



# IT'S ALL ABOUT SAFETY.

**REDUCE RISK - MINIMIZE LIABILITY - IMPROVE THE SAFETY OF YOUR FLEET**

**July 18-20, 2016**

Renaissance Schaumburg Convention Center Hotel, Schaumburg, IL



**IT'S ALL  
ABOUT  
SAFETY.**

# **A FLEET MANAGER'S GUIDE TO SURVIVING FLEET SAFETY- RELATED LAWSUITS**

**J. Shannon Gatlin**

**ALANIZ SCHRAEDER LINKER FARRIS MAYES, LLP**



# Outline

- Recap
- The Modern Complaint
- We Should Be Good on MVRs
- Continue to Document Safety Technology & Maintenance
- Driver Conduct Policies
  - Prescription Drugs & Alcohol
- Lessons for the Future: Hours of Service
- Post-Accident Procedures
- Conclusion

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Recapping the American Legal System



**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# The Wal-Mart Rule

- The Wal-Mart Rule
  - Applies to almost everyone in this room
- Financial incentives compel a lawsuit virtually 100% of the time
- Even frivolous lawsuits pay



IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# HEB Rule

**Click2Houston** NEWS SPORTS ENTERTAINMENT CONSUMER COMMUNITY TRAFFIC WEATHER 78° SIGN IN

NEWS Watch Live Local News Texas News U.S./World News Investigates Newsmakers Politics

**NEWS**

## Lawsuit filed by family of victim killed in crash outside grocery store

By Mark Boyle - Reporter

Posted: 7:32 PM, October 22, 2015  
Updated: 7:32 PM, October 22, 2015

0 0 0

**NEWS HEADLINES**

- Homeowner shoots burglar in northeast Harris County
- 2 arrested in game room raid
- Three vehicle accident leaves one dead on southwest freeway
- Shelter in place order lifted in Texas City
- What'd you miss? Top stories this week on Click2Houston.com

**Attached**   
ThinkPad OneLink Pro Dock Attached!

**IT'S ALL ABOUT SAFETY.**

Brought to you by  
**automotive FLEET HDT**

Fleet Safety Award in conjunction with  
**A**  
American Automotive Leasing Association

**Fleet Safety**  
CONFERENCE

# HEB Rule

The lawsuit was filed at the Harris County Clerk's Office on Thursday morning and details why the victim's husband and family think they deserve more than \$1 million in damages.

Court documents indicate that Karla Sanchez's husband, Daniel, is suing H-E-B, the driver of the SUV, Dorothy Barnes, and the woman who owned the SUV, Roberta Mayes.

Sanchez was killed Monday when Barnes, parking in a handicapped space at the H-E-B at I-45 and Woodridge Drive, slammed into the store.

The attorney wrote:

- 1) The concrete sphere, pillar(s) immediately outside the front entrance of the premises failed to protect Plaintiffs from the vehicle driven by the defendant Dorothy Davenport Barnes.
- 2) Defendant Roberta Johnson Mayes negligently entrusted the use of the vehicle to Defendant Dorothy Davenport Barnes, who was an incompetent, reckless and unfit driver.
- 3) The combined conduct of Defendants was a cause of the incident and plaintiffs' injuries.



Parking lot should have been safer.

Source: News2Houston

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Remembering Negligent Entrustment

- Claim is that the company demonstrated negligence in entrusting a motor vehicle to an employee or agent of the employee
- Separate from liability over the cause of the accident



The before.

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Proving Negligent Entrustment

- Plaintiffs prove negligent entrustment by showing that the company did not exercise reasonable care in establishing policies and procedures to ensure drivers are qualified and competent



The after.

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# The After After

JIM WALKER'S  
**CRUISE LAW** NEWS

Breaking News and Legal Commentary Regarding  
Cruise Ship Passengers & Crew Members Around the World

ABOUT JIM WALKER SERVICES CONTACT ARCHIVES

PUBLISHED BY  
**JIM WALKER**  
of  
**WALKER & O'NEILL**  
MARITIME LAWYERS

ABOUT JIM WALKER

[Home > Passenger Rights > Court Dismisses Passengers' Costa Concordia Lawsuits Filed in Miami](#)

### Court Dismisses Passengers' Costa Concordia Lawsuits Filed in Miami

Posted on January 28, 2016 by Jim Walker

An appellate court in Miami has ruled that *Costa Concordia* passengers, both U.S. residents and non-U.S. residents, cannot seek compensation in the U.S. for any injuries which they suffered arising out of the *Concordia* disaster in 2012.

