Who Is Liable When a Trailer Comes Loose and Causes a Crash in Texas?

Several Parties and Insurance Policies May Share Responsibility for a Loose Trailer

A trailer that comes loose from a pickup or commercial vehicle can cause a serious truck accident in Texas without any warning. Utility, landscaping, and boat trailers can break free at highway speed just like tractor-trailers, then swerve across lanes, jump a median, or stop dead in traffic.

Many of these crashes are preventable. Federal and Texas rules require a secure connection between a vehicle and its trailer, and many smaller trailers also need safety chains as a backup. When that connection is missing or fails, drivers nearby may have only a second or two to react.

Our Houston truck accident lawyers at Smith & Hassler know a detached-trailer crash can leave several parties responsible (liable), including the driver, the trailer's owner, an employer, or a parts maker. Each one may carry separate insurance that can help pay for your losses, so finding every policy can make a real difference in your recovery.

Key Takeaways

- **Coupling Rules Apply to Every Trailer** – Federal rules require truck drivers to check coupling devices before driving, and Texas requires safety chains on most trailers pulled by pickups.
- **The Driver Isn't the Only Responsible Party** – An owner, motor carrier, employer, rental company, or manufacturer may also be responsible, depending on why the trailer separated.
- **Work Trips Can Bring in an Employer** – If the driver was towing for work, the employer may be liable and a commercial insurance policy may apply.
- **Trucking Policies Carry Higher Limits** – Commercial trucking companies must carry hundreds of thousands of dollars in liability coverage, far more than a personal auto policy.
- **The Trailer Is Evidence** – The fifth wheel, kingpin, hitch, chains, and brakes can show why the trailer came loose, so they need to be preserved quickly.

What Rules Apply When a Truck or Pickup Tows a Trailer?

Tractor-trailers follow federal safety rules. Under 49 C.F.R. § 392.7, a trucker can't drive until satisfied the coupling devices, the parts that connect the truck to the trailer, work properly. On an 18-wheeler, a steel pin called the kingpin locks into the fifth wheel, a flat plate behind the

cab. 49 C.F.R. § 393.70 requires that lock to keep the trailer attached unless someone manually releases it.

Smaller trailers pulled by pickups follow Texas rules. Under Texas Transportation Code § 545.410, drivers of passenger cars and light trucks must use safety chains approved by the Texas Department of Public Safety (DPS). The chains are a backup that keeps the vehicles connected if the main hitch fails. The law doesn't apply to agricultural trailers or trailers operated under federal trucking safety rules.

Other rules matter too. Texas Transportation Code § 545.409 requires a hitch strong enough to pull the trailer's full weight. Under Texas Transportation Code § 547.405, a trailer heavier than 4,500 pounds needs breakaway brakes. These brakes engage automatically and stay on for at least 15 minutes if the trailer breaks away from the towing vehicle.

Is the Truck Driver Automatically at Fault When a Trailer Comes Loose?

The towing driver isn't automatically at fault, but the driver is usually the first person investigators look at. Anyone pulling a trailer, from a trucker to a landscaper, must make sure it's properly coupled and secured before driving. A driver who skips those checks may be found negligent. Negligence means carelessness that causes harm to someone else.

Texas courts may treat a broken traffic safety law as negligence per se. That means breaking the law can itself count as proof of carelessness. You still have to show the violation caused the crash. A trucker who skips the coupling check 49 C.F.R. § 392.7 requires may face this argument, and so may a pickup driver who tows without the chains Texas Transportation Code § 545.410 requires.

A coupling can look secure and still fail. On a tractor-trailer, the kingpin can ride above the fifth wheel's jaws, a mistake truckers call a "high hook." On a pickup, the chains may be too weak, or the coupler, the clamp on the trailer's tongue, may be left open. Your injury claim depends on evidence showing what the driver actually did.

Can the Trailer's Owner or the Motor Carrier Be Held Responsible?

Texas generally doesn't hold someone liable just for owning a trailer. An owner can still be responsible for its own carelessness, though, and in trucking, several companies may have a hand in one trailer. Depending on the facts, responsible parties can include:

- **The Motor Carrier** – The company that ran the truck may answer for its driver and for any failure to inspect or maintain the coupling equipment.
- **The Trailer's Owner or Leasing Company** – A trailer may belong to a leasing company, a shipper, or another carrier. Whoever sent it out with a worn kingpin or broken latch can face liability if that defect caused the crash.

