Why Truck Accident Claims in Ontario Are More Complicated Than Car Accident Claims

Toronto Truck Accident Lawyers Explain Why These Cases Are More Complex

When a truck accident happens in Toronto or elsewhere in Ontario, what happens next can be overwhelming. You may be dealing with serious injuries, weeks or months away from work, a vehicle that's totalled and an insurance process that often seems to move too fast. What many injured people don't realize until they're deep into the claims process is that a truck accident claim operates under an entirely different set of rules compared to other motor vehicle accident claims.

At Smitiuch Injury Law, our Ontario truck accident lawyers understand the added layers involved in these cases. We know where to look for evidence, which parties may share responsibility and how to deal with the commercial insurers who handle these claims. If you were seriously hurt in a collision caused by a commercial truck, we're here to help you understand your rights and fight for the compensation you deserve.

The Size of the Vehicle Is Only the Beginning

The most obvious difference between a car accident and a truck accident is physical. A fully loaded commercial transport truck can weigh up to 36,287 kilograms or more**,** depending on its configuration. The average passenger car weighs roughly 1,500 kilograms. That weight differential translates directly into the severity of injuries sustained by people in smaller vehicles. Spinal cord damage, traumatic brain injury, multiple fractures and catastrophic internal trauma are disproportionately common in truck accident cases.

But the greater weight is only part of the story. Commercial trucks also have significantly longer stopping distances, wider turning radii and larger blind spots than passenger vehicles. A driver who misjudges a gap in traffic, drifts into an adjacent lane or makes an improper turn can cause destruction that a car accident rarely matches. These physical realities mean that truck accident injuries tend to be more severe, recoveries take longer and the financial consequences for injured victims are far greater.

The severity of injuries in truck accident cases is one reason the claims process becomes more contested. Insurance companies representing trucking operators know that larger claims carry larger payouts, and they deploy the resources to match.

Are Ontario's Truck Licence Rules and Laws Different?

The short answer? Yes. And this often makes a big difference in many accident claims in Ontario. Commercial truck drivers are held to a significantly higher legal standard than drivers of ordinary passenger vehicles, and that gap matters a great deal when something goes wrong on the road.

A car driver in Ontario needs a standard Class G licence. A driver operating a large commercial transport truck needs a Class A licence, which requires additional testing, a more rigorous medical examination and demonstrated competency with air brakes on heavy combination vehicles. The licensing process for commercial truck drivers is designed to reflect the greater responsibility that comes with operating a vehicle that can weigh more than 20 times the average passenger car.

Beyond the licence itself, commercial vehicle operators in Ontario must hold a valid Commercial Vehicle Operator's Registration (CVOR) certificate, issued by the Ontario Ministry of Transportation. The CVOR system tracks an operator's safety performance record, including collisions, driver convictions and roadside inspection results. When an operator's safety record falls below acceptable standards, the Ministry can intervene through warning letters, audits, sanctions and, in serious cases, cancellation of the CVOR certificate. That means the regulatory history of the trucking company and its drivers is documented in a way that simply doesn't exist for ordinary car drivers.

Truck drivers operating across provincial borders are also subject to federal rules under the Commercial Vehicle Drivers Hours of Service Regulations, which limit how many hours a driver can be behind the wheel and require mandatory rest periods. These rules exist because driver fatigue is a well-documented cause of serious commercial vehicle collisions. A car driver is under no equivalent obligation. When a fatigued truck driver causes a crash, those federal regulations – and any evidence of violations – become a central part of the legal case.

The practical consequence of all this regulation is that a truck accident case comes with a built-in paper trail that a car accident claim simply doesn't have. Licence records, CVOR abstracts, hours of service logs and roadside inspection reports can each help explain what went wrong and why. Getting access to that record early, before anything is lost or destroyed, is one of the most important things a lawyer can do for an injured client.

More Than One Party May Be Responsible for the Crash

In a typical two-car accident in Ontario, the question of fault usually comes down to the conduct of the two drivers involved. A truck accident claim can involve multiple responsible parties at the same time, each with their own insurer and legal team. Identifying all of them is one of the first and most important tasks a lawyer undertakes in a commercial vehicle case.

Depending on how the accident happened and how the trucking operation is structured, the following parties may bear some or all of the responsibility. And that could impact liability-related issues for your accident. Liability is a legal term for who's legally responsible for paying for your accident. Such at-fault parties in commercial truck accidents can include:

- **The Truck Driver:** A driver who was speeding, distracted, fatigued or impaired at the time of the collision may be personally liable for the harm caused.