Comments (1)  
Like 0  
Tweet  
Share 6

The cruise industry has good lawyers. How do you say  
*Negligent Entrustment* in Italian law?

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Are We Seeing A Lot of Negligent Entrustment Cases?

BUSTLE

NEWS ENTERTAINMENT FASHION & BEAUTY LIFESTYLE BOOKS Q EXPLORE

ABOUT ▾



## Tom Hanks Is Allegedly Being Sued Over His Son Chet's Car Crash — REPORT



KAITLIN REILLY  
March 28 ENTERTAINMENT



IT'S ALL ABOUT SAFETY.



# Are We Seeing A Lot of Negligent Entrustment Cases?

Actor Tom Hanks and his wife Rita Wilson are being sued over a rear-end car crash their son Chet Hanks was involved in last year. 



The lawsuit accuses Chet Hanks of negligence and Tom Hanks and Wilson of negligent entrustment of a motor vehicle, **TheWrap reported.**



The lawsuit, filed by Terry Moogan, claims that Chet Hanks, 25, was under the influence of drugs or and and/or alcohol at the time of the accident in Los Angeles and that his parents are partially responsible because they owned the vehicle he was driving and were aware of his state, **People magazine reported.**



"Despite knowing that Chester Hanks was a careless and reckless driver and a habitual user of drugs and alcohol, they negligently permitted Chester Hanks to operate their vehicle, and thus, in addition to Chester Hanks, are responsible for the physical and emotional injuries Mr. Moogan sustained," the lawsuit reads.

Police weren't called to the scene of the February 2015 accident, and Chet Hanks wasn't charged, **TMZ reported.** The celebrity gossip site said Moogan's lawyer claims that his client got whiplash and a brain injury from the accident.

Chet Hanks, an aspiring rapper who has used the moniker Chet Haze,

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# B/C We Have to Hear From Twitter

 **Chester M. Hanks**   
@CHETHAZE 

We exchanged information and that was that, now over a year later he comes forward with these accusations (guess he saw an opportunity)

5:50 PM - 29 Mar 2016

  4  16

 **Chester M. Hanks**   
@CHETHAZE 

The guy allegedly suing my parents is just trying to get a payday. Accident happened over a year ago- typical fender bender...

5:47 PM - 29 Mar 2016

  6  19

# Modern Negligent Entrustment Complaint



Now in only 7 pages.

**IT'S ALL ABOUT SAFETY.**



# What's In The Complaint?

**ALLEGEDLY,**

Egregious facts. Defendant's FMCSR driver caused an accident in which several individuals were injured or killed. Evidence indicated the driver was on prescription opioids and may have been drinking. Employer made numerous mistakes in driver qualification and retention. It was also unable to document all necessary maintenance.

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Respondent Superior Allegations

23. In addition to violating federal law, the Defendant violated the following statutes for the

Case 1:15-cv-00203-TRM-CHS Document 1 Filed 08/04/15 Page 3 of 7 PageID #: 3

---

State of Tennessee, and that these violations and statutes constitute negligence per se:

- a. T.C.A. § 55-8-136, Drivers to exercise due care;
- b. T.C.A. § 55-8-152, Speeding;
- c. T.C.A. § 55-8-156, Violation of special speed limits; and
- d. T.C.A. § 55-10-2015; Reckless driving.

24. As a result of the negligence and negligence per se of Defendant Brewer, the Plaintiff sustained injuries and damages.

25. The Defendant, Cool Runnings Express, Inc., was at all times the employer of the Defendant Brewer. As such, the grossly negligent and reckless conduct of Defendant Brewer is imputed to his employers under the doctrine of *Respondent Superior*.

It's never good if your driver is breaking a driving law at the time of or prior to the accident.

