



# FLORIDA TRUCK ACCIDENT GUIDE

*What To Do If You're  
Seriously Injured In A Truck Accident*



If you have been injured in a truck accident, we want to extend our deepest sympathy. These accidents can leave you so severely injured, and sometimes it's beyond repair. You deserve full and fair compensation for your injuries and we want to work to get that for you. Our experienced Florida truck accident attorney will

guide you through that process.

## INJURIES TRUCK ACCIDENT SURVIVORS SUFFER

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You are probably familiar with how severe the injuries are that come from truck accidents. If you have been in a truck accident, you may be suffering from any of the following injuries:

- » Fractures
- » Broken bones
- » Internal organ damage
- » Traumatic brain injury
- » Concussion
- » Spinal cord injury
- » Paralysis

Truck accidents cause extreme injuries that can seriously affect your life. They may be permanent and they may totally change your day-to-day living. If you are left badly hurt after a truck accident, you are probably hoping for a successful truck accident claim to help you get compensation for your injuries. The worse your injuries are, the more treatment you need, the more you could be compensated for.

# ADVICE FOR A SUCCESSFUL CLAIM

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There are several dos and don'ts in regard to truck accident claims that you need to be aware of. If you want to see your claim be successful, you'll take these tips seriously. Here is what you should know:



## *Seek medical attention after the accident*

Priority number one after the accident is your health. If you are in dire need of medical attention, do not ignore your pain. Get to the doctor as soon as you possibly can. You want to call the police after the accident, and if they tell you to get on an ambulance, you should comply. Don't worry about the expense, worry about your wellbeing. You want to start treatment as soon as possible.

## *Collect evidence from the scene of the crash*

If you are able to stay at the scene after the crash, you should take as many photos and videos of all parts of the scene as you can. You should also take statements from witnesses as well as get their contact information. Lastly, do not leave the scene without the insurance information from the other driver(s). The police officer called on the scene should also gather this information, but you should get it for your own records too, if possible.

## *Do not talk to the insurance company*

This is very important. You do not want to give the insurance any information that would hurt your case. What you can tell them when they call is that you were involved in the accident. Past that, you don't have to give them any further information. You can tell them that all other communication can go through your attorney. That way they can't twist your words. Their main goal is to reduce your compensation or throw out your claim entirely.

## *Be aware of the statute of limitations*

In Florida, you have four years from the date of your truck accident to either bring your claim or settle it. What you might not know is that putting together a successful claim takes time and requires urgent action. If you are waiting until a week before your statute of limitations run out, you might not be able to bring that claim. You can't get everything you need together overnight. It takes some time and should not be rushed. While you have those four years, you don't want to spend them sitting and waiting to talk to an attorney. You want to get to an experienced Florida truck accident attorney right away so they can spend that time preparing your case to be strong, successful, and get you the compensation you deserve.



## HOW TO GET COMPENSATION

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In Florida, if you were injured in your own vehicle, you have the option of turning to your own insurance for coverage because we are of the few states that have no-fault insurance. This will cover all of your medical expenses and your lost wages as well as anything you have had to pay for out of your own pocket relating to this accident.

In cases where there was a severe injury such as loss of bodily function, scarring/disfigurement, or an injury that you will have to live with forever, you will be able to bring a claim against the negligent party. It's so important that you have an experienced attorney because with a truck accident, there are a lot of parties that could be at fault. You have the driver of the accident, the owner of the truck, the company that put the truck together, etc. Figuring out who is negligent will give you the information you need to bring the suit, and there may even be multiple parties.

Once you know who you are bringing a suit against, you can work with your attorney to get the most compensation possible. Fortunately, you can be mostly at fault and still be able to get compensated. The way it works is that your award, however much that may be, is reduced by the percent you are found to be at fault for. You want an attorney who will protect your right to full and fair compensation.

## FREQUENTLY ASKED TRUCK ACCIDENT QUESTIONS

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### *How Do I Pick the Right Attorney?*

I've been asked, "How do you select the best attorney to represent you in a truck accident case?" My answer is, number one, research the qualifications of the attorney. How long have they been practicing law? Have they taken cases to trial? Are they afraid to spend money on the cases that they're prosecuting? Some lawyers don't have the wherewithal to prosecute cases, so it's critically important that you look at the background and qualifications of the attorney that you're looking to hire.

### *What Are the First Steps to a Case?*

When I meet with new clients that have been injured by a truck accident here in the Tampa Bay area, I get asked, "What are the steps that are necessary and important for us to be able to establish our case and prove it?" First and foremost, you need to be getting your medical care and treatment to get well and try to recover from your injuries, damages, and losses. That is the most important thing for you to do to make sure that you're getting better.

