Blog 1

How Common is it for Truck Drivers to Drink and Drive?

Drunk driving is unfortunately common on American highways and roadways. Over [one-third of all fatal traffic crashes involve drunk drivers](https://www.nhtsa.gov/risky-driving/drunk-driving) with a blood alcohol content (BAC) above the legal limit of 0.8%.

Despite federal laws regulating how long commercial truck drivers can drive in a single stretch and laws mandating breaks between shifts, commercial truck drivers are often under a lot of pressure from their employers to make delivery deadlines. This can negatively impact mental and emotional health. Studies have shown how long shifts can make truck drivers [more likely to consume drugs and alcohol](https://www.sciencedirect.com/science/article/abs/pii/S1369847899000121?via%3Dihub).

If you or a loved one suffered injuries in a truck accident caused by an intoxicated truck driver, contact our [St. Louis truck accident lawyers](https://www.cofmantownsley.com/cases-we-handle/truck-accident/) for guidance on your legal options.

# How Often Do Truck Drivers Drink and Drive?

Alcohol impairment is not the most common cause of commercial truck crashes. In 2019, only [2% of drivers](https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813120) operating large trucks were impaired by alcohol at the time of their accidents.

Drivers of large commercial trucks also had the lowest percentage of driving-while-intoxicated (DWI) convictions in a five-year period of any other group of motorists. [Only 1%](https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813110) of commercial truck drivers had a prior DWI conviction in the past five years, compared to 3.1% of passenger vehicle drivers, 3.2% of light truck (such as pickup truck) owners, and 4.6% of motorcyclists.

The low percentages of drunk driving among truck drivers could result from strict federal trucking laws. Since truck drivers usually operate their vehicles on interstate highways and roadways, they are under Federal Motor Carrier Safety Administration (FMCSA) regulations.

The laws include rules on alcohol use, including post-accident testing to check for alcohol and drugs.

# What are the Federal Trucking Regulations for Alcohol Use?

According to [FMCSA regulations,](https://csa.fmcsa.dot.gov/safetyplanner/MyFiles/SubSections.aspx?ch=23&sec=68&sub=164) a commercial truck driver is prohibited from drinking alcohol within 4 hours of going on duty or operating a commercial vehicle. Alcohol is not allowed inside the cab.

If a truck driver gets into a crash and survives, the company must test them for alcohol and controlled substances [within 8 hours of the accident](https://www.fmcsa.dot.gov/regulations/title49/section/382.303). Regardless of the type of accident, the employer has to record why if they did not administer the test.

However, truck drivers may rely on alcohol to deal with their irregular schedules and long driving times. They are still required to work long, uninterrupted shifts of [14 hours with only a minimum of a 10-hour break](https://www.fmcsa.dot.gov/regulations/hours-of-service) beforehand. Over 7 to 8 consecutive days, they can drive up to 60 to 80 hours on duty.

Poor working conditions may make it more difficult for truckers to drive safely, increasing the [risks of injuries and truck crashes](https://www.nursing.theclinics.com/article/S0029-6465(08)00014-5/fulltext).

# What to Do If You’re Hurt in a Crash with a Large Truck

If you suffer serious injuries in a collision with a truck driver who you suspect may have been under the influence, the most important thing you need to worry about is getting medical attention. You should do a few things after a truck accident when you suffered only minor injuries.

## Call the police.

Call 911 for the local authorities and emergency medical services if you and anyone else are injured. Tell the emergency dispatcher about the number of people involved in the truck accident, so they can send emergency vehicles as needed.

A police report is crucial to have accurate documentation of the accident, including the information of all the vehicles and drivers involved.

## Gather evidence from the scene.

If you can safely get out of your vehicle with no traffic around you, you can document the accident scene with your smartphone. Take photos and videos of the vehicles, road conditions, and the weather at the time of your accident.

You can also collect the contact and insurance information of all drivers in the accident. Collect the contact and insurance information and the truck’s license plate number from the truck driver.