- **The Trucking Company:** A company that employs the driver is generally responsible for the driver’s conduct under the legal principle of vicarious liability. But a trucking company may also face independent liability if it pushed drivers to exceed their allowable hours, hired someone with a disqualifying record or failed to maintain its fleet properly.
- **The Vehicle Owner:** In some cases, the truck is owned by a third party and leased to the carrier operating it. The owner of a commercial vehicle can face independent liability separate from the driver and the operating carrier, particularly where the vehicle was defective or improperly maintained before the crash.
- **Maintenance and Service Contractors:** Third-party mechanics or service contractors who inspected or repaired the truck may bear responsibility if a maintenance failure contributed to the accident. Their work records and service logs become part of the evidence.

The list of potentially responsible parties is also why Ontario’s Highway Traffic Act matters so much in truck accident cases. The Act imposes direct obligations on commercial vehicle operators to ensure their drivers are qualified, their vehicles are roadworthy and their operations comply with safety standards. A breach of those obligations can extend liability beyond the driver alone.

Regulatory Framework Creates Evidence That Doesn’t Exist in Car Accidents

One of the most important differences between a car accident claim and a truck accident claim is the volume and nature of the evidence that exists. Commercial trucking operations in Ontario are subject to extensive federal and provincial regulation, and that regulation generates a paper trail that can be critical to building a strong claim.

The following records are among the most valuable sources of evidence in an Ontario truck accident case:

- **Driver Logs and Hours of Service Records:** Federal and provincial regulations strictly limit how long a commercial truck driver can be behind the wheel without rest. Under the Commercial Vehicle Drivers Hours of Service Regulations, drivers operating extra-provincially cannot drive more than 13 hours in a day. Since June 2022, most commercial truck drivers in Ontario are also required to use electronic logging devices (ELDs) to record their hours automatically, under Ontario’s commercial vehicle safety requirements. If a fatigued driver caused the crash, ELD data and driver logs can prove it.
- **Maintenance and Inspection Records:** Ontario requires commercial vehicle operators to carry out annual safety inspections and daily driver inspections before each trip, under Ontario Regulation 199/07 of the Highway Traffic Act. If brake failure, tire failure or

another mechanical problem contributed to the accident, maintenance logs and inspection certificates can reveal whether the operator knew about the problem and failed to act on it.

- **The CVOR Record:** The Commercial Vehicle Operator's Registration system tracks an operator's safety performance over time, including prior collisions, convictions and inspection results. A CVOR record showing a pattern of safety violations can support an argument that the company was negligent in allowing a dangerous driver or vehicle to continue operating. These abstracts are available through the Ontario Ministry of Transportation and often tell a clear story about a carrier's culture of safety, or lack of it.
- **Trip Manifests and Cargo Records:** Cargo-related problems, such as improperly secured loads or overweight vehicles, can be a direct cause of truck accidents. Trip manifests, weight tickets, loading records and bills of lading may be relevant to determining whether the load was a contributing factor.

The federal Commercial Vehicle Drivers Hours of Service Regulations and Ontario's commercial vehicle safety requirements governing ELDs and inspections under Ontario Regulation 199/07 all exist in the record. So does every operator's CVOR abstract. None of this documentation exists in a standard car accident claim, and all of it can be decisive in a truck accident case.

Gathering this evidence quickly matters. Trucking companies and their insurers often move fast after a serious accident to preserve records that favour them and to limit access to records that don't. A lawyer who acts early can issue preservation demands and, where necessary, apply for court orders to prevent destruction of relevant documents.

Commercial Insurance Policies Are Structured Differently From Personal Auto Policies

Under Ontario law, every driver must carry a minimum of $200,000 in third-party liability coverage, according to the Financial Services Regulatory Authority of Ontario (FSRA). Most passenger vehicles carry somewhere between $1 million and $2 million in liability coverage. Commercial trucking operations are held to a significantly higher standard, and the policies that cover them are structured in ways that directly affect how a claim proceeds.

Commercial truck insurers are sophisticated, well-funded and experienced in defending large claims. They retain adjusters and lawyers who regularly handle commercial truck accident cases. They know what evidence to look for, what arguments to raise and how to use procedural tools to reduce or delay what they pay out. An injured person who approaches a truck accident claim the same way they would approach a fender-bender claim will almost certainly be at a disadvantage.

