

FROM FARM ROADS TO FREEWAYS:

Tackling The Challenges
Of Commercial Vehicle
Accidents In Kentucky



A WHITE PAPER PRESENTED BY
HICKS & FUNFSINN
KENTUCKY LAWYERS



Commercial vehicles are all around us. They are the semi-trucks that lumber through the Kentucky countryside along I-64, I-75, and other roadways. They are the Amazon delivery trucks that frequent our neighborhoods on a daily basis. And they are the Uber and Lyft vehicles that may be indistinguishable from passenger cars but nonetheless operate within a pseudo-commercial framework.

These vehicles have become indispensable to our modern economy. They have also increasingly become culprits in vehicle collisions.

Commercial vehicle crashes are not just statistics – they are real stories of individuals and families grappling with the aftermath of serious injuries and devastating losses. Survivors are often left with overwhelming medical expenses, lost wages and long-term rehabilitation needs. Surviving family members are left with caregiving burdens, lost wages from their own missed work, and countless other financial and emotional impacts.





Personal injury claims offer an avenue for justice and fair compensation after a crash. However, commercial vehicle accident claims involve more complex considerations than collisions between normal passenger vehicles. The complexity arises from numerous factors:

- The nature of commercial vehicle operations, which often involve multiple parties, such as drivers, employers, and shipping companies
- The presence of commercial insurance policies, which can pose greater challenges and greater opportunities for compensation
- The existence of highly intricate federal regulations governing some aspects of commercial transportation, such as trucking





For survivors and their families, pursuing a personal injury claim against a commercial vehicle company is often about more than securing compensation. It's also about holding responsible parties accountable and preventing future tragedies. Experienced personal injury attorneys play a crucial role in this process, guiding victims through the legal maze and fighting for the justice and compensation they deserve.

In this paper, we will explore the various facets of commercial vehicle accidents and the challenges they present. We will also identify the key factors to a successful recovery.





WHAT DO WE MEAN BY COMMERCIAL VEHICLES?

When we think about commercial vehicles, images of towering tractor-trailers often come to mind. However, the spectrum of commercial vehicles is much broader and more inclusive than just semi-trucks. Essentially, any vehicle covered by a commercial insurance policy falls under this category. This means that commercial vehicles can be owned by individuals, such as owner-driven semis and rideshares, or by small to large companies.



THE PREVALENCE OF COMMERCIAL VEHICLE ACCIDENTS IN KENTUCKY

Commercial vehicle accidents are more prevalent than many of us realize. In 2022 alone, there were more than 10,000 truck accidents statewide, 102 of which were fatal.¹ When you consider that Uber, Lyft, and delivery van accidents aren't included in these statistics, it's apparent that commercial vehicle accidents account for a significant portion of traffic incidents.

IN
2022

10,000+
TRUCK
ACCIDENTS

Statewide

102
FATAL



WHAT CAUSES THESE ACCIDENTS?

The causes of commercial vehicle accidents are varied, but several common factors stand out, such as:

DRIVER FATIGUE

Long hours behind the wheel can impair driving abilities. In fact, studies have shown that drowsy driving can be just as dangerous as drunk driving.²

DISTRACTED DRIVING

Use of mobile devices or other distractions while driving can lead to catastrophic accidents.

POOR VEHICLE MAINTENANCE

Inadequate or shoddy maintenance can result in mechanical failures at crucial moments.

WEATHER CONDITIONS

Kentucky's weather can be unpredictable, with rain, snow, ice, and fog contributing to hazardous driving conditions.

TRAFFIC VIOLATIONS

Speeding, driving too fast for the road conditions, improper lane changes, and other violations are common issues that lead to crashes.

THE DEVASTATING IMPACT OF THESE ACCIDENTS

The consequences for victims of commercial vehicle accidents are often severe, impacting their lives physically, emotionally, and financially.

Physically, victims may suffer from serious injuries, such as broken bones, spinal injuries, traumatic brain injuries, or even death. These often require long-term medical care and rehabilitation.

The emotional impact is also significant. Survivors and their loved ones often suffer from depression, anxiety, post-traumatic stress disorder (PTSD), and other psychological complications following an accident. These emotional challenges can affect their ability to work and maintain relationships, further complicating the recovery process.

Financially, the aftermath of a commercial vehicle accident can be devastating. Medical bills, rehabilitation costs, and lost wages can quickly accumulate, placing a significant burden on victims and their families.

