

COMMERCIAL AND TRUCKING CASES

I. OVERVIEW

A. WHAT IS A “COMMERCIAL MOTOR VEHICLE?” Commercial motor vehicles are designed, engineered and configured to transport many different types of cargo, including people, dry goods, perishable food, frozen food, liquids, bulk freight, prefabricated structures, and heavy equipment. The cargo carried by these vehicles can also include goods that are flammable, explosive and hazardous. The size and weight of the cargo varies widely and dictates the type of commercial vehicle needed. Federal, state, and local laws restrict the size and weight of these vehicles depending on the classification of the road being used by the commercial vehicle.

Section 383.5 of the Federal Motor Carrier Safety Regulations (FMCSR) defines a “commercial motor vehicle” as “a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle –

- (a) Has a gross combination weight rating of 11,794 kilograms or more (26,001 or more pounds) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- (b) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more); or
- (c) Is designed to transport 16 or more passengers, including the driver; or
- (d) Is of any size and is used in the transportation of hazardous materials as defined in this section.”

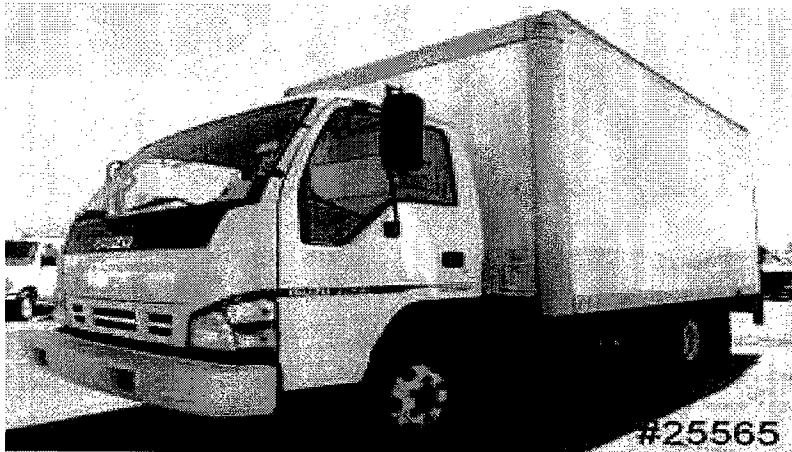


Figure 1. Van body, straight truck.

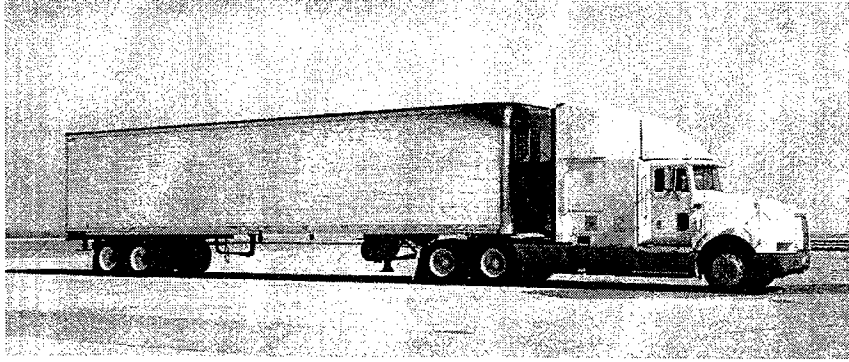


Figure 2. Conventional tractor with sleeper berth and semi trailer.

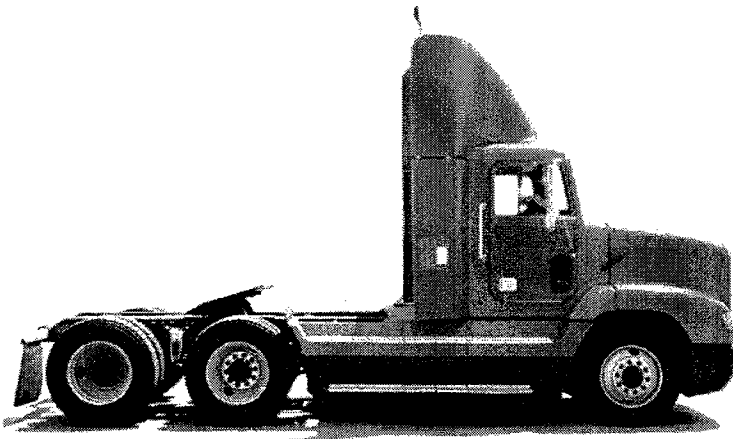


Figure 3. Conventional tandem axle tractor. Also called a bobtail because a trailer is not attached.