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Constructive Knowledge

30. Defendants Cool Runnings Express, Inc., Billy R. Sizemore and Cretty Sizemore had actual and constructive knowledge of its employee's "egregious, willful, dangerous pattern of conduct" that put the public at "extreme risks of death or serious injury".

31. The Defendants Cool Runnings Express, Billy R. Sizemore and Cretty Sizemore failed to take steps to take Defendant Brewer out of their truck and off of the road before June 25, 2015.

There is always evidence you  
should have known.

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Negligent Hiring

26. Defendant Cool Runnings Express, Inc. had a duty to exercise reasonable care in the hiring of its truck drivers, such as Defendant Brewer. Defendant Cool Runnings Express failed to exercise reasonable and due care in hiring Defendant Brewer. They failed to do an adequate background check as required by federal law. In addition, Defendant Cool Runnings Express failed to exercise its duty of reasonable care in supervising Defendant Brewer by not mandating a drug and alcohol test after the wreck on June 24, 2015, and forfeiting his CDL because of his failure to take a drug and alcohol test.

Post-accident, your MVR procedure, results and enforcement will be closely scrutinized.

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Negligent Maintenance

35. Defendant Cool Runnings Express was under a duty to exercise reasonable and due care

Case 1:15-cv-00203-TRM-CHS Document 1 Filed 08/04/15 Page 5 of 7 PageID #: 5

---

Always hope the  
brakes had been  
replaced recently.  
And that you have  
the receipt.

in the maintenance and repair of the vehicle operated by Defendant Brewer. Defendant Cool Runnings Express failed to maintain this vehicle in accordance with its duty of reasonable and ordinary care as is required by federal and state statutes. As a matter of fact, Defendant's semi-truck had brake issues several days before the tragic wreck.

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Gross or Reckless Negligence = Punitive Damages

38. The actions of the Defendants are reckless and grossly negligent. As a result of such reckless and gross negligent behavior, the Plaintiffs should be awarded punitive damages.

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# And Punitive Damages = ...

(2) Plaintiff Justin Knox be awarded compensatory damages in the amount of \$2,500,000.00;

(3) Plaintiff Justin Knox be awarded punitive damages in the amount of \$10,000,000.00 to punish the Defendants for their reckless and grossly negligent actions;

(4) Plaintiff Nomiki Knox be awarded compensatory damages in the amount of \$250,000.00;

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Insurance



That is probably not covered by your insurance.

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# What Was Alleged In This Complaint?

- **Negligent Hiring**
  - Failure to adequately run employee driving history
- **Negligent Supervision**
  - Driver Conduct – speeding, distracted, intoxicated
  - Inadequate maintenance
  - Hours of service violations (over-driving)
- **Inadequate Post-Accident Procedure**
  - Failure to properly test employees post-accident

*This should already be mandatory for all employees that engage in travel and company business.*

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Negligent Hiring — What To Do?

- Assess driver qualifications before putting them behind the wheel
- File should include:
  - Comprehensive job description
  - Application form
  - Follow-up on information from application
  - MVR, background check, and drug test results

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Negligent Hiring

## The Motor Vehicle Report

### Best Practice Tips:

- As a condition of employment, require for all employees that perform work outside of the central location
  - Inevitably, it will be someone you didn't run the report on that will have the accident
- Can also help catch worries before they become problems
- Think about people who engage in mixed use events business / social
- Sales & Regional employees
  - May also be using personal vehicles

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# MVR Thoughts

- More Best Practice Tips
- Annually should be minimum
  - Always think about heightened monitoring for select employees based on job duties or performance issues
  - Really helps make you look defensible post-accident
  - Especially helpful defending a lawsuit when your driver had a previous MVR hit prior to the accident but you allowed him/her to continue driving
  - Again, think about sales/executive employees as well

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Motor Vehicle Report vs. Criminal Background Check

- Know the difference — Especially at the hiring stage
- If you are running a full criminal background check, that is a tougher standard to justify — And it requires compliance with the Fair Credit Reporting Act



