

Who Is Liable When a Commercial Truck's Brakes Fail?

Why Brake Failures So Often Trace Back to the Carrier's Maintenance Program

When a loaded [commercial truck's](#) brakes fail at highway speed, a vehicle weighing up to [80,000 pounds](#) can't shed its momentum in time. Worn linings, out-of-adjustment chambers, and leaking air lines all stretch a stopping distance that's already far longer than a passenger car's.

In brake failure cases, the attorneys at [Fried Goldberg](#) often find that the carrier's maintenance file tells the story before the first deposition. Deferred repairs, ignored driver reports, and missed inspections are rarely hidden, and they point to a carrier that treated preventive maintenance as optional.

Key Findings

- **Brakes Lead Roadside Violations** – In CVSA's 2026 International Roadcheck, brake systems and 20% defective brakes accounted for 39.1% of all vehicle out-of-service violations.
- **Maintenance Must Be Systematic** – Federal rules require carriers to inspect, repair, and maintain their trucks on a program, not simply fix brakes after they fail.
- **Driver Reports Trigger a Duty** – A brake defect noted on a driver vehicle inspection report must be repaired, or certified as unnecessary to repair, before the truck runs again.
- **Outsourcing Doesn't Shift the Duty** – A carrier that sends brake work to an outside shop still answers for whether the work was done right and by a qualified inspector.

The Federal Standards That Govern Commercial Brake Systems

[49 CFR Part 393, Subpart C](#) sets the equipment standards for commercial vehicle brakes, from hoses and tubing to lining thickness and chamber adjustment limits. A truck that doesn't meet those standards isn't just poorly maintained. It isn't legally fit for the road.

[49 CFR 396.3](#) puts the maintenance burden on the carrier, which must "systematically inspect, repair, and maintain" every vehicle under its control. That word matters. A carrier can't wait for a failure, and it must keep records showing how its program actually works.

Two related rules often get less attention. Every truck needs a [periodic inspection at least once every 12 months](#), and only [qualified brake inspectors](#) may inspect, adjust, or repair brakes. Carriers must keep proof of each inspector's qualifications for the length of employment plus one year.

What Roadside Inspection Data Shows About Brake Defects

Brake problems remain the most common reason trucks are pulled off the road. During the [2026 International Roadcheck](#), inspectors conducted 44,047 vehicle inspections and placed

23.5% of those vehicles out of service. Brake systems ranked first among out-of-service violations, and defective brakes ranked third.

A truck taken out of service for brakes at the roadside is a truck that shouldn't have left the terminal in that condition. FMCSA publishes each carrier's roadside inspection and violation history through its [Safety Measurement System](#), so a pattern of brake violations before a crash is often a matter of public record.

That history can carry real weight in litigation. Repeated brake violations show the carrier had notice of the problem, and they belong alongside the [carrier's broader safety record](#) when the defense claims the failure came out of nowhere.

The Failure Modes That Show Up Most in Serious Crashes

Not all brake failures are alike. Some come from a sudden component failure, while others build over months as a system degrades. The failure mode shapes both the evidence trail and the liability theory, as this comparison shows:

Brake Condition	Federal Standard	What It Can Show
Pushrod stroke beyond the adjustment limit	Stroke limits by chamber type (49 CFR 393.47(e))	A condition visible in a competent pre-trip inspection and correctable in minutes
Worn lining or pads	At least 1/4 inch on air drum brakes for most axles (49 CFR 393.47(d))	Replacement intervals stretched to save money or downtime
Deteriorated hoses and air leaks	Hose, tubing, and connection standards in Part 393, Subpart C	Degradation that may pass daily driving but fail under emergency demand
Defects listed on driver reports	Repair or certify before the next trip (49 CFR 396.11)	Notice of the problem and a documented decision not to fix it

Braking failures also turn up in crash types that don't look like brake cases at first. Rear-end collisions, trucks that can't stop for a red light, downgrade runaways, and [jackknives that point to multiple safety failures](#) can all trace back to a brake system the carrier let degrade.

Why the Inspection History Is the First Thing to Preserve

Driver vehicle inspection reports only have to be kept for three months, and maintenance records can be purged on a longer but still limited schedule. Without an early preservation demand, the most important evidence in a brake case can legally disappear before a lawsuit is filed.

The same urgency applies to the truck itself. A post-crash mechanical inspection, with pushrod stroke measurements and lining thickness documented before the truck is repaired or scrapped, often decides whether the failure can be proven at all. [Truck accident cases are often won or lost after the crash](#), and brake cases prove the point.

A preservation letter in a brake case should reach the whole fleet, not just the involved truck. Brake problems across several trucks can show a maintenance program that failed by design rather than by accident.

Building the Document Request in a Brake Failure Case

For trial lawyers handling these cases, the document request should track the regulations. The core requests usually include:

- **Driver Vehicle Inspection Reports** – Every report for the involved truck during the retention window, with the carrier's repair certifications for any brake defect a driver noted.
- **Repair Orders and Invoices** – All brake-related work on the truck, including parts purchased, labor performed, and who performed it, whether in-house or at an outside shop.
- **The Written Maintenance Program** – The systematic program the carrier is required to follow, which often shows the widest gap between the regulation and how the carrier actually operated.
- **Periodic Inspection and Inspector Records** – The most recent annual inspection report and the qualification records for everyone who inspected, adjusted, or repaired the brakes.
- **Roadside Inspections and Out-of-Service Orders** – State and federal inspection reports for the truck and fleet, which can establish notice of recurring brake defects before the crash.

Those requests should connect to the rest of the investigation, including [how we investigate truck crashes](#) from the scene forward. Our treatise for plaintiff's lawyers devotes a full chapter to [the Federal Motor Carrier Safety Regulations](#), and our [trucking claims checklist](#) helps make sure nothing in the carrier's file gets missed.

Liability Beyond the Carrier That Owned the Truck

Some brake cases involve a maintenance contractor or outside shop that performed the last brake service before the crash. Federal rules let carriers use a commercial garage or similar business for certain inspections, and a shop that did the work poorly can face liability alongside the carrier.

The carrier doesn't escape responsibility by pointing to its contractor. It remains responsible for systematic maintenance and for making sure brake work is performed by a qualified inspector, so the shop's negligence and the carrier's can both be on trial.

The stakes are high because the [injuries in truck crashes](#) where a truck couldn't stop are among the most severe in commercial vehicle litigation. [High-speed rear-end collisions](#) in particular leave little room for a passenger vehicle to survive the impact.

Proving the Failure Was Foreseeable

A carrier that didn't maintain its brakes will almost always argue that the failure was sudden and unforeseeable. The investigation is built to test that claim against the carrier's own records, including the failure mode, the maintenance timeline, driver reports, and the inspection history.

If you're a lawyer with a brake failure case, [reach out to our team](#) to talk through co-counsel and the records worth demanding first. If you were hurt or lost a family member in one of these crashes, a [free consultation](#) is the first step, and our fee comes only from what we recover.