these types of injuries. Your chiropractors and physical therapists will coordinate your care with a network of other specialists such as orthopedic physicians, neurologists, or pain management specialists. Additionally, they can refer you for X-rays and other diagnostic imaging when necessary.





## Why am I being asked if I have an attorney?

When contacting a chiropractor or physical therapist to set up an appointment to treat your injuries, most offices will ask if you have an attorney. This is because most chiropractors and physical therapists who treat accident-related injuries prefer to do so on what is called a lien.



*Treating on a 'lien' allows you to receive the care you need related to the accident while waiting for your personal injury case to resolve to pay for your medical treatment."*

Specialists who treat your accident-related injuries will require a patient to have an attorney before they will treat you on a lien. Otherwise, you will be asked to use your health insurance or pay cash for your care. If you decide not to hire an attorney, you run the risk of being liable for your health care costs due to someone else's negligence.

**Regardless of whether you hire an attorney or not, be sure to seek care for your injuries right away from a medical provider who specializes in treating the type of injuries you suffered.**





Chapter 02

# What You Should Do When You've Been Injured by a Truck



If you've been injured in a truck accident, it may be difficult to remember what you should and shouldn't do. Here is a quick overview of what you've been injured by a Truck:



## What To Do

- **Get medical treatment**
  - Immediate medical treatment during the acute phase of your injury is critical
  - Document every test, doctor visit, follow-up appointment, prescription, and rehabilitation appointment
  - Keep all doctor appointments regardless of whether you feel you need treatment or not
- **Stay at the scene**
  - You must stay on the scene of an accident until emergency responders and the police arrive
- **Take photographs**
  - Take photographs of any property damage, the surrounding area, any debris or obstructions that may have caused the accident, road signs, and any injuries
- **Exchange insurance information**
- **Call Henness & Haight at (702) 805-HELP**
  - Your consultation is free and confidential
- **Get names and contact information of all witnesses**
- **Get any property damages assessed**
- **Track medical treatment**
- **Notify your insurance company (with the help of your attorney)**
- **Document the names, phone numbers, addresses, and email addresses of all drivers, occupants, and witnesses**
- **Get the details of both the owner of the truck and the driver's employer since they may not be the same entity**
- **Write down the police report number, phone number, and the responding police officer's name and badge number**
- **Ask for the United States Department of Transportation serial number**
- **Get information of the owners of both the cab and the trailer since they may be owned by separate people if you were hit by an 18-wheeler**
- **Don't wait to file a claim. Trucking companies can destroy their maintenance records and driver's logs after 6 months. To preserve critical evidence, file your claim and hire an attorney to collect this information immediately following your accident**



## What NOT To Do

- **Don't leave the scene**
  - Leaving the scene of an accident is a crime in Nevada
- **Don't get into physical altercations or an argument**
  - Anything you say or do at the scene, including apologizing, could damage your case
- **Don't move vehicles, evidence, or injured people**
- **Don't admit fault**
- **Don't lie to police or investigators**
- **Don't file a claim or talk to insurance adjusters without your attorney**
- **Don't put up information on social media**
- **Don't refuse or postpone medical treatment if you need it**
- **Don't accept a settlement before your injuries are fully resolved or assessed**
- **Don't wait to file a claim**





Chapter 03

# What to Do When You've Been Injured by a Commercial Truck





## When a commercial truck is involved, Federal Motor Carrier Safety Regulations (FMCSA) will play a role in your claim.

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It is especially important to contact a personal injury attorney when you've been injured by a commercial truck due to the varying regulations that govern the trucking industry in Nevada. Do not try to navigate a claim involving a commercial truck by yourself.

First, to determine if you've been injured by a commercial vehicle, you need to understand what may constitute a commercial vehicle. In some cases, a truck being used for commercial purposes may look like every other truck on the road.

Commercial vehicles include, but are not limited to:

- Semi-trucks or trailers
- Large delivery trucks, Amazon trucks, UPS trucks, or USPS vehicles
- Uber or Lyft drivers
- Passenger buses
- Cement trucks or other utility vehicles
- Limousines
- Passenger vehicles being used by the driver to conduct commercial business activities

Insurance companies working for large fleets and companies work hard to limit their risk and reduce your payout when you've been injured by one of their drivers. To limit their exposure, they will often have well-trained commercial insurance adjusters interview accident victims in order to get an admission of guilt or negligence. This is why it's extremely important to not admit fault when at the scene of an accident and to hire an experienced personal injury attorney to manage all interactions with the commercial driver's insurance company.