## Go to your medical provider.

Schedule an appointment for you and your passengers to evaluate your physical condition if you didn’t get emergency medical care. Although you may not notice immediate injuries from your accident, there could be less visible injuries, such as internal bleeding, that your doctor may discover through diagnostic testing.

## Call a truck accident lawyer.

A truck accident can become complex because of the multiple parties involved, including the truck driver, their employer, and more. You may also have to deal with their insurance companies and how the myriad of federal trucking regulations can impact liability.

The guidance of an experienced truck accident lawyer can help you navigate trucking regulations to get the compensation you need, especially if your accident was caused by a drunk truck driver.

# Get Legal Guidance for Your Truck Accident

Although accidents with drunk truck drivers are rare, you should know what to do if you find yourself injured in one of these collisions. The attorneys at Cofman Townsley understand the nuances of truck accident injuries, and we take on the insurance carriers to ensure you receive appropriate compensation.

Contact us for a free consultation if a commercial truck accident has affected your life.

**Suggested Social Posts**

**Facebook:** If you were injured in a collision with a semi- or other large truck, your first instinct may be to think they may have been drunk or under the influence in some way. But how likely is that? Our blog answers this question, as well as what to do after a big truck crash.

**Twitter:** When an 18-wheeler crashes into another vehicle, you may wonder, “was the driver drunk?” But drunk driving in the trucking industry is actually far less common than most people think. Our blog explains:

**Instagram:** Who is most likely to drive drunk: the driver of a sedan, a pick-up, or the driver of a commercial truck? You may have guessed that passenger vehicles and light truck owners are more likely to drunk drive than commercial truck drivers. However, if you’ve been injured in a crash caused by a truck driver, that doesn’t mean you can’t get compensation. Contact our firm to learn how we handle big truck cases.

Blog 2

Who Can File a Wrongful Death Claim in Missouri?

In Missouri, you may have a wrongful death claim if your loved one was eligible to file a personal injury claim before their death. Wrongful death claims can be filed against the negligent party, whether it’s a person or corporate entity. However, the plaintiff must produce proof of liability to recover damages.

In most cases, a spouse, child, or parent brings wrongful death claims forward. In Missouri, potential claimants are categorized in order of entitlement. If your loved one passed away due to someone else’s actions, your first step should be to contact experienced [**St. Louis wrongful death lawyers**](https://www.cofmantownsley.com/cases-we-handle/wrongful-death/).

# What is a Wrongful Death Claim?

Wrongful death claims in Missouri are personal injury claims that resulted in the victim’s death. Since the deceased cannot recover compensation, the case must be filed on their behalf.

Wrongful death lawsuits are civil court cases that can result in the defendant paying damages to the victim’s family rather than serving jail time as they would in a criminal case.

# Proving Wrongful Death in Missouri

In a civil case, such as a wrongful death lawsuit, the plaintiff must prove negligence through a [preponderance of evidence](https://www.courts.mo.gov/page.jsp?id=1013). Under this standard, the defendant may be liable if the court determines there is more than a 50% chance they are responsible for the victim’s death.

The plaintiff must prove these elements in a civil wrongful death case to obtain compensation for the loss of a loved one:

* **Duty of care:** The defendant had an obligation to the plaintiff.
* **Breach of duty of care:** The defendant failed to fulfill that obligation (driving according to traffic laws, providing a standard of medical care)
* **Causation:** The breach of duty directly resulted in the wrongful death.

# Types of Wrongful Death Claims

The basis for wrongful death claims is often similar to personal injury claims. The most common type of wrongful deaths include:

## Negligent acts: Negligence is when the responsible party doesn’t take reasonable care to prevent injury to the victim. Automotive accidents are among the most common causes of wrongful death.

In most car accidents, at least one of the drivers is negligent, whether they were speeding, distracted, or driving recklessly. If the claimants can prove negligence against the defendant in a wrongful death case, they may receive compensation.