- **An Owner Who Handed Over the Keys** – Negligent entrustment, the legal term for carelessly letting someone else drive, applies when an owner lets an unlicensed, inexperienced, or reckless person drive and knew, or should have known, about the risk.
- **A Rental Company** – A federal law called the Graves Amendment generally protects rental companies sued only for owning the trailer. It doesn't cover their own negligence, such as renting out a trailer with a defective coupler.

Sorting out who owned, leased, and controlled a trailer often takes lease agreements, dispatch records, and maintenance files. Each company may have its own insurance company, and each one may try to blame someone else. Similar issues come up in rental truck accidents, where several policies may be involved. Tracing every link in that chain can make a real difference in your recovery.

When Is a Trucking Company or an Employer Liable for a Trailer That Breaks Loose?

Trucking companies, landscaping crews, and contractors pull trailers on Houston roads every day. If the driver was working when the trailer came loose, the employer may be liable under a rule called respondeat superior. This rule makes an employer responsible for an employee's carelessness on the job. The employer can be liable even if it did nothing wrong itself.

The Supreme Court of Texas explained how this works in *Painter v. Amerimex Drilling I, Ltd.* (2018). An injured person must show the driver was an employee and was acting in the course and scope of employment. In plain terms, the driver was doing the job at the time. Hauling freight for a carrier or equipment to a job site can fit that test, depending on the facts.

An employer may also face claims for its own mistakes, like poor maintenance or an unqualified driver. Under Chapter 72 of the Texas Civil Practice and Remedies Code, a trucking company that admits the driver was its employee on the job can keep evidence on some claims, such as negligent entrustment, out of the first phase of a split trial. Claims that don't depend on the driver's carelessness, such as the company's failure to maintain coupling equipment, aren't limited that way.

Can a Defective Fifth Wheel, Hitch, or Safety Chain Make a Manufacturer Liable?

Some trailer separations come down to defective truck parts rather than human error. A fifth wheel, kingpin, coupler, or safety chain can fail because of a design or manufacturing flaw. When that happens, the company that made or sold the part may be responsible under product liability law. Product liability holds manufacturers and sellers responsible for dangerous defects in what they sell.

Federal safety regulators have tracked these problems. The National Highway Traffic Safety Administration (NHTSA) acknowledged one trailer maker's recall of underrated safety chains. The chains were rated below the trailer's fully loaded weight rating. The notice warned that weak chains can break if the main connection fails. That can let the trailer separate and increase the risk of a crash.

Proving a defect usually requires an engineering inspection of the failed parts. That makes it critical to keep the trailer, fifth wheel, hitch, and chains exactly as they were after the crash. If the parts are repaired, discarded, or sold for scrap, the evidence of a defect can disappear. A manufacturer may also argue the part was misused, so the condition of every piece matters.

What Evidence Shows Why the Trailer Came Loose?

Who is liable often depends on why the trailer separated. A detached trailer stopped in a travel lane can cause an underride crash, where a car slides beneath it. Key evidence may end up scattered across the road. The most useful evidence often includes:

- **The Fifth Wheel, Kingpin, or Coupler** – Worn jaws, a high hook, a mismatched ball size, or an open latch can show why the connection failed.
- **The Safety Chains and Hooks** – Their rating, length, and condition can show whether they were strong enough and properly attached.
- **Breakaway Brake Equipment** – On heavier trailers, a dead battery or missing cable can show the breakaway system wasn't working.
- **Driver Inspection Reports and Truck Data** – Inspection reports, maintenance files, and onboard data can show whether problems were known or ignored.
- **Photos, Video, and Witnesses** – Dashcam footage, nearby business cameras, and witness accounts can show how the trailer moved.
- **Lease, Rental, and Work Records** – Lease agreements, rental contracts, and dispatch records can tie the trailer to an owner, carrier, or employer.

Much of this evidence is fragile. The driver or trucking company may hook the trailer back up, repair it, or put it back into service within hours. Surveillance video can be recorded over within days. A lawyer can send letters demanding that evidence be preserved, arrange inspections, and bring in accident reconstruction experts. Acting before the proof is gone can protect your claim against every responsible party.