Furthermore, dealing with insurance companies and legal claims can add to the stress, especially when trying to prove liability and secure fair compensation.



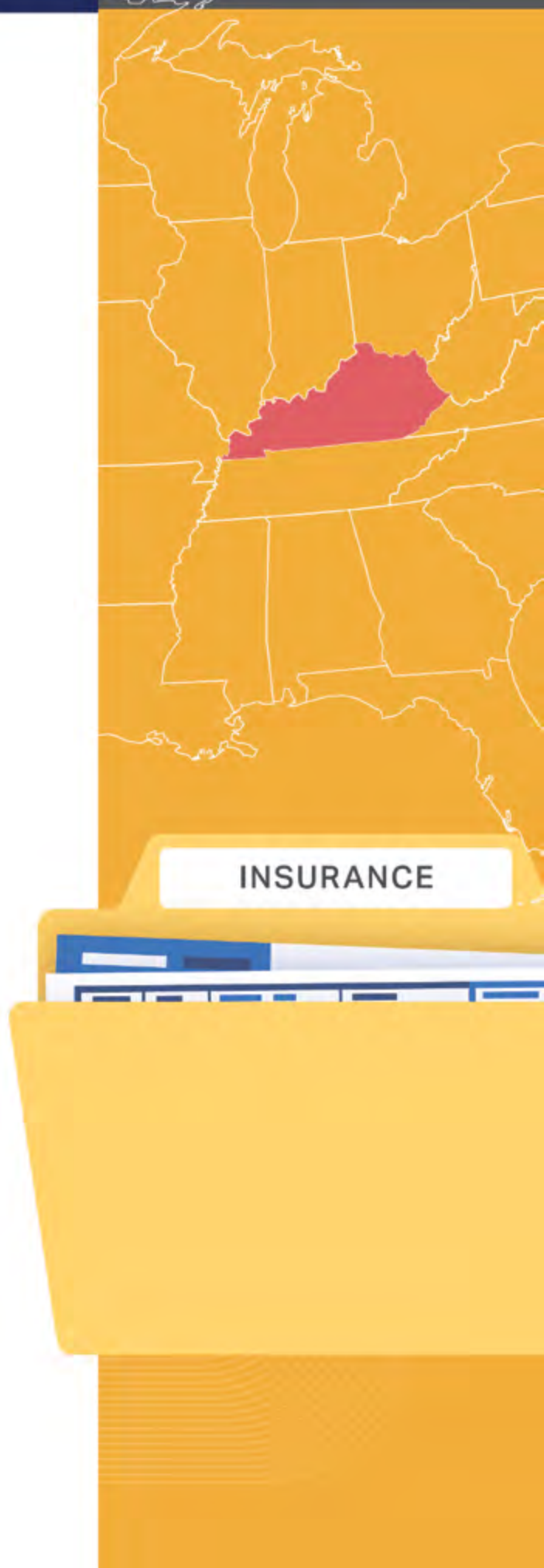
UNDERSTANDING KENTUCKY'S LEGAL FRAMEWORK FOR PERSONAL INJURY CASES

Kentucky's personal injury laws are an important backdrop for understanding your rights and options after a commercial vehicle accident. Here are some things to know.

Fault Vs. No-Fault Insurance

When it comes to auto insurance, Kentucky is a "choice no-fault" state, which means that drivers can choose between no-fault insurance and traditional tort liability insurance.

If you have no-fault insurance, which is the default option, then you can seek compensation through your own insurance without proving fault. Your "personal injury protection" (PIP) coverage will streamline the recovery of medical expenses and lost wages. However, basic PIP coverage will only cover up to \$10,000 in medical bills and lost wages.





Therefore, the best avenue for seeking full and fair compensation after a commercial vehicle crash is by making a claim against the at-fault driver, their employer, and their insurance companies. Many commercial vehicles are covered by multiple layers of insurance coverage, but discovering all available insurance proceeds requires the skill and expertise of a seasoned injury attorney.

COMMERCIAL INSURANCE POLICIES

Commercial vehicles often have higher insurance policy limits than personal vehicles. This is because many commercial vehicles have the potential to cause much more significant damage, given their size, weight, and greater time spent on the road. Even smaller vehicles, like personal cars driven for Uber and Lyft, are covered by commercial policies while in service.