* **Medical malpractice:** If medical professionals fail to provide an appropriate standard of care to a patient causing death, they may be liable. Medical error is the [third leading cause of death](https://www.hopkinsmedicine.org/news/media/releases/study_suggests_medical_errors_now_third_leading_cause_of_death_in_the_us) in the United States.
* **Intentional acts:** Intentional acts, such as assault or battery, can result in wrongful death. While wrongful death is a civil action, deliberate assault may also provide the basis for a criminal case.

# Who Can File a Wrongful Death Claim in Missouri?

Under Missouri law, wrongful death claimants are [divided into two classes](https://revisor.mo.gov/main/OneSection.aspx?section=537.080).

## Class 1: Class 1 refers to the first people eligible to make a claim. Class 1 includes the spouse or children of the deceased. If the deceased is an unmarried adult, their mother and father (natural or adoptive) can file a claim.

## Class 2: Class 2 includes siblings of the deceased. If the deceased’s siblings are also dead, their children can file a claim if they can demonstrate a right to the damages.

## If there are no class 1 or 2 claimants: If no eligible claimants from classes 1 or 2 file lawsuits, the case is assigned to *plaintiff ad litem*. This person is a prosecutor who sues for damages on behalf of the heirs of the deceased. The court decides on the share of compensation if the defendant is liable.

# What Damages Can You Claim for Wrongful Death?

Wrongful death claimants can sue for economic and non-economic damages in Missouri. Economic damages have specific monetary value, such as loss of earnings.

Non-economic damages don’t have a clear monetary value. Examples of non-economic damages include emotional distress and mental health conditions.

Damages from a wrongful death claim can help the surviving kin of the deceased financially and emotionally. The [amount of damages](https://revisor.mo.gov/main/OneSection.aspx?section=537.090&bid=28470&hl=) a claimant receives depends on factors such as:

* Burial and funeral expenses
* Medication costs or hospital bills related to the cause of death
* The value of future wages and benefits the deceased party would have earned if they did not pass away
* Non-economic damages experienced by the deceased in the aftermath of the incident that caused their death
* Non-economic damages experienced by the claimant relating to the death of the victim
* Damages to the value of caregiving services if the deceased was providing care for a dependent

# Strong Legal Representation Can Make All the Difference

If you’ve lost someone you love due to negligence, malpractice, or the intentional actions of someone else, don’t suffer in silence. Seek legal representation from the skilled lawyers at Cofman Townsley.

We have been serving clients in Missouri for more than four decades. Our experienced team can build a strong claim in your case. Contact Cofman Townsley today for a free case evaluation.

**Suggested Social Copy**

**All Platforms**: After losing a loved one, certain surviving family members have the right to file a wrongful death claim in Missouri. Read our latest blog to learn more about who can file these important claims.

# Blog 3

# What Are Punitive Damages in Car Accident Claims?

Car accidents frequently result in catastrophic injuries. If you or a loved one sustained severe personal injuries due to another driver’s negligence, you can file a compensation claim to recover the cost of your medical bills, lost wages, and more.

Missouri is a [pure comparative fault state](https://revisor.mo.gov/main/OneSection.aspx?section=537.765), so both parties in an auto accident are entitled to compensation based on their degree of blame. This means that if you are 80% responsible for an accident, you can still sue the other driver for their role in the collision and receive 20% of eligible damages.

Plaintiffs may seek compensatory damages for economic and non-economic losses, which include medical bills and compensation for mental anguish and pain and suffering.

In some cases, car accident victims may also pursue a claim for punitive damages. Punitive damages are only awarded in exemplary cases, where the liable party’s actions exceed standard driver negligence. Although most auto accident lawsuits don’t involve punitive damages, there are exceptions.

## What Are Punitive Damages?

Punitive damages are awarded in addition to compensatory damages in cases in which the defendant’s behavior is considered especially harmful, negligent, or dangerous. They are considered non-compensatory, so while they do go to the victim, they are not intended to reimburse the victim for their injuries or losses.