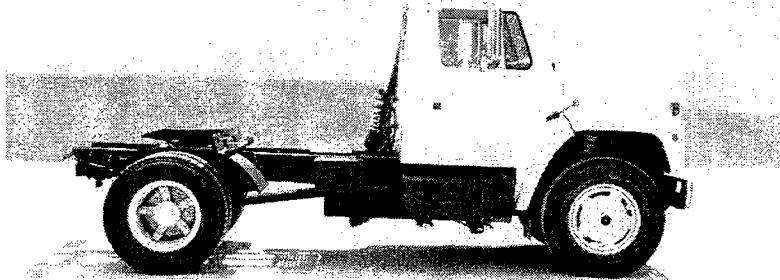


Figure 4. This single axle tractor is called "conventional" because the engine is in front of the driver's compartment. Tractor is also considered a "day cab" because there is no sleeper berth.

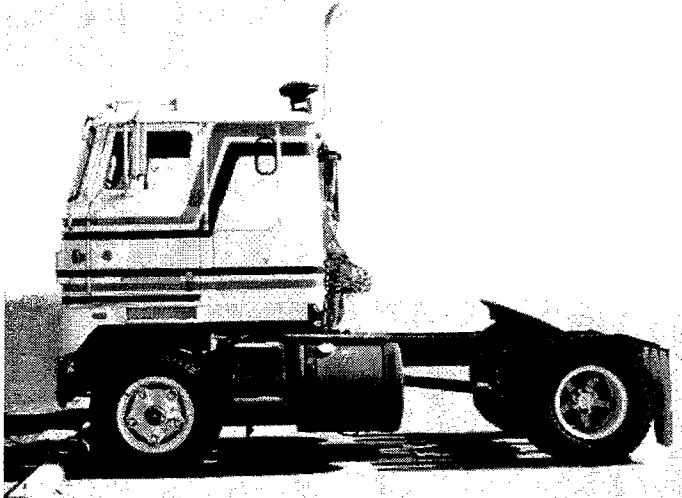


Figure 5. Cab-over tractors are designed with the cab located over top of the engine. These tractors have the advantage of being shorter than conventional tractors and can therefore pull longer trailers while still meeting the maximum length laws for combination vehicles.



Figure 6. Semi trailers are the cargo carrying units of combination vehicles. Note the retro reflective tape down the side of the trailer to prevent under-ride collisions. A semi trailer is considered a "vehicle."



Figure 7. Buses are large passenger carrying vehicles, equipped with seats or benches, usually operating along a fixed route or as part of a scheduled service.

Manufacturers of trucks, tractors and semi trailers, and buses determine and set the weight ratings for each vehicle they manufacture. It is important to recognize that the gross vehicle weight rating (GVWR) and the gross combination weight rating (GCWR) are not only the manufacturer's design specifications and load limits, but that they also become the legal load limits for that particular vehicle. If a truck or trailer is loaded heavier than what the manufacturer deems safe, then the motor carrier, the driver and the shipper have all violated the law.ⁱ The weight and size characteristics of commercial vehicles are dynamic variables when considered in relation to a commercial motor vehicle collision. These variables influence the choice of appropriate methods and technology to employ in the investigation.ⁱⁱ

Each state has its own rules regarding maximum vehicle size and weight. These rules can vary greatly, or subtly, from state to state. Each state's department of motor vehicles can be contacted to determine the limits for any particular highway. The weight limits for commercial motor vehicles traveling on North Carolina roads and highways can be found in N.C.G.S. § 20-118. On most state roads and interstates, the maximum gross vehicle weight for a typical tractor-trailer with five (5) axels is 80,000 pounds. By comparison, this is approximately 30 times the weight of most passenger cars.ⁱⁱⁱ Some states, like Montana, allow larger and heavier vehicles on their highways, and some states, like North Carolina, have lower maximum vehicle weight limits for smaller roads.^{iv}

The maximum length of most straight trucks is generally limited to 42 feet in most states. In North Carolina, that length is limited by N.C.G.S. § 20-116 to 40 feet in overall length inclusive of front and rear bumpers. Tractors and semi-trailer combination vehicles are built in a variety of lengths up to a maximum semi trailer length of 53 feet and an overall combined vehicle length of 60 feet.^v

If a driver is pulling a set of double trailers, then the length limit is 28 feet 6 inches in most states. These restrictions are fairly uniform throughout the United States.^{vi} In North Carolina, a tractor pulling two trailing units may be operated only on interstate highways, and the semi-trailers can not be more than 28 feet in length.^{vii} North Carolina General Statute § 20-115.1 recognizes an exception to this trailer length restriction if the semi-trailer is a 1982 model or older, in which case the trailer can be up to a maximum of 28 feet 6 inches long.

For most federally funded highways, which includes most interstate highways, the maximum width of any vehicle is 102 inches, and the maximum height is 13 feet, six inches. The maximum length is regulated on a state by state basis.^{viii} The various size and weight configurations of commercial vehicles depends on the type of load being hauled as well as the motor carrier's desire to deliver the load as efficiently as possible.

From a motor carrier's perspective, consolidating loads means lowering costs and increasing profits. Understanding what motivates a motor carrier is important if you are going to handle commercial motor vehicle cases. Most commercial motor vehicle collisions have an underlying or root cause. One of your goals, as a plaintiff's attorney,

