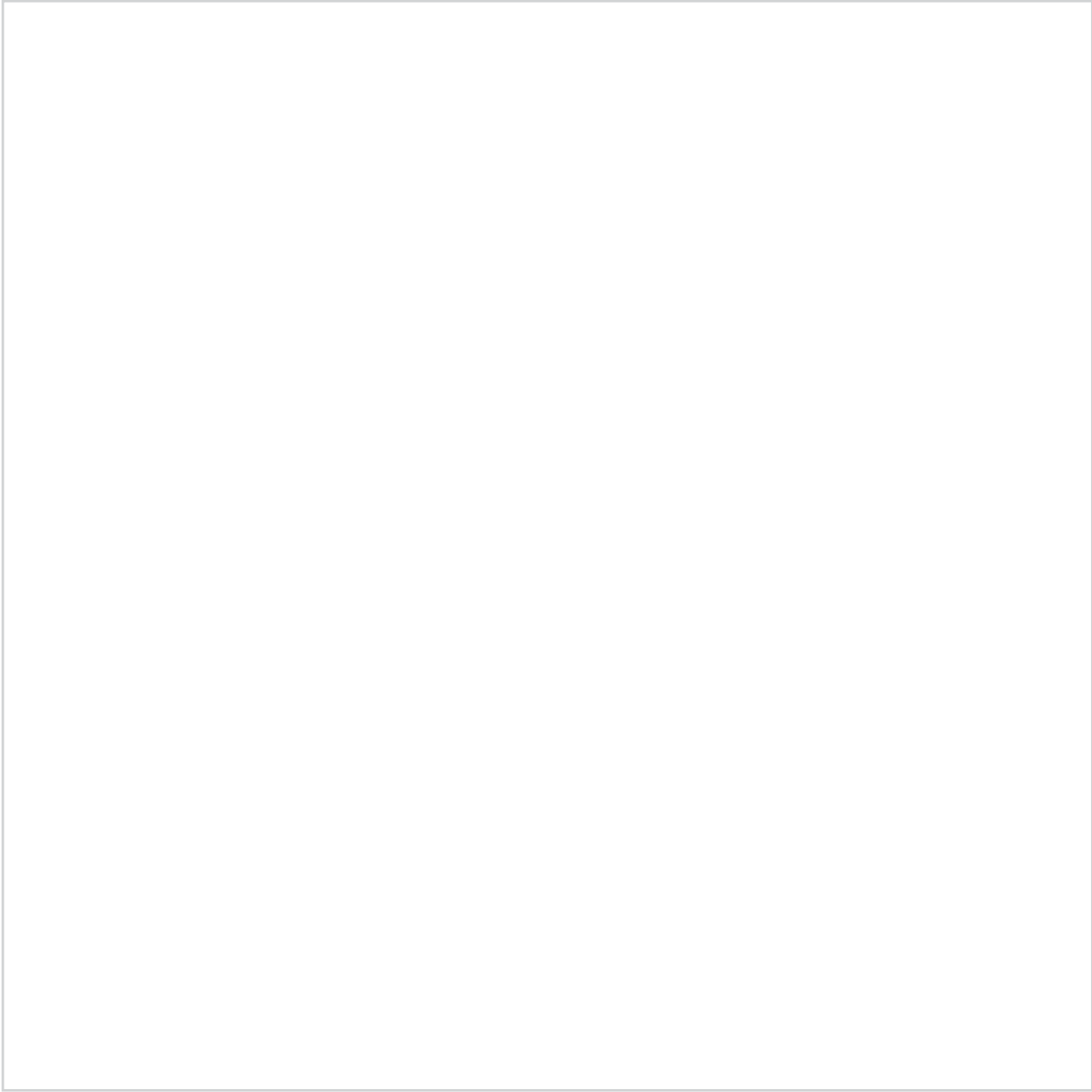


THE State Auto Group

*Your Business
Insurance Specialists*

Risk Control Services

Passengers...
*Not just along
for the ride*



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Passengers...

Not just along for the ride

In today's trucking industry, companies routinely allow passengers to accompany drivers, often imposing few restrictions and giving little thought to the potential liability that could arise if a passenger is injured or killed in an accident. Many companies have unwittingly increased their liability exposure by permitting passengers to accompany drivers as part of their driver recruiting and retention efforts.