*Nearly 500,000 trucking accidents happen each year, with 4,119 deaths due to large truck accidents in 2019. Of those deaths, 67% were car or passenger vehicles and 15% were pedestrians, bicyclists, or motorcyclists"*





Because commercial trucks such as semis and 18-wheelers are so dangerous to other drivers, commercial vehicle drivers and the companies that employ them are held to a higher standard when on the road. If the driver who injured you or the company that employs the driver has violated any of their standards of duty, you may be entitled to additional compensation.

**You need a qualified personal injury attorney who understands the various nuances of federal regulations and can protect your interests when you've been injured by a commercial truck.**

FMCSA regulations cover the following:

- **Driver qualifications:** Drivers of commercial trucks must be 21 years or older, have a valid commercial driver's license (CDL), and be proficient in speaking English
- **Safety:** The trucks must be reviewed and rated by the FMCSA before it is allowed on public roads. If a truck has received a bad rating or review and the driver or company has not resolved any safety issues that contributed to your accident, they may face more serious charges
- **Insurance:** Commercial vehicles must carry a higher amount of insurance coverage due to the high level of liability they have. Commercial truck accidents cause more serious, catastrophic injuries and are often fatal. If a truck is carrying flammable or hazardous materials, additional insurance coverage is required
- **Repair, Maintenance, and Inspection:** Failure to perform routine inspections and repairs can lead to more serious charges if a catastrophic crash occurred due to this lack of oversight
- **Hours of Service:** Drivers are not allowed to be on the road for more hours than regulations deem as safe. If a driver does not maintain records of their driving hours or has driven longer than is considered safe for the driver's schedule and cargo load, charges may be elevated.



*Trucking companies are only required to maintain and keep their records for a period of 6 months. This is why it is critical to seek legal representation immediately when you've been involved in a commercial truck accident."*





Chapter 04

# Types of Insurance Coverage





To operate a vehicle in the state of Nevada, you must have at least the following car insurance coverage. This is also the amount of coverage you need if you are operating a commercial truck:



**Bodily Injury Liability Coverage**

**\$25,000** per person  
**\$50,000** per accident



**Property Damage Liability Coverage**

**\$50,000**



**Uninsured Motorist Coverage**

**\$25,000** per person  
**\$50,000** per accident

## What is bodily injury liability?

Bodily injury liability covers other people's injuries, loss of wages, legal fees and more. If you are injured in a motor vehicle accident and the other driver has this coverage, their insurance company will respond to your claim.

## What is property damage liability?

Property damage is the part of your motor vehicle coverage that responds when you have damaged another person's property such as their car, a fence, or a home.

## What is uninsured motorist coverage?

Uninsured motorist coverage protects you when the other driver is at fault for the accident but does not have enough liability coverage, isn't insured, or leaves the scene. Since most vehicle insurance policies do not have enough coverage for extensive damages or injuries, your uninsured motorist coverage can respond after the other parties insurance responds to cover the gap in order to protect your finances.





Chapter 05

# What to Do if the Truck Driver Isn't Insured





## No-Fault and Traditional Negligence states

In the unfortunate event where you have been injured by a truck driver who is not insured, you may have to turn to your own insurance policy to recover damages and then pursue a lawsuit against the other driver.

In some states, there is a no-fault car insurance rule that means that each driver is responsible for their own injuries or damages regardless of who is at fault. In a no-fault state, unless there are serious injuries or damages over a certain amount, you are typically restricted from suing.



*Nevada is a traditional negligence state where you are allowed to sue the other driver for damages and win a judgement."*





Chapter 06

# The Six Most Common Types of Commercial Truck Accidents





## Understanding the types of commercial truck accidents

Heavy commercial trucks can weigh almost 30 times as much as a passenger vehicle. This is why commercial truck accidents cause significant catastrophic injuries and often death. It's important to understand what types of commercial truck accidents occur.