The higher insurance policy limits associated with commercial vehicles are particularly relevant in cases of severe accidents. These higher limits mean greater coverage for extensive medical bills, long-term rehabilitation, and significant property damage. For victims, seeking compensation from commercial insurance policies means a higher likelihood of recovering the full extent of their financial losses compared with personal auto insurance policies.

However, succeeding in a commercial insurance claim can be more challenging than when dealing with personal auto insurance. Commercial policies typically involve more complex claims processes, which can impact the strategy for pursuing compensation. Commercial insurers are financially motivated to avoid or reduce large payouts. Enlisting the help of a seasoned attorney is critical for making sure that insurance companies fulfill their obligations.

RIDESHARE INSURANCE POLICIES

Rideshare insurance policies, such as those for Uber and Lyft drivers, are designed to address the unique circumstances of rideshare operations. Personal auto insurance policies generally exclude coverage for commercial activities like ridesharing. Commercial insurance coverage through the rideshare company fills in gaps that would otherwise leave drivers and passengers vulnerable. Rideshare insurance limits are typically much higher than personal auto insurance and can provide a greater source of recovery.

A key challenge with rideshare insurance is understanding when coverage from the rideshare company kicks in versus when a driver's personal coverage applies.



Typically, rideshare insurance recognizes three distinct periods:

PERIOD **1**

When the driver is logged into the app but has not yet accepted a ride

PERIOD **2**

When the driver is en route to pick up a passenger

PERIOD **3**

When the passenger is in the vehicle

During period 1, the coverage is often limited to liability only, which might not be sufficient for all incidents. Once a ride is accepted (periods 2 and 3), more comprehensive coverage usually applies, including liability, collision, and uninsured/underinsured motorist coverage.



COMMON DEFENSES USED BY COMPANIES AND INSURERS

Companies and their insurers often employ a variety of defenses to mitigate liability in commercial vehicle accidents. Common defenses include:

- **Comparative fault:**
Defendants often argue that the victim's actions contributed to the accident. If successful, these arguments can reduce the victim's compensation by the percentage that the victim is deemed to be at fault.
- **Lack of causation:**
Defendants may claim that the accident was not directly caused by the company's or driver's negligence.
- **Independent contractor defense:**
The defendant may argue that the driver was an independent contractor and not an employee, thus shifting liability away from the company.
- **Insufficient evidence:**
The defendant may challenge the strength of the evidence or present evidence to counter the victim's claims.



Additionally, insurance companies are notorious for delaying claims. They may needlessly withhold payouts, even in strong cases. Having a skilled lawyer on your side can help put the right pressure on the company to ensure a swift and fair recovery.

STRATEGIES FOR PROVING LIABILITY IN COMMERCIAL VEHICLE ACCIDENTS

Even if you have no-fault insurance, in a serious accident, your damages will almost certainly exceed your own insurance limits. This means that you will need to seek compensation from the commercial driver's insurance, which will require proving fault. There are several strategies for doing so.





Recovering Data From Semi-Trucks

Semi-trucks have Event Data Recorders (EDRs) that function like “black boxes.” They store data such as vehicle speed, brake usage, and engine performance at the time of the collision. Some semis even have dash cameras that capture footage when a crash happens. By retrieving and analyzing this data, a legal team can reconstruct the events leading up to the accident, helping to establish fault and counter any defenses put forth by the trucking company or its insurers.



Uncovering Regulatory Violations

Identifying any regulatory violations is a critical component in establishing liability in commercial vehicle accidents. Many commercial vehicles are subject to stringent federal and state regulations designed to promote safety on the roads. These regulations cover driver qualifications, hours of service, vehicle maintenance, and cargo securement, among other things. When a commercial vehicle accident occurs, a thorough investigation can reveal whether any of these regulations were violated.

For instance, if a semi-truck driver exceeded the legal hours of service, that could indicate fatigue as a contributing factor to the accident. Similarly, inadequate vehicle maintenance records might suggest negligence on the part of the company or owner. Identifying these violations not only strengthens the case by demonstrating negligence but also helps uphold the enforcement of safety standards that protect everyone on the road.



Involving Experts

Working with experts is another essential strategy in building a robust case for commercial vehicle accident claims. By leveraging the right experts, an experienced lawyer can strengthen their arguments, counter defenses posed by the opposition, and enhance the likelihood of securing fair compensation.

