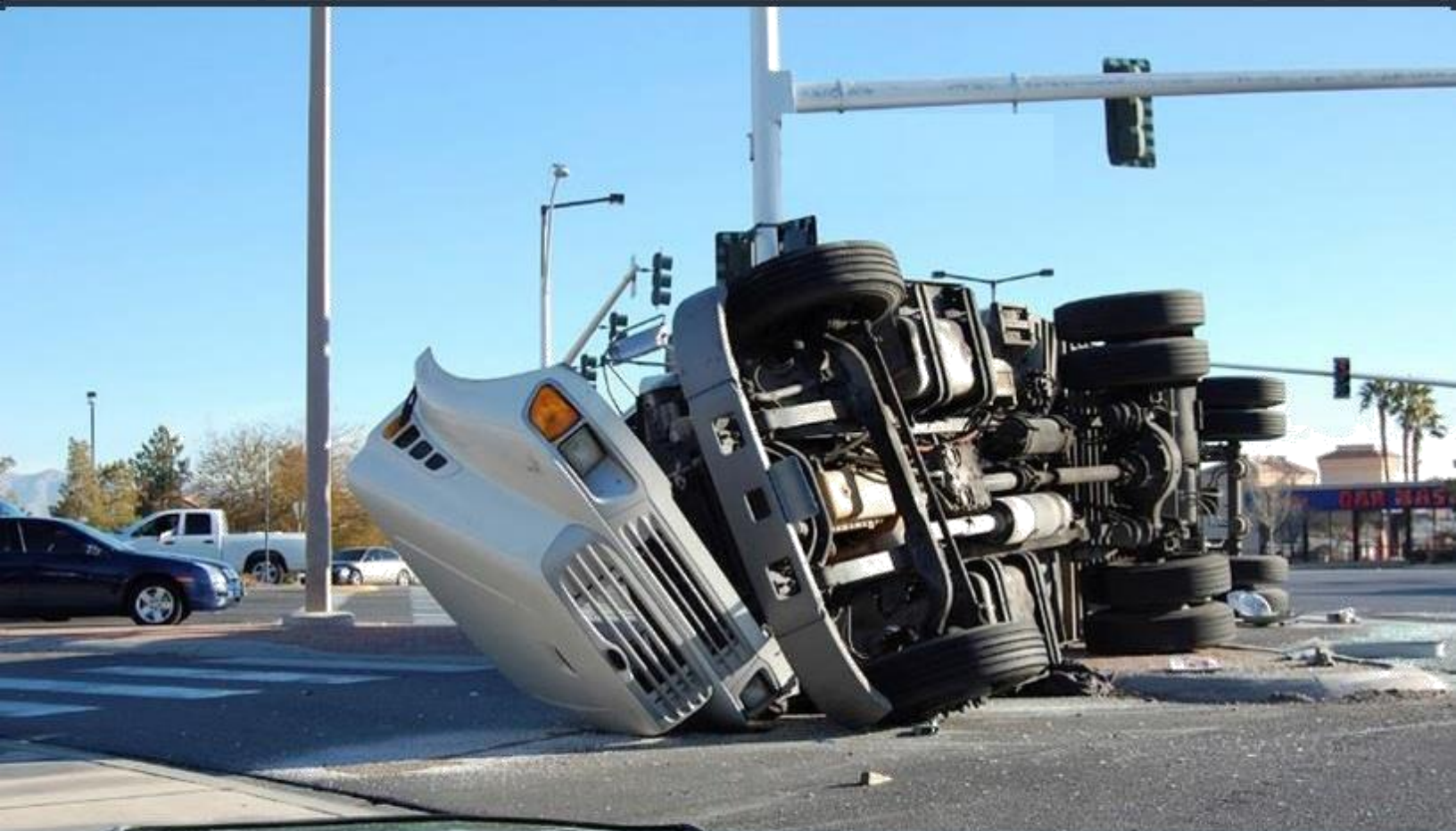


# WHAT DOES FAULT IN CALIFORNIA TRUCK ACCIDENTS MEAN?

*“California is a fault state under its motor vehicle accident liability laws. This means when an individual or company’s negligence causes a collision to occur, those responsible for causing the accident must provide compensation to crash victims.”*



**MICHAEL D. WAKS**  
LONG BEACH AUTOMOBILE ACCIDENT ATTORNEY



If you or someone you love has been hurt in a truck crash, you may be entitled to compensation. California is a *fault* state under its motor vehicle accident liability laws. This means when an individual or company's negligence causes a collision to occur, those responsible for causing the accident must provide compensation to crash victims. Trucking companies carry insurance to pay damages, but victims must pursue a damage claim in order to recover the money they are entitled to by law when someone hurts them.

## HOW DOES FAULT AFFECT LONG BEACH TRUCK ACCIDENT CASES?



A victim who wants to recover compensation for a truck collision must identify the parties responsible for causing the crash and must prove fault. There may be a variety of different individuals and businesses responsible for causing the truck crash. There may also be different standards used to prove each of those people or companies is at fault.