Punitive damages are only awarded after a suit has been filed for compensatory damages. They cannot be the only form of compensation pursued in an auto accident case. The amount of punitive damages a plaintiff is entitled to depend on several factors, including:

* Details of the defendant’s behavior relating to the accident
* The defendant’s wealth and assets
* The potential risk to other drivers if the defendant escapes punishment
* Damages suffered by the victim in the incident relating to the punitive case

[Missouri allows punitive damages](https://revisor.mo.gov/main/OneSection.aspx?section=510.261) under particular circumstances. The claimant must provide clear and convincing evidence that the at-fault driver acted with intent to harm without just cause or behaved with conscious disregard for others’ safety.

**What is Deliberate Indifference?**

Deliberate indifference refers to the conscious or reckless disregard of the consequences of one’s actions or omissions (lack of action). Deliberately indifferent actions are easier to prove in court than omissions.

For example, a driver engaging in a street race may be held liable for punitive damages if they cause a crash, because they are knowingly behaving in a manner that compromises the safety of other road users. Or, if a person knowingly drives under the influence of alcohol or drugs, the court may find that person recklessly indifferent to the dangers caused to others.

Cases of indifferent omission may include drivers who use their vehicle despite knowing it has a potentially dangerous mechanical issue, such as worn brakes or bald tires. The “omission” in this case was failing to take the car in for repair.

Although poor vehicle maintenance may be the primary cause of an accident, this is difficult to prove. If the defendant denies conscious disregard, the plaintiff may struggle to build a strong case for a punitive damage claim.

**How Much Can I Get in Punitive Damages?**

[Missouri recognizes limitations](https://revisor.mo.gov/main/OneSection.aspx?section=510.265) on punitive damages, so the amount a defendant must pay to a plaintiff is capped. Compensation in any punitive damage case cannot exceed $500,000 or five times the compensatory damages awarded to the claimant for the same incident.

These limitations don’t apply if the state of Missouri is the one filing a punitive damage claim. They are also disregarded if the defendant pleads guilty or receives a conviction for a felony relating to the same case. For example, if the defendant is found guilty of criminal charges for their role in the accident, the state’s limitations don’t apply.

## Recover the Compensation You Deserve with a St. Louis Attorney

Providing proof of deliberate indifference or conscious disregard in a punitive damages case can be challenging. If you’ve suffered injuries or losses in an accident due to recklessness, gross negligence, or wanton disregard for safety, seek legal representation from the reliable [Missouri car accident lawyers](https://www.cofmantownsley.com/cases-we-handle/auto-accident/) at Cofman Townsley.

We can help you navigate the pure comparative fault system and receive maximum compensation for your losses. Our experienced lawyers act quickly to build a strong case, backed by substantial evidence, including witness statements and expert testimonies.

We will fight on your behalf until we reach a fair settlement. If a settlement can’t be reached, we can represent you in court. After handling your initial auto accident claim, you may also consider a punitive damage case. If the defendant’s liability exceeds standard negligence, our legal team can assist you through your punitive damages claim.

Contact us today for a free consultation to discuss your legal options.

**Suggested Social Post**

**Facebook:** After an accident, you may now you are entitled to compensation for your medical bills, lost wages, and pain and suffering. But there is another type of compensation that may also be available: punitive damages. Learn what these are and when they’re awarded in our latest blog post.

**Twitter/Instagram:** Punitive damages are not available in every case, but this extra type of compensation can be requested in cases of extreme negligence. Learn more at our blog or by contacting our firm for a free case evaluation.

Blog 4

Who Can You Sue if a Pothole Causes Your Car Accident?

If you’re like most drivers in St. Louis, you may have had an accident caused by a pothole. When these accidents occur, resulting in damage to your vehicle or personal injuries, it can be challenging to know who is liable.

Working with a St. Louis car accident attorney can help you understand who you can sue for a pothole that resulted in a car accident.

