

ARTICLE

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Recovery Options When Faced With A Fatal Truck Accident In New Jersey



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Government statistics show that fatal truck accidents are increasing nationwide. It is important to make yourself aware of your right to compensation, should you find yourself in such circumstances.

According to recently released information from the federal government, drivers in New Jersey and across the nation need to be aware of a growing threat plaguing the nation's roads. The Federal Motor Carrier Safety Administration (FMCSA) recently announced that the number of [truck accidents](#) has

increased to the point where there are now 11 fatal accidents nationwide each day. According to the agency, the number of such fatal accidents increased 18 percent during the 2009-2012 period.

What is more shocking about the announcement is that this significant increase happened during a period of economic recession when lower demand meant fewer trucks were on the road. During this period, the number of trucks on the nation's roadways decreased by 2.86 percent. Additionally, this increase in fatal accidents occurred as trucks drove fewer miles. The FMCSA statistics showed that the average miles driven decreased by an average of 2.67 percent between 2009 and 2012.

If there are fewer trucks driving fewer miles, why did the number of fatal accidents increase? Industry experts blame the problem on several factors. Since the job of a trucker is one that requires long solitary hours on the road and pays relatively low wages, trucking companies have scrambled to hold on to experienced truck drivers. As turnover is high in the industry, trucking companies have been forced to hire more inexperienced drivers, which increases the possibility of accidents.

Additionally, the truckers that remain in the industry toil under a "time is money" mentality. The job of a truck driver is one of strict deadlines that reward drivers that do what they can to meet them. As a result, many drivers are under pressure from themselves and employers to cut corners, which means that safety regulations (e.g. minimum hours of sleep, regular truck maintenance) are often given short shrift.

Legal remedies in New Jersey

In New Jersey, driver fatigue and other examples of negligence are a leading cause of truck accidents. Unfortunately, when these accidents happen, the large difference in size and weight between a car and truck makes it significantly more likely that someone will be killed. Aside from the emotional loss, fatal truck accidents caused by negligence can leave spouses and children with unexpected financial losses (e.g. loss of income). Fortunately, New Jersey law gives family members the right to seek recovery for these losses in a [wrongful death lawsuit](#).

Wrongful death occurs when someone is killed by the negligence or carelessness of someone else. The purpose of this type of legal action is to compensate the decedent's dependents for the financial losses caused by the death. In New Jersey, this type of lawsuit is not filed by the family members themselves, but by the administrator of the decedent's estate on behalf of the aggrieved parties. Under the law, any recovery is distributed to the decedent's spouse, children and other relatives that are dependent on the decedent's support or income.

Under the law, compensation for several types of financial losses may be recovered. Examples include:

- Loss of present and future wages
- Funeral and medical expenses
- Loss of retirement benefits
- Loss of the decedent's services to his or her spouse, children or parents

If a loved one has been killed in a truck accident, it may not immediately be known whether driver or trucking company negligence was involved. Because of this fact, it is important to immediately [consult with an experienced personal injury attorney](#). An attorney can work with investigators to determine the causes of the accident and ensure that your right to compensation is protected.