2020 TRUCKING SAFETY & COMPLIANCE CONFERENCE NW

BROUGHT TO YOU BY ORANGE COMMERCIAL CREDIT

"PREPARING FOR" A SUCCESSFUL AND COMPLIANT TRUCKING FLEET

"PREPARING FOR THE DAY IN COURT (YOU HOPE WILL NEVER COME!)"



DISCLAIMER

THE PRESENTER IS NOT AN ATTORNEY. THE VIEWS EXPRESSED IN THIS PRESENTATION SHOULD NOT BE TAKEN AS LEGAL COUNSEL. CONSULT YOUR ATTORNEY BEFORE MAKING FINAL DECISIONS.

PURPOSE TODAY ...

- Share insights from cases where the actions of the motor carrier worked to either help or hinder their defense.
- REMINDER Being "in the right" is no guarantee the jury will agree with you.

WHY IS THIS RELEVANT TODAY ...?



"MAKE YOUR RIGHT TURN SLOOOOWLY..."



"I THOUGHT THOSE FRONT BRAKES WERE A LITTLE 'GRABBY' ..."



"LET ME SEE NOW. I COULD TELL DISPATCH THAT THERE WAS A LIGHTNING STRIKE"



"HAS ANYONE SEEN MY AXLES ...?"



"I GUESS THERE IS LESS CLEARANCE ON THIS SIDE!"



"MAYBE THE SIGN DIDN'T REALLY MEAN, 'EXIT RIGHT NOW"'



"I SAID, 'DON'T FOLLOW TOO CLOSE!"



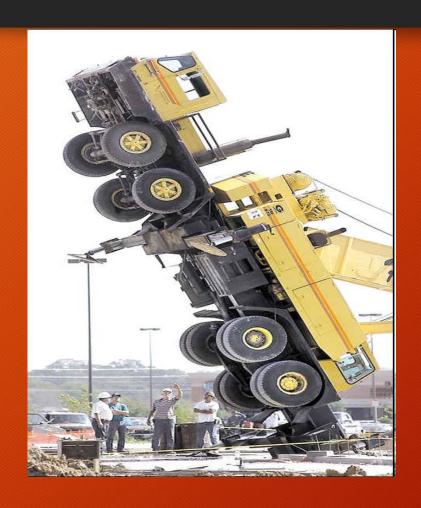
"WAS IT 'TURN INTO THE SKID," OR 'AWAY FROM THE SIDE?' I CAN NEVER GET THAT STRAIGHT."



"DID SOMEONE SAY FREE **DONUTS?**"



"I THINK BILL NEEDS A VACATION."



GENERAL PRINCIPLES

- Full compliance with FMCSRs vs "industry standard of care"
- Foreseeability
- Document training
- Equip safety staff for their job
- Standardized, written onboarding
- Control information exchange

- CMV driver loses consciousness and crosses the center line resulting in a fatality
- The company had good documentation and was thorough where the driver's medical conditions were concerned

- CMV driver loses control in high winds, crashes, is later terminated
- The company acted consistently within its policies and could demonstrate it

- CMV owner operator gets sick and dispatch treats it lightly, driver later loses a leg
- The company representative failed to exercise reasonable caution and appeared indifferent to the driver's plight
- Note In this case it the motor carrier might have been justified in its actions based on their independent contractor rules, but failed to convince the jury that they acted appropriately.

- Company buys used truck, tire fails resulting in injury
- The owner/company representative was inconsistent in testimony and failed to exercise reasonable caution when first tire failed

A FINAL WORD

- The role of your insurance carrier
- Your right to involve your own attorney
- Thank you for your time & attention!



QUESTIONS?