- **Unsecured Loads:** Federal regulations also regulate cargo loading and securing that cargo safely. Unsecured cargo and spills create traffic hazards and accidents
- **Underride Accidents:** A jackknifed truck or a truck that suddenly stops can cause your vehicle to go under that truck
- **Tire Blowouts and Tread Loss:** Blown tires and retreads from blown tires can flip up and hit your vehicle in addition to causing the truck driver to lose control
- **Rollovers:** Speeding trucks on sharp curves, high winds, shifting cargo, and driver error can all result in rollovers
- **Jackknife:** When the trailer of an 18-wheeler swerves and becomes parallel to the cab, the truck has jackknifed. Equipment malfunction, poor cargo loading, speeding, inclement weather, driver error, and sudden braking with locked wheels can cause a truck to jackknife
- **Driver Error:** Impaired or distracted drivers can cause accidents, in addition to failure to yield, running traffic lights or signs or taking turns too tight





Chapter 07

# Common Defenses in Commercial Truck Claims





## Common defenses in commercial truck claims

When filing a lawsuit or claim for a commercial truck accident, a common defense is that the driver of the passenger vehicle caused the accident. Due to their inability to maneuver quickly and their large size, drivers of large commercial vehicles are limited when responding to the actions of another driver. The parties involved in a commercial truck accident will work to shift blame.

Therefore, if a commercial truck driver can prove the following facts of your actions, you may lose your case:

- Driving left of center into oncoming traffic
- Unsafe passing
- Driving under the influence
- Failure to stop
- Following too closely
- Speeding
- Inattentive or reckless driving
- Driving in “no-zones”
- Improper merging in front of the truck





Chapter 08

# Types of Personal Injury Cases Involving Commercial Trucks





**The most common personal injury cases in Nevada are commercial truck and automobile accidents, including truck accidents involving cyclists and pedestrians, and wrongful deaths.**

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When you have been injured or your property has been damaged in a truck accident due to the carelessness or negligence of another person, you have the right to bring a personal injury claim against an individual, business, corporation, the government, or any other entity that harmed you.

*If you have questions about whether your case has merit or if you need a free consultation on a potential personal injury case, call our offices at (702) 805-HELP. We can assess your situation and let you know what course of action to take. Consultations are free and confidential. Don't try to assess your personal injury case on your own. Let our team of legal experts help you understand who is at fault and what to do next.*

Our team will determine if there was a breached duty of care in your situation and we'll work to understand the context in which you were injured. After an assessment of your truck accident, we'll let you know if we agree to take your case.



# What are the types of breached duty of care?

For a successful outcome for your case, we must prove there was a breached duty of care. In Nevada, we only have to prove negligence in order to hold a person or company responsible for the injuries and damages you have suffered.

In some cases, the breached duty of care may go beyond ordinary negligence and into gross negligence or intentional misconduct. Depending upon the person's conduct and mens rea (mental state) or intent, and depending upon the level of liability that person holds, the person responsible for your injuries could be held liable for damages that go beyond recovery of general damages.

## Negligence

For many truck accident personal injury cases, you must prove negligence before holding a person or company responsible for your injuries and losses. In most truck accidents or commercial truck accidents, you will need to provide evidence that negligence occurred.

Negligence occurs when someone acts carelessly and causes injury to another person's body or property. There are four elements of a negligence claim:

1. **Duty:** The plaintiff was owed a legal duty by the defendant
2. **Breach:** That legal duty was breached when the defendant acted or failed to act in a certain way
3. **Causation:** The defendant's actions or lack of action actually caused the plaintiff's injury; and
4. **Damages:** The plaintiff suffered bodily injury, property damage, or was harmed as a result of the defendant's actions.

## Gross Negligence

Gross negligence is defined as an indifference and blatant violation of a legal duty with respect to the rights of others. It's a conscious and voluntary disregard of the need to use reasonable care to avoid causing a grave injury or harm to people or property.

It exceeds ordinary negligence which is a failure to exercise reasonable care. Gross negligence is a combination of negligence along with the defendant's conduct that causes injury.

Gross negligence and ordinary negligence differ from "willful and wanton conduct." A court finding of willful and wanton conduct usually results in recovering punitive damages for our client where a finding of gross negligence only does not.

For example, if somebody runs a red light and hits a pedestrian, they may be found liable for ordinary negligence. However, if that person sped up and ran their truck through a crowded crosswalk, the charge is elevated to gross negligence.

## Strict Liability

Strict liability or absolute liability is one of five possible "mentes reae" or mental states that a defendant may have when committing a crime. The defendant's lack of awareness of what he is doing would not negate a strict liability case.

For example, if there was a fault or flaw in the truck because of poor manufacturing. In that case, the manufacturer may be held liable rather than the driver.

Another situation where strict liability may apply is if the truck is involved in "ultrahazardous activities" such as transporting highly flammable or dangerous substances. If you were injured by the materials and not by another aspect of the accident, you might be able to sue based on the strict liability standard.

