

Company Held Liable for Driver's Decision

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Drivers are asked to make decisions regarding the safety and security of their trucks and the loads they haul on a daily basis. If a driver makes the wrong decision, the company can be held liable for its driver's poor judgment. In this matter, a trucking company was found liable for an accident because the driver chose to drive with a load that he believed was not properly secured. Had the driver asked that the load be adjusted or refused to transport the load, the accident may not have occurred.

The Accident

The driver was hauling a load of paper rolls. Before leaving the loading dock, the driver admitted that he looked at the load and did not believe it was loaded properly. Despite his belief, the driver accepted the load. While in transit, the driver encountered heavy traffic and was required to stop on a major highway. In attempting to make this stop, the load of paper rolls shifted forward with such force that the driver was not able to stop and collided with the car in front of him. The driver of the car sued the trucking company for negligence.

Court's Reasoning

Under the Federal Motor Carrier Safety Regulations (FMCSR), the driver is responsible for ensuring that the load the driver is hauling is properly secured. In addition, the FMCSR sets forth specific loading regulations regarding certain types of loads, including loads of paper rolls. According to the regulations, a load of "paper rolls must be placed tightly against the walls of the vehicle, other paper rolls, or other cargo, to prevent movement during transit [or] lateral movement must be prevented by filling the void [in the trailer with] blocking, bracing, tie downs, or friction mats." In this case, the paper rolls did not fill the trailer and devices or materials were not used to fill in the void. Therefore, nothing prevented the rolls of paper from moving freely within the trailer.

During deposition testimony, the driver admitted that the load did not look secure when he left the loading dock. In addition, the load was not secured according to the FMCSR. Lastly, the driver reasoned in his testimony that he could not stop and thus hit the car ahead of him because the load inside the trailer moved.

Based on the testimony of the driver and the requirements set forth in the FMCSR, the court found that the trucking company was liable for the damage caused in the collision.

Life Lessons

The very nature of the trucking business makes it impossible for an employer to monitor every decision that a driver makes. Proper training and continuing education are examples of simple steps that could save a company hundreds of thousands of dollars in legal fees down the road. Continuing education need not be formal and can be as simple as 1-page informational inserts in drivers' paychecks or short notices over messaging service systems. In addition, a company can create discipline or incentive policies to enforce the company's commitment to safety. By taking some preventative steps, a company can ensure that its drivers have the tools to make the right decision when a situation such as the one described above arises.

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