The screenshot shows the EEOC website with a press release titled "BMW to Pay \$1.6 Million and Offer Jobs to Settle Federal Race Discrimination Lawsuit". The release, dated 9-8-15, details a consent decree where BMW Manufacturing Co., LLC (BMW) agreed to pay \$1.6 million and provide job opportunities to victims of race discrimination. The lawsuit, filed by EEOC's Charlotte District Office, alleged that BMW excluded African-American logistics workers from employment at a disproportionate rate when the company's new logistics contractor applied BMW's criminal conviction records guidelines to incumbent logistics employees. The release also mentions that BMW's criminal conviction records guidelines excluded from employment all persons with convictions in certain categories of crime, regardless of how long ago the employee had been convicted or whether the conviction was for a misdemeanor or felony. According to the complaint, after the criminal background checks were performed, BMW learned that approximately 100 incumbent logistics workers at the facility, including employees who had worked at there for several years, did not pass the screen. EEOC alleged that 80 percent of the incumbent workers disqualified from employment as a result of applying BMW's guidelines were black.

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Back to the Complaint — An Injunction?

33. Allowing other truck drivers to continue driving semi-trucks constitutes irreparable harm to the public endangering human life, and pursuant to Rule 65 of the *Federal Rules of Civil Procedure*, the Plaintiffs will move for a preliminary injunction be issued to prevent the Defendants Cool Runnings Express, Billy R. Sizemore and Cretty Sizemore from doing business in interstate commerce until a hearing is held to determine the criminal history and safety records of all of its current truck drivers.

34. Plaintiffs ask the court to set a hearing for this preliminary injunction to determine whether or not any other of the Defendant's truck drivers have lied on their employment application, have a criminal record, have been in numerous wrecks, have been issued numerous speeding tickets, have failed a drug test or have lied to law enforcement agencies regarding their duty status.

It says “prevent them from doing business in interstate commerce...”

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Tech Check

- Improper maintenance was alleged
  - Obviously, continue retaining full records of maintenance and replacement
  - Failure to implement adequate safety technology was not alleged in this complaint
  - Still recommend you continue documenting your decision-making for vehicle safety technologies



**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Vehicle Maintenance / Records

- Review of policies
  - Vehicle Acquisition Policy
  - Modifications to Vehicle Policy
  - Emergency Equipment Policy
  - Vehicle Inspection, Maintenance & Repair Policy
  - Periodic Visual Checks
  - Compliance with State Laws

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Negligent Supervision: Driver Conduct

- Speeding
- Distracted Driving
- Drowsy Driving
- Impaired Driving / Prescription Drugs
- Intoxication
- Over-Driving

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Negligent Supervision: Driver Conduct Policies

- Need to have specific policies in place
  - Safety Policy
  - Cell Phone Use Policy
  - Business Use Policy
  - Personal Use Policy
- Need to actually enforce policies

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Speeding & Distracted Driving



We should all have policies on this by now.

*"I have to take this call."*

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Drowsy Driving



More on this with:  
over-driving

Everybody yawn.

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Growth in Prescription Opioid Drug Use

Newsflash: More Americans taking more drugs to treat drug abuse.  
How many work for you?

PRESIDENT OBAMA'S BUDGET WILL INVEST  
**\$1.1 BILLION TO HELP ADDRESS THE OPIOID  
EPIDEMIC BY:**

- ✓ Helping ensure that all Americans who want treatment can get the help they need
- ✓ Expanding access to medication-assisted treatment for opioid use disorder
- ✓ Expanding access to substance use treatment providers

[GO.WH.GOV/OPIOIDS](http://GO.WH.GOV/OPIOIDS)

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Impact on Fleet Safety But Legal

- Opioid / methadone abuse is an epidemic. Impact on driver impairment would appear to be obvious
- **But exercise extreme caution here!**
- Even if you know that an employee who operates a company vehicle or personal vehicle on company business is taking an opioid (with or without prescription), proceed cautiously with how you drug test and how you document their discipline / termination



Major area of enforcement focus.  
Don't get sued for an ADA violation.

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Intoxication



## Man sues Triad Engineering for employee driving while intoxicated

Kyla Asbury

Mar. 30, 2016, 2:51pm



CHARLESTON – A man is suing Triad Engineering after he claims one of its employees was driving while intoxicated and caused a car accident.