To prove a strict liability case, you do not have to show that the defendant acted with disregard or negligence, only that harm was caused. Strict liability cases involving truck accidents are not uncommon, but because they are often brought against companies that have the legal and financial resources to defend them, you must have an experienced, aggressive, and qualified attorney on your side.



## Reckless Conduct

Reckless conduct is an act that is so rash or careless that it meets the definition of failing to meet the standard of care that a reasonable person would take. A person behaving with reckless conduct is knowingly taking a risk that will put others in danger. Even if a person doesn't intend to act recklessly, if their behavior deviates far enough from reasonable behavior, they will be found guilty of reckless conduct.

Drunk driving is often charged as a reckless conduct action and depending upon the seriousness of the accident, may be either a misdemeanor or a felony. The choice to drive after drinking elevates a car accident from negligence to reckless conduct.

Intentional violations of the rules of the road may also be considered reckless conduct. If there is extreme gross disregard for human life, reckless conduct can be charged as a felony.

## Intentional Misconduct

Intentional misconduct is found when the defendant had knowledge of the wrongfulness of the conduct and the probability that injury or property damage could result, and despite that knowledge, continued to act and caused injury or damage.

This type of personal injury case is not common in truck accidents, but can be found when a driver uses their vehicle to cause injury. For example, if there is a road rage incident and the driver uses their vehicle to run another vehicle off the road or into oncoming traffic.

## What About Vicarious Liability

Vicarious liability is a legal doctrine that states that although a person may not be the one who personally commits an illegal act, they may still be held responsible for injuries caused by another.

A few of the contexts where vicarious liability might be imposed are:

- **Parent/Child:** Nevada law holds parents responsible when their child engages in willful misconduct. People injured by someone's child can collect up to \$10,000 so long as the conduct by the child was intentional.
- **Principal/Agent**
- **Employer/Employee:** In some cases, Nevada law holds employers responsible for the wrongful acts of their employees. These circumstances may include *respondeat superior*; or the negligent hiring, retention, or supervision of an employee.

Under *respondeat superior*, a Nevada employer is responsible for the wrongful acts of their employees when:

- The employee is under the defendant's control, and
- The employee was acting under the scope of their employment

Under the negligent hiring, retention, or supervision of an employee, a Nevada employer is responsible for the wrongful acts of their employees when:

- The employer failed to conduct a reasonable background check to ensure that the employee was fit for the position, or
- The employer hired the employee although the employer knew or should have known the employee had dangerous propensities, or
- The employer retained an employee the employer learned was dangerous, or
- The employer failed to adequately supervise an employee doing a job that could potentially harm others

## Negligent Entrustment

Vicarious liability may also be imposed in cases of "negligent entrustment." You may be able to recover damages in a lawsuit when the following applies:

1. A potentially dangerous object, such as a truck or commercial vehicle was left in the care of another person; and
2. That person knew or should have known that the person entrusted with the care of that truck or commercial vehicle was too inexperienced and/or incompetent to use it safely; and
3. The person entrusted with the truck or commercial vehicle uses it negligently and harms you; and
4. As a result of the negligent actions, you suffer damages

Not only can you sue the person who harmed you, but also the person who entrusted the truck to the person who harmed you. An example of this may be if someone loans a truck to a person who is under the influence.





Chapter 09

# A Word About Damages





## The value of your truck accident case depends upon several variables, including property damage, medical bills, lost wages, and other factors.

Our clients often seek representation in order to receive restorative justice which means they only want to be compensated for the actual damages they incurred, such as medical care or wages lost.

Some people avoid hiring a personal injury attorney because they don't want to appear "sue happy" or because they feel sympathy for the defendant and don't want to cause financial harm to another person.

However, seeking restorative justice is warranted when you have suffered losses due to the negligence or actions of another person. You may need medical care for chronic issues that last for years due to your truck accident. Or, you may lose your job and need financial support while you recover. In some catastrophic injury cases, you may be permanently disabled and must find a way to be supported for the rest of your life. A personal injury attorney can help you recover these losses from various sources including insurance companies and those responsible for your injuries.

The first question many people ask when hiring a personal injury attorney is 'How much is my truck accident case worth?'

Our team will assess your case for the above breached duties of care and we'll calculate what losses you have incurred to determine what recovery is possible.

Rest assured, that if you do not recover damages, you will not owe legal fees for the services we provided or the costs we advance on your behalf. We provide all legal services on a contingency fee basis which means we only get paid if you get paid. And we never take more than you have been awarded. In addition, your initial consultation with us is always free.