# What Should You Do if a Pothole Causes Your Car Accident?

If you’re in a car accident caused by a pothole, the first thing you should do is call the police. You’ll also need to document the names and contact information of any witnesses to the accident. If you’re injured, seek medical attention immediately.

Once you’ve taken care of the immediate aftermath of the accident, you’ll need to start thinking about your legal options. If you decide to file a lawsuit, you’ll have to establish that the pothole was the direct cause of your accident. This can be tricky to do, especially if there were other factors involved in the crash.

If you can prove the pothole was responsible for your accident, you may be able to recover damages from the city where the pothole was located.

# Potential Outcomes in Cases Where a Pothole Causes Your Car Accident

There are a few potential outcomes in cases where a crash is caused, at least partly, by a pothole. The most likely result is that the parties involved will share liability for the accident. Each party will be held responsible for their percentage of negligence in the accident.

It’s the municipality’s responsibility to maintain public roads, meaning the state government could be held liable for pothole accidents that occur on roads under their jurisdiction. If your accident occurred on a private road, talk to a car accident lawyer about whether you have grounds to file a claim against the property owner.

Even if you are partially at fault, you can still recover some of the damages under Missouri’s comparative negligence laws.

# What is Comparative Negligence?

[Comparative negligence is a legal doctrine](https://www.investopedia.com/terms/c/comparative-negligence.asp) that assigns blame for an accident in part to each of the parties involved. This doctrine is important in pothole-related car accidents because it may limit a driver’s amount of damages. The driver must show that the pothole was a substantial factor in the accident to prove comparative negligence.

Comparative negligence laws allow plaintiffs to recover damages if they were not more than 50% at fault for the accident. So, if you were partially responsible for the accident, you may still be able to sue the party who should’ve repaired the pothole.

# What if the Government is Responsible?

If the government is responsible for a pothole on the road and the pothole caused your car accident, you still might be able to bring a lawsuit against them for damages. Under comparative negligence laws, even if the government was only partially responsible for the pothole, you may still be able to receive damages from them.

## MoDOT may cover your vehicle damage

In Missouri, MoDOT ([Missouri Department of Transportation) will pay](https://www.kmov.com/news/modot-will-pay-for-damage-to-your-car-from-potholes-if-you-meet-certain-criteria/article_2a1c6718-5658-11e9-8033-4f6b51492ab2.html) for damages to your car under certain circumstances. If the following criteria are met, and the pothole still damages your vehicle, you may be able to have MoDOT pay for vehicle damage.

* The pothole was on a state road
* MoDOT was aware the pothole existed
* MoDOT was given a reasonable amount of time to fix it

Typically, pothole repairs can be made the same day they are reported. In 2018, there were 273 claims filed with MoDOT for vehicle compensation due to pothole damage.

# Damages for Personal Injuries

If you sustain injuries in addition to your vehicle damage, filing a lawsuit is the best option for recovering compensation. In Missouri, you can recover economic, non-economic, and sometimes punitive damages.

Economic damages are those with quantifiable monetary value, such as your lost wages or medical bills directly resulting from the injury. Non-economic damages are more challenging to prove because they are not measurable. This can include compensation for your pain and suffering or loss of quality of life.

In some cases, you may be able to sue for punitive damages in Missouri if you can prove the negligent party acted maliciously or with conscious disregard. These damages are designed to punish the liable party, and 50% of any [punitive award goes to the state](https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=3373&context=mlr).

# Seek Legal Counsel

If you’ve been in a car accident caused by a pothole, you may be wondering who to sue. There are a few potential outcomes for these cases. To determine if you qualify for damages under comparative negligence laws, speak with a [St. Louis car accident lawyer](https://www.cofmantownsley.com/cases-we-handle/auto-accident/) at Cofman Townsley.

We can help you determine who was at fault for the accident and work to get the maximum payout for your claim. Contact us today for a free case consultation.

**Suggested Social Copy**

**All Platforms**: If you’re like most drivers in St. Louis, you may have had an accident caused by a pothole. Though determining liability can be challenging, you likely have options. Read our latest blog to learn more.