Sometimes we have clients that say they're tough. They say, "I can heal on my own. I don't need to see doctors." Generally speaking, that's not a good idea. You need to get medical care and treatment, and you need to follow the recommendations and advice of your doctors. They're your trusted healthcare

providers and they want to help you, so don't try to tough it out alone. Get that medical care and treatment. That's step number one, and we're going to be making sure that you're doing that.

Step two, we're going to be doing our investigation about how the accident occurred. We're going to make sure that the vehicles are photographed. We're going to make sure that the scene is preserved and photographed. We're going to be making sure that witness statements are obtained. We're going to be looking to GPS information that's available from the truck company. Many commercial truck carriers have GPS information on their vehicles, and we're going to be obtaining the vehicle black box information. That's the event data recorder that you probably have in your vehicle and don't even know it and is likely also in the truck vehicle as well. We're going to be using our trusted investigators to obtain that information because that's very critical.

The third step is we put this all together once we know the full extent of your injuries and damages. That's when we're going to be pursuing your rightful claim to injuries and losses for what you have sustained to make sure that you, indeed, are fully and fairly compensated for what you have gone through. Those are the steps that we take when we pursue a trucking accident here in the Tampa Bay area.

## *Should I Take a Settlement Offer?*

The injuries from a commercial trucking accident can be completely devastating and life-long. Usually, it's not a minor injury when a commercial truck is involved.

There's usually not some kind of low limitation of available funds to pay for a commercial trucking injury. That means that the person who's been injured in a commercial truck accident has to hire a law firm that knows how to prosecute commercial trucking negligence, which can be wide-ranging. The accident might not have been caused just by the negligence of the truck driver; it can be the negligence of the industry that he works in, including the supervisors, and everybody that goes into making decisions about how freight is being transported on the highways of our country.

What's important to understand is that under no circumstances should anybody even contemplate a first offer or even talking to somebody – a commercial trucking representative or the insurance company – about resolving a claim. What's important is that they call our firm and let us work up all the damages. They can be life-long, and they can be absolutely devastating. You don't want to leave money on the table.



## *What Do I Do After My Accident?*

I've been asked, "What are the best things to do after an accident with a commercial truck, here in Florida?" Number one, anyone who's been injured in a truck accident needs to get medical treatment. Number two, contact an attorney with experience in truck accident cases. Sometimes, the insurance companies that represent these trucking compa-

nies will send somebody to the scene within minutes of it occurring, and so it's important that you get a hold of an attorney who understands the urgency of investigating the scene. They will be getting statements from witnesses, taking photographs of the vehicles involved and tire marks, making sure that the truck complied with all of the requirements under the law, that the driver was properly disposed to driving the vehicle, and that they weren't intoxicated.

## *What is the Difference Between a Car and a Truck Accident?*

You may be wondering what the difference between a car and a truck accident claim is. A truck accident claim is actually much different than a simple auto accident or car accident claim. In Florida, there are specific rules and regulations that apply to the truck driver. Number one, they have to have a special license to be driving that truck. There are special rules and regulations that apply to the company that owns that vehicle. There have to be safety inspections on that vehicle. It has to be roadworthy, for example. The driver can't have been driving that vehicle for a prolonged period of time. There are special regulations

that apply to prohibit the driver from using a cell phone while that truck is being operated.

These claims are indeed different than a car accident claim because you're dealing with a whole host of new and different regulations that apply to that truck accident claim. When we undertake representation on a truck accident claim, we're going to be in this evidence gathering state very early on in the case to be able to document the accident and the vehicles involved. We're going to be sending out our investigators to try to inspect the vehicle to obtain the event data recorder or the black box, if at all possible. Those are the things that we're going to be doing because there are those specific rules and regulations that do apply to truck accident claims in the state of Florida. Allow us to start working on your case right away because time is of the essence and you don't want to lose that valuable information.

## *Should I Talk to the Insurance Company?*

You may be wondering if you should talk to the lawyer or insurance company who represents the trucking company. Absolutely do not engage in any kind of dialogue with the attorney for the trucking company or their insurance company. They are not your friend. They have one goal and that is to settle the case for the least amount of money possible. Anything you say to that person can ultimately come back and hurt your case. It's important that you talk to an experienced attorney who handles these sort of trucking cases, so that he can help you navigate these difficult circumstances.