## What are the three types of damages?

Determining damages can be difficult, especially when you've experienced losses that do not have a direct monetary value. Any type of compensation requires that you establish negligence and you must prove that the other party has a duty of care to you and that their failure to use reasonable care was the reason you suffered losses.

There are three types of damages that you may receive in a settlement or as part of a court verdict:

### 01 Economic Damages

Economic damages are specific damages that can be calculated and are based upon the fair market price at the time of the accident.

Examples of economic damages may include:

- Loss of wages
- Medical costs
- Property damage
- Living expenses associated with a disability
- Funeral costs in the case of a wrongful death
- Personal care costs

To provide evidence of your concrete monetary losses, you will want to collect and track the following items for your attorney. It is crucial to keep all receipts and to document all the bills you paid for during your injury so that you can receive complete reimbursement:

- Any medical bills (emergency room bills, follow-up doctor visits, physical therapy, diagnostic tests, X-rays, blood tests, physical therapy aids, mobility aids, occupational therapy, travel costs to medical appointments, and prescription costs including over the counter costs)
- Psychological treatment and other mental health costs
- Lost wages due to actual, sustained, and real loss of income including tips and bonuses
- Future lost earning capacity
- Property damage assessments including repair or replacement costs
- Household services including maids, gardeners, child care, or driving costs where you have to now hire outside services for activities you once did yourself

**There is no limit to economic costs that you can recover.**

### 02 Non-Economic or General Damages

Non-economic damages are often immeasurable, such as pain and suffering, emotional distress, loss of enjoyment of life, and loss of consortium. While you can't collect hard evidence such as receipts or bills for these damages, there is a way to collect evidence to prove your losses in these areas.

To prove emotional distress, you may need written evidence from a mental health professional. If you enjoyed certain outdoor activities when able bodied but can no longer participate in the hobbies you once enjoyed, you may be able to document past experiences and activities and provide written medical notes from doctors that show that you are medically prohibited or no longer capable of enjoying those activities.

And if you experience severe injuries and can no longer care for your children or if the accident hurt your marital relationship, these can be shown to have caused loss of consortium.

Disfigurement and disability, both short and long-term are other types of non-economic damages.

### 03 Punitive Damages

When we are able to prove misconduct that goes beyond the standard of negligence, you may be awarded punitive damages which are an extra financial settlement amount on top of your compensatory damages awarded.

According to Nevada law, NRS 42.001, you may receive an award of punitive damages when the defendant's conduct consists of "fraud," "malice," or "oppression."

- **Fraud:** The intentional misrepresentation, deception or concealment of a material fact known to the defendant and made with the intent to deprive you of your rights or property or to otherwise injure you.
- **Malice:** Conduct which is intended to injure you, or despicable conduct which is engaged in with a conscious disregard of the rights of safety of others.
- **Oppression:** Despicable conduct that subjects you to cruel and unjust hardship with conscious disregard of your rights.
- **Conscious disregard:** The knowledge of the probably harmful consequences of a wrongful act and a willful and deliberate failure to act to avoid those consequences

In Nevada, punitive damage awards are generally capped at \$300,000 if the amount of compensatory damages awarded to the plaintiff is less than \$100,000, or three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is \$100,000 or more.

**There is NO limit on the amount of punitive damages if your case involves a defective product, and insurer that acts in bad faith to provide insurance coverage, a person who violates FHA regulations, damages caused by the emission, disposal or spilling of a toxic, radioactive or hazardous material or waste, defamation, or a motor vehicle accident caused by a driver who willfully consumed alcohol and/or drugs.**





Chapter 10

# What is The Difference Between a Settlement and a Trial Verdict?





## The difference between a settlement and trial verdict

A settlement is an agreement between both parties outside of court. In most cases, Henness & Haight Injury Law successfully negotiates a settlement on behalf of our clients though we will go to court to aggressively defend your rights.

A trial verdict involves a jury trial where the court of law provides a ruling.

This is important because Henness & Haight attorneys are committed to getting you fair results. If an insurance company or other defendants are unwilling to settle for maximum value, we take an aggressive approach. Over and over, we have proven that we win when we take our cases to trial and due to our stellar reputation many defendants are unwilling to go to court and choose instead to settle for the maximum value of your case.





# How to Hire a Truck Accident Attorney

The attorneys at Hennessy & Haight Injury Law have been helping clients recover damages and file personal injury claims for more than two decades. To hire us, your initial consultation is free.

Contact our expert legal team today.

[Schedule Your FREE Consultation Now](#)



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