There is also the question of layered coverage. A trucking operation may carry a primary commercial auto policy, a separate cargo liability policy and excess or umbrella coverage on top of those. If the vehicle is leased or owner-operated under a carrier's authority, there may be separate policies from multiple entities covering different aspects of the operation. Sorting out which policy applies, and to what extent, is a task that requires legal experience in commercial vehicle claims.

Cargo Issues Can Add Another Layer of Liability

Not every truck accident is caused by driver error or vehicle failure. Sometimes, the cargo itself is part of the problem. A load that shifts in transit can change the truck's handling characteristics suddenly and without warning. An improperly secured piece of equipment can fall onto a highway and cause a multi-vehicle collision. Hazardous materials that are inadequately contained or labelled can make a crash site dangerous long after the initial impact.

When cargo plays a role in a truck accident, the parties responsible for loading, securing and transporting the freight may also face liability. A shipper who misdeclared the weight of a load, a warehouse operator whose crew improperly secured the cargo or a broker who arranged a shipment without verifying the carrier's compliance record can each become relevant to the claim.

For example, if a flatbed truck loses a section of unsecured pipe on the highway and it strikes an oncoming vehicle, the injured driver may have a claim not only against the truck driver and the carrier but also against the company responsible for loading and strapping the cargo. Identifying that party and preserving the evidence of how the load was secured is work that has to happen quickly, before the scene is cleaned up and before records disappear.

Why Limitation Periods Still Apply and What You Need to Do

Ontario's Limitations Act, 2002 generally gives injured people two years from the date of an accident to start a legal proceeding. That period applies to truck accident claims just as it does to car accident claims. But the two-year clock runs alongside a claims process that can move quickly in the wrong direction if an injured person is not properly represented.

Trucking companies and their insurers often contact injured victims soon after a crash. Statements given without legal advice, forms signed under pressure and early settlement offers accepted before the full extent of injuries is known can all damage a claim before the legal process has formally begun. Insurers know this, which is why they move quickly.

There are also situations in which a municipality or government body may be involved, particularly when road conditions, inadequate signage or poorly maintained infrastructure contributed to the accident. Claims against municipalities in Ontario have shorter notice requirements than standard civil claims, and missing those requirements can affect your right to pursue compensation. Recognizing those issues early is something a lawyer can do that an injured person acting alone often cannot.

What To Avoid After a Truck Accident in Ontario

The mistakes that weaken car accident claims can cause even greater damage in a truck accident case, where the stakes are higher and the opposing resources are greater. A few of the most common and costly missteps include:

- **Giving a Recorded Statement Without Legal Advice:** Insurers representing trucking companies routinely request recorded statements from injured victims in the days after a crash. You are not required to give one before speaking with a lawyer, and doing so prematurely can give the insurer material to dispute your claim later.
- **Accepting an Early Settlement Offer:** An initial offer from a commercial insurer is almost never a reflection of what a serious truck accident claim is actually worth. Once you sign a release, there is no going back, regardless of how your injuries develop.
- **Delaying Medical Treatment:** A gap between the accident and your first medical visit gives insurers an argument that your injuries were not caused by the crash or were not serious enough to seek immediate care. Get assessed as soon as possible, even if you feel your injuries are manageable.
- **Assuming One Insurance Company Handles Everything:** In a truck accident case, multiple policies and multiple insurers may be involved. Dealing only with the most obvious insurer and missing others is a mistake that can significantly reduce the compensation you ultimately recover.

Truck Accident Claims Deserve the Right Legal Team

When a collision with a commercial truck leaves you seriously hurt, the claims process that follows is not a simplified version of a car accident claim. It involves more parties, more evidence, more regulatory complexity and more determined opposition from insurers who do this every day. Getting the right legal help from the start gives your case the best opportunity to succeed.

At Smitiuch Injury Law, our Ontario truck accident lawyers know how to investigate these cases thoroughly, identify every party that may share responsibility and deal with commercial insurers who are looking for every reason to pay less than your claim is worth. We move quickly to preserve evidence, issue proper preservation requests and build the foundation of a strong legal case.

If you or someone close to you was seriously hurt in a truck accident in Toronto or anywhere in Ontario, contact our law firm for a free case evaluation. There are no upfront costs and no legal fees of any kind unless we recover compensation for you. You can count on us to work hard for you from start to finish.