

Deer and accident liability: Deer to blame for semi crash on Highway 97

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Most motorists in Oregon have had the experience of being unsure just what to do when wildlife or someone's pet darts across a street into traffic. Squirrels, cats, dogs, rabbits--many times a driver can brake lightly without disrupting the flow of traffic and the animal will make it across the road safely. However, animals on highways can cause serious traffic accidents, especially when the animal is large and weighs several hundred pounds. Such was the case in early September when the presence of deer in the road caused the driver of a semi truck to swerve, resulting in a truck accident on Highway 97.

The driver of the truck, which was hauling a load of apples, told police that he swerved to avoid deer on the road. His vehicle then went onto the shoulder, at which point, the driver overcorrected. This caused the truck and trailer to roll off the highway, according to KATU.com. The truck driver was wearing his seatbelt and sustained only minor injuries. The apples that were not ruined were donated to charity.

Fortunately, there were no serious injuries and no other vehicles were involved. However, the truck and trailer were totaled.

Deer on roads more frequently in autumn

Late October through early December is mating season for deer. During this time, male deer are looking for females as potential mates as well as other males to fight. USA Today reports that collisions involving motor vehicles and deer result in approximately one million crashes per year. These accidents result in 200 fatalities and more than 10,000 personal injuries per year.

An issue that can arise in an accident involving a deer is who is liable for damages. If a motorist hits a deer and that impact causes the motorist's vehicle to run into another driver's car, will the motorist be liable for injuries to the other driver and property damage to his car? The answer depends on the circumstances surrounding the accident.

If a motorist was driving in a reasonable manner given the conditions, then it is possible that a jury will find that the motorist did not act negligently. Without a finding of negligence, the court will not impose liability. However, if the motorist was driving in an area where there were signs warning drivers of the presence of deer, and the motorist was speeding or otherwise driving carelessly despite these warnings, it is unlikely that a jury would find that the motorist was acting with reasonable care to avoid harm to others, justifying a finding of negligence and liability for damages.

To avoid hitting a deer, there are some basic tips drivers should follow. A driver should brake but not swerve; when a driver swerves, his or her car is more likely to go into a ditch or collide with another car. Be aware that deer often travel in herds, so if you see one deer cross the road ahead of you, be alert that more may follow. Also, deer are most active at dawn and dusk, so be especially vigilant during those times.

If you have been involved in an accident and sustained injuries and medical bills, you should contact an attorney to determine your rights. If you believe another driver's negligence caused the accident, a lawyer can help you recover the costs of medical bills, lost wages and pain and suffering.