Whose Insurance Pays After a Detached-Trailer Crash?

Coverage usually starts with the vehicle pulling the trailer. For an 18-wheeler, that's the trucking company's policy. The Federal Motor Carrier Safety Administration (FMCSA) requires trucking companies hauling freight for others across state lines to carry at least $750,000 in liability coverage, which pays for harm the company causes. Trucks over 26,000 pounds running only in Texas need at least $500,000, according to the Texas Department of Motor Vehicles (TxDMV).

Pickup trailers usually start with a much smaller policy. Texas drivers must carry at least $30,000 per person and $60,000 per accident in injury liability coverage. They also need $25,000 for property damage, according to the Texas Department of Insurance (TDI). TDI notes that most personal auto policies don't cover accidents that happen while driving for business. A work trip may bring in a commercial policy instead.

If the driver had no insurance or too little, your own uninsured and underinsured motorist coverage may help pay for your losses. Every policy has dollar limits, the most it will pay, and serious injuries can exceed them quickly. Understanding how truck accident compensation works in Texas can help you see why every possible source matters. Here's how the most common sources of coverage compare:

Coverage Source	When It May Apply	What to Watch For
Motor carrier's commercial policy	A tractor-trailer or other commercial truck was pulling the trailer	Higher minimums apply, but catastrophic injuries can still exceed them
Pickup driver's auto liability policy	The driver was careless hooking up, loading, or pulling the trailer	Minimum limits may be too low for serious injuries
Employer's commercial auto policy	The driver was towing for work	The employer may dispute that the driver was on the job
Owner's liability coverage	The owner supplied a faulty trailer or trusted a reckless driver	The owner's insurance company may argue the owner played no role
Manufacturer's liability coverage	A defective fifth wheel, hitch, coupler, or chain caused the separation	Proof usually requires an engineering inspection
Your uninsured/underinsured motorist (UM/UIM) coverage	The driver fled, had no insurance, or had too little	TDI says a hit-and-run must be reported to police for this coverage to pay
Your personal injury protection (PIP) coverage	Early medical bills and lost wages, regardless of fault	Included unless you rejected it in writing

What Could a Detached-Trailer Claim Look Like in Practice?

Here's a hypothetical scenario. A tractor-trailer driver running late hooks up to a loaded trailer at a Houston warehouse and skips the tug test. That quick pull forward would have shown the kingpin never locked. On Interstate 10, the trailer drops loose across two lanes, and a sedan slams into it, breaking the driver's pelvis. Possible claims might line up this way:

- **The Truck Driver** – Skipping the coupling check could support a negligence claim and a negligence per se argument based on 49 C.F.R. § 392.7.
- **The Motor Carrier** – If the driver was hauling for the carrier, the company may be liable under respondeat superior, and its commercial policy may apply.
- **The Trailer's Owner** – If a leasing company supplied the trailer with a worn kingpin, it could face a separate negligence claim.
- **The Injured Driver's Own Coverage** – PIP may help with early medical bills, and UIM coverage may apply if available liability coverage falls short.

One crash can involve several responsible parties and several insurance policies. Real cases often involve more disputes, such as who owned the trailer and whether the driver was on the clock. The insurance companies involved may try to point at one another to limit what they pay. That's why the outcome in a real case can look very different from this example.

How Can a Houston Truck Accident Lawyer Help After a Trailer Breaks Loose?

Detached-trailer crashes in Houston and across Texas can be harder to untangle than they first appear. The trailer, the truck, and the companies behind them may each belong to someone different. Every one of those parties may have an insurance company working to shift the blame elsewhere. Without a careful investigation, a responsible party can slip out of the claim entirely.

Since our founding in 1989, Smith & Hassler has represented injured Texans and their families after serious crashes. Our attorneys can secure the trailer for inspection, track down video, and find every policy that may apply. We also work with reconstruction and engineering experts when a case calls for it. Our goal is to help make things right for you.

If a loose trailer caused your injuries, contact us for a free consultation about your legal rights and options. You pay nothing unless we win, and if you can't come to us, we'll drive to you. You didn't cause this crash, and you shouldn't have to carry its costs alone.