## *What Mistakes Should I Avoid Making?*

When a person is injured from the fault of a truck driver, the owner of that company will begin an investigation immediately. One of the things that they will do is they will try to take recorded statements, not just from witnesses, but from you if you're injured in that accident.

First and foremost, talk to a lawyer. We're here to give you free legal advice before we even represent you, and we're a good sounding board for you to know before you begin talking to insurance adjusters or safety directors from

trucking companies. I would also stress to you that time is of the essence for you to be retaining an attorney to protect your rights. The insurance company and the trucking company are going to begin their investigation immediately. They're going to be out photographing vehicles and the accident scene. They're going to be looking to see if there's any video that would capture any aspect of the accident scene. They're going to be looking to see whether there's any cell phone information that they can be gathering. They're going to be looking to see if they can gather the black box information on the vehicle, which is the event data recorder, not just on the truck vehicle but potentially on your vehicle as well.

You need representation, and you need representation right away. Come talk to us so that we can begin our investigation in earnest to find out this information that we may have to present in a courtroom one day down the road. You don't want to see that information get lost. We need to preserve that information right away through our own investigation, so please contact us right away because we want to be an advocate for you, to make sure that your rights are protected.

## *How Much Will My Case Be Worth?*

A truck accident injury claim can have value, not only because of what the losses are that our clients suffer, but sometimes because of egregious conduct by the trucking industry itself. In a commercial trucking claim, the rules about how long drivers can be awake, how long they can be on the road and everything else all play into the negligence of how an accident occurred. What's critical for us is that, when we get a commercial trucking claim, we look to the various factors as to how that accident occurred.

A commercial trucking claim can result in severe injury because of the amount of mass that is usually impacted on another motorist when that happens. In terms of assessing the value in what can be recovered, it's going to include the full medical bills, the full way that it's affected the person's life, the way it's affected their relationships and their family, and their ability to earn money in the future. What is really important is to understand how the accident happened, because there are ways in which the negligent drivers of commercial trucks can be held to the higher standard that can result in greater compensation for our clients.

## *How Long Will This Case Take?*

You may be wondering after your truck accident, “How long is this going to take?” There’s a sense of urgency to get a case wrapped up, but the problem is you can’t do it successfully without taking some time to get it right. You can’t go to the insurance company or the commercial trucking company and say, “Give us a little bit now and we’ll come back for more later.”

We’ve got to put a case together and it’s going to take time, and we want to have that case fully developed on both the injury side and the negligence side before it’s resolved. Sometimes that requires that we file a lawsuit. We make that decision because we know there’s value in doing so and that it has greater value for us to get into a posture of prosecuting the claim in a formalized context where we have subpoena power, the ability to get actual records, and the ability to get actual documentation and proof of the negligence of the commercial truck driver.

All of those are what makes a claim valuable, which means that we’ve got to take time. Be patient and give yourself the opportunity to let your lawyer do everything they can. Sometimes that can take years.

## *How Long Do I Have to File My Claim?*

When I meet with new clients that have been injured in a truck accident, they often ask me, “How long do we have to file this claim?” In Florida, the statute of limitations for filing a claim against a truck driver or a trucking company is four years from the date that the accident occurs, and that’s very important. We’re not going to wait four years before we pursue the claim..

## CALL OUR TAMPA OFFICE TODAY

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If you have been seriously injured in a truck accident, we will help you fight for your rightful compensation. Please call our Florida truck accident attorney today to set up a free consultation to see how we can win your case.



## CREATED BY PERENICH THE LAW FIRM

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Brothers and founding partners of PERENICH The Law Firm, Greg, Tim, and Terence maintain their mission to continue the legacy their father, Guy Perenich, began decades before. Together, the

brothers reaffirm their connection to the community they've always called home, through the vocation of legal advocacy, in service to righting the wrongs of injustice.

PERENICH The Law Firm was built upon a foundation of values and principles Guy Perenich taught his sons. Today Greg, Tim and Terence carry on their father's legacy to bring justice to all members of our Tampa Bay community.

We are a family of trial lawyers at PERENICH The Law Firm with deep ties to Clearwater and communities throughout Tampa Bay. For decades, we have built strong bonds and formed lasting relationships with our clients, continuing a multi-generational commitment to helping those seeking recovery and justice.

Our family is dedicated to protecting your family, just as we would our own. Whether an experienced personal injury attorney is needed to enforce your rights after an auto accident, or you need expert legal representation to protect your home in foreclosure or bankruptcy, the attorneys of PERENICH The Law Firm are committed, experienced, effective, reliable Tampa Bay area bankruptcy and accident injury lawyers.

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