Anthony Howard Keeney was also named as a defendant in the suit.

On Jan. 7, Richard Dillon Pritt was lawfully and properly operating a Dodge Ram vehicle eastbound on Kanawha Terrace and, as he approached a four-way intersection, he began to slow his vehicle for traffic in front of him, according to a complaint filed March 28 in Kanawha Circuit Court.

Pritt claims as he brought his vehicle to a stop, Keeney, who was operating a 2013 Toyota Tacoma owned and/or controlled by Triad, struck violently in the rear of Pritt's vehicle.

Triad negligently entrusted its vehicle to Keeney when it knew or should have known that he had a long-term problem with alcohol and/or substance abuse both during the course of his work duties and outside his work duties proximately causing the collision between the vehicles, according to the suit.

By far – the biggest risk factor.

IT'S ALL ABOUT SAFETY.



# More Likely To Cause Speeding & Distracted Driving



I wish I had left  
that industry  
event one drink  
earlier...

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Address Intoxication

- What is your policy?
- Can employees, at industry/business-related events, consume alcohol and then operate a motor vehicle (theirs or yours) on their way home?



“Have another,  
company’s paying.”

IT'S ALL  
ABOUT  
SAFETY.

Brought to you by  
automotive  
**FLEET**  
**HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Issue for the Near Future: Over-Driving

- Government is putting new emphasis on over-driving for CDL drivers
  - Electronic Logging Devices (ELDs)
- ELDs will be required for those using paper logs or logging software by mid-Dec. 2017, and for those using automatic onboard recording devices by mid-Dec. 2019. Think about:
  - How do I restrict my employees from driving late, after a long work day?
  - Do my employees drive great distances that require extended time on the road?
  - Am I comfortable justifying the route demands on my drivers if, late in a route, the accident occurs?

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Post-Accident Procedures

- An accident happened.... Now what?
  - Reporting of Motor Vehicle Incidents and Collisions Policy
  - Accident Response & Investigation Team
  - Personal Cell Phone Records Surrender Policy
  - Incident Review and Analysis Policy
  - Corrective Actions

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Conclusions

- I. Driver Conduct is consistently the biggest risk factor for vehicle fleet liability (Respondeat Superior, Negligent Hiring, & Negligent Entrustment)
  - Clearly surpasses necessary maintenance and more safety technology
- II. It would seem obvious that better driver conduct also reduces accident
  - This connects to ROI
- III. And the two keys to improving your fleet drivers' conduct are:
  - Effective policies that reflect your priorities
  - Proper training, testing, and enforcement

**IT'S ALL  
ABOUT  
SAFETY.**

Brought to you by  
**automotive  
FLEET  
HDT**

Fleet Safety Award in  
conjunction with  
**A**  
American Automotive  
Leasing Association



# Because I Also Saw This



DEC 23, 2015 | BY WILLIAM F. SMITH

SHARE THIS STORY



When Heather Marley decided to pass three vehicles while traveling eastbound through Macon County, Ala., on Highway 80, she didn't anticipate a turning vehicle. (Photo: Thinkstock)

**Verdict:** For the defense.

**Venue:** Macon County, Ala.

**Plaintiffs:** Phyllis Goats and Nancy Rogers.

**Defendants:** Tri-County Trucking and Joseph Hasberry.

**Demand:** \$3.5 million.

On June 4, 2010, Heather Marley, Phyllis Goats, Nancy Rogers and Patsey Burnett were traveling eastbound through Macon County, Ala., on Highway 80. Goats, Rogers

and Burnett are sisters. Marley is Goats' daughter. The four women had begun their trip from their home town of Evadale, Texas, and were on their way to Savannah, Ga., to visit another relative. Marley was operating the Chrysler 300. Goats, Rogers and Burnett were passengers.

## MOST POPULAR STORIES



**LOSS CONTROL**  
Risk managers rank their top-rated carriers

IT'S ALL  
ABOUT  
SAFETY.



# THANK YOU!

## Any Questions??

J. Shannon Gatlin

[sgatlin@alaniz-schraeder.com](mailto:sgatlin@alaniz-schraeder.com)



**IT'S ALL  
ABOUT  
SAFETY.**