Experts bring specialized knowledge and insights that can be pivotal in proving negligence and establishing liability. Accident reconstruction specialists, for instance, can analyze the physical evidence from the crash scene, vehicle damage, and EDR data to re-create the accident's sequence of events. Their expertise can help clarify the circumstances leading to the collision and pinpoint contributing factors, such as excessive speed or failure to brake in time.

Medical experts may also play a role in securing a favorable recovery. They can articulate the extent of injuries sustained in the accident and the long-term impact on the victim's life. They can also provide detailed assessments that support claims for medical expenses, rehabilitation costs, and pain and suffering.



Additionally, industry experts in commercial vehicle operations can provide testimony on regulatory compliance and safety standards, identifying any deviations that may have contributed to the accident.



SEEKING DAMAGES: WHAT YOU CAN RECOVER

Victims of commercial vehicle accidents can seek various types of damages, including:

MEDICAL EXPENSES

Covering both current and future medical costs related to the accident

LOST WAGES

Providing compensation for income lost due to the inability to work

IMPAIRMENT OF ABILITY TO EARN MONEY

Providing compensation for income lost in the future due to the inability to work

PAIN AND SUFFERING

Addressing the physical and emotional distress caused by the accident

PROPERTY DAMAGE

Covering the repair or replacement of damaged property

In rare cases, punitive damages may also be available. These are additional financial awards to the victims in cases involving extreme wrongdoing, such as drunk driving.

Wrongful Death Claims For Fatal Accident Cases

Tragically, some commercial vehicle accidents result in fatalities. In such cases, wrongful death claims can be pursued by the surviving family members. These claims aim to compensate the family for the financial and emotional impact of losing a loved one. They can cover damages like funeral expenses, loss of companionship, and loss of future financial support.



Statute Of Limitations: Timely Action Is Crucial

In Kentucky, the statute of limitations or legal deadline for motor vehicle claims, including those involving commercial vehicles, is generally two years from the date of the accident.³ However, the deadline is more complicated in cases involving wrongful death and loss of consortium claims.⁴ Failing to file a claim within the applicable time period means losing your right to seek compensation. For that reason, it's advisable to consult with a lawyer promptly after an accident. In addition, valuable evidence can be lost forever if an injury attorney is not retained soon after a crash.



MEET OUR AWARD-WINNING COMMERCIAL ACCIDENT LAWYERS

At Hicks & Funfsinn, PLLC, we care about making a difference in the lives of those impacted by commercial vehicle accidents. We also believe in the power of civil litigation to hold negligent companies accountable and help make our roads safer for all. Based in Lexington, Kentucky, we handle commercial vehicle accidents statewide.

Our legal team includes award-winning lawyers with over 50 years of combined experience. Several have been selected for inclusion in Kentucky Super Lawyers and Rising Stars, including the following:



JOSH HICKS

A Marine Corps veteran and former police officer, Josh has long dedicated his career to the service of others. He now works to advance the rights of injury victims. He has won numerous forms of professional recognition for his work and taught classes and seminars.



GREG FUNFSINN

A former prosecutor for the second-largest prosecutor's office in the United States, Greg brings a strong litigation and appellate background to the practice. He has secured many successful verdicts in high-stakes injury claims, including complex motor vehicle accident cases.



KENNETH HUMAN

Kenny's background in insurance defense is a significant asset for plaintiffs seeking justice in personal injury cases. Having represented businesses and individuals in complex cases, he understands the defense strategies used to minimize claims. This insight allows him to counter such tactics and advocate for injury victims more effectively.



LANGDON RYAN WORLEY

Langdon brings a wealth of trial experience to the practice. Having previously represented corporations, she understands how to go toe-to-toe with powerful companies in commercial vehicle accident cases. She has lectured on various litigation-related topics and published an article in *DRI Trial Tactics Magazine*.



HICKS & FUNFSINN

KENTUCKY LAWYERS

SOURCES

- 1 Kentucky State Police Traffic Collision Facts (2022)
- 2 National Sleep Foundation, "Drowsy Driving vs. Driving Under the Influence" (Oct. 31, 2021)
- 3 Kentucky Revised Statutes (KRS) § 304.39-230
- 4 KRS § 413.140

CALL our firm: (859) 544-2394

VISIT our site: www.hfkylawyers.com

SHARE this white paper:  

The content of this paper is provided for informational purposes only and does not constitute legal advice.
© 2025 Hicks & Funfsinn PLLC. All rights reserved. Design and editorial services by FindLaw.