For example:

- A truck driver may be at fault for a truck accident if the driver violates federal or state safety rules or is unreasonably careless. The crash victim will need to prove that a reasonable trucker would have been more careful or that a violation of a safety rule occurred. If the crash victim can prove the driver's negligence or lapse in regulatory compliance was the direct cause of the collision, the trucker should be required to compensate the victim.

- A trucking company may be at fault for a truck accident. The company can be held responsible if the crash victim can prove the company was negligent. A company is negligent if it has substandard policies in place to ensure safety compared with other normal trucking companies. These policies may relate to driver training, truck maintenance, or to ensuring employees follow federal regulations. Trucking companies may also be at fault in truck accidents if the drivers they employ are negligent. This is because California's *agency* rules make employers responsible for the acts of employees.



- A truck manufacturer may be at fault for a truck accident if the truck or its parts malfunction. The manufacturer of the vehicle can be held liable and made to pay crash damages to victims if the victim can prove a defect or malfunction in the truck was the direct cause of the crash. In product defect cases, it does not matter if the company was negligent - proving negligence is not mandated to show fault.



- A truck mechanic may be at fault for a truck accident if the mechanic had a responsibility to repair and maintain the vehicle and was unreasonably careless. The crash victim would need to demonstrate the mechanic had a duty to safely maintain and repair the vehicle, and that the failure to fulfill the duty was the direct cause of the accident.

Identifying the parties who are potentially at fault is the first step in making a truck accident claim. The victims of the crash may then negotiate a settlement with the insurers of those who are at fault. A personal injury or wrongful death lawsuit may also be filed against those who are to blame.



## HOW TO PROVE FAULT AFTER A LONG BEACH TRUCK ACCIDENT



When a truck crash victim files a civil lawsuit, it is up to the victim to prove fault. The victim must prove *by a preponderance of the evidence* that the defendant failed in a duty or breached a legal obligation that resulted in the crash occurring. As the [California civil jury instructions](#) explain, Preponderance of the evidence means a jury in a civil case can find for the plaintiff when the plaintiff's evidence is *more likely than not* to be true.

When a truck crash occurs, there are many different kinds of evidence a plaintiff may present to demonstrate fault. Evidence presented may include:

- Eyewitness testimony. People who observed the accident can provide information on the trucker's actions. If a trucker swerved lanes without looking, for example, the witnesses can provide this information.
- Black box data. Some trucks are equipped with black box data to identify the cause of crashes. These black boxes are similar to the black boxes used in airplanes.
- Expert testimony. Accident reconstruction experts investigate crash causes and provide testimony on how an accident likely occurred.
- Documents and records. There are a number of different records that could be presented to help prove negligence or a rule violation. For example, truckers keep logs of the number of hours driven in order to ensure



compliance with Federal Motor Carrier Safety Administration guidelines on maximum drive time. Trucking companies keep maintenance logs on truck maintenance. Phone records will show if a driver was on the phone, and toxicology reports will show if the trucker was drunk.



It is important to begin the process of gathering evidence to prove fault immediately after a truck accident happens.

## **GETTING HELP FROM A LONG BEACH TRUCK ACCIDENT LAWYER**

*“Your Injuries are Personal to Me”*

At the Law Office of Michael D. Waks, truck crash victims are represented by an experienced Long Beach trucking accident attorney who has the knowledge necessary to help put together a strong case. Let an experienced lawyer help you to prove who was at fault so you can obtain compensation.

Call the Law Office of Michael D. Waks at 888-394-1174 or use the convenient online [contact form](#) to schedule a free consultation. You are under no obligation and you will never pay any money unless you recover damages for your injuries. I offer bilingual services as part of my comprehensive approach to legal representation and I am available 24/7 to talk to you about your case.



## About the Author



Michael D. Waks

Personal injury victims need someone who understands their pain, who is invested in them and will guide them through the complicated maze of their medical and legal worries. They need an attorney who cares about them and their families.

My name is Michael Waks and I am a personal injury attorney in the Los Angeles Area focused on the needs of people who have suffered because of someone else's actions.

While still attending Southwestern University School of Law, I clerked for a big defense law firm that represented manufacturers of asbestos. I read the files and met the people whose lives were ruined by asbestos and I knew, for the rest of my career, I wanted to help people like them: the victims, not the perpetrators.

I have been doing just that for over 30 years. As soon as I passed the Bar I opened the Law Office of Michael D. Waks in Long Beach and began exclusively representing seriously injured accident victims. I decided to be a sole practitioner so I could handle every case personally. I understand clients are different and that in the wake of an accident their suffering will be unique, ranging from physical and financial to emotional.

I tell my clients from the start, "I want you to only worry about one thing, and that is to do exactly what your doctor tells you in order to get better. Leave the rest to me."

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