Passenger liability is a significant risk management concern. One recent case in Virginia in which a court awarded over \$27 million to the children of a female passenger who was killed in a truck accident illustrates this point. The settlement far exceeded the trucking company's insurance policy limits and set an alarming precedent for future claims involving passengers.

Whether a trucking company has a formal passenger program or tacitly allows passengers to accompany drivers, their exposure to additional third-party liability claims is increased. Passengers, especially young children, can distract the driver and cause him or her to lose focus on road or traffic conditions. Passengers may also increase an accident's severity exposure simply because there are more people in the vehicle who can be injured.

Since passengers routinely include spouses, children, and significant others, there is a perception in the industry that family members and significant others are not likely to file a claim against the trucking company and/or the driver. Unfortunately, when accidents result in serious injury or death, relationships quickly sour and a driver's allegiance to the company can dissipate. Claimants who face unpaid medical bills, debilitating injuries, lost wages, or the loss of a family member may see pursuing legal action against the trucking company and the driver as their only recourse.

Company owners and managers should consider ways passenger liability exposures can be controlled. The best

way to do this is to prohibit all passengers. However, if passengers are permitted, strict controls should be in place and a formal written passenger policy developed. Safety professionals recommend the following guidelines be considered when establishing a passenger program:

1. Restrictions on who is permitted to take passengers, when, and the number and duration of trips allowed.
 - a. Driver safety-related qualifications. For example, only drivers who:
 - Have been employed longer than one year.
 - Have a minimum of 200,000 miles truck driving experience.
 - Have had no moving violations, drug/alcohol related violations, accidents or driver/vehicle-out-of-service violations within the last year.
 - Have had no logbook or other company policy violations within the last six months.
 - b. Passengers should be at least 18 years old, and restricted to spouses/significant others.
 - c. Passengers should be prohibited when transporting hazardous materials.
 - d. Passengers should be prohibited during inclement weather or when/where inclement weather is expected.
2. Drivers should submit a separate written request before each trip with proper management approval (DOT requirement for drivers of vehicles regulated by DOT).
3. A waiver should be signed by the passenger, indicating that the driver and the company are not responsible for injuries or loss resulting to the passenger while in or around the vehicle. Having the waiver developed/reviewed by legal counsel is recommended. Consideration should also be given to requiring passengers to purchase an insurance policy covering the passenger for each trip (rider policy).

Non-Driving Passenger Authorization

(As required by Section 392.60 of FMCSR)

This document authorizes:

Full Name _____

Social Security Number _____ - _____ - _____ Birth Date ____ / ____ / ____

Street Address _____

City _____ State _____ ZIP _____

Emergency Contact Information:

Name _____ Phone (_____) _____ - _____

Address _____ City _____ State _____ ZIP _____

to ride on truck/tractor number _____ from ____ / ____ / ____ to ____ / ____ / ____

with a (*Your Company Name Here*) driver: _____

SUBJECT TO THE FOLLOWING CONDITIONS

The above Non-Driving Passenger agrees that they are not at any time an employee of (*Your Company Name Here*).

By permitting the above Non-Driving Passenger to ride aboard his/her vehicle, the Driver/Contractor certifies that above Non-Driving Passenger meets all Federal Motor Carrier Safety Regulations and agrees to accept full liability for all injury claims or other costs arising from any violation of these requirements.

This authorization permits only the above Non-Driving Passenger and none other to ride on the above described vehicle. All prior authorizations issued to other Non-Driving Passengers are hereby cancelled and revoked. This authorization is not transferable and permits riding aboard the above described vehicle only.

Driver's Release

I hereby release (*Your Company Name Here*), its affiliated agents and officers, of any and all liability for any injury which may be suffered by the above referenced passenger.

Driver _____

Date ____ / ____ / ____ Manager Number _____

Manager/Driver Domicile Location:

City _____ State _____

Non-Driving Passenger Release

I hereby expressly release (*Your Company Name Here*), its affiliated agents, employees and officers, of any and all liability whatsoever to my person or property arising from my being granted passenger authorization to ride in the above referenced vehicle. I fully understand and will comply with the company standards which prohibit passenger assistance in loading, unloading or interfering with the furtherance of the driver's company duties.

Non-Driving Passenger Date ____ / ____ / ____

(*Your Company Name Here*) Safety Department Date ____ / ____ / ____

(Not valid until received along with a picture ID and authorized by "*Your Company Name Here*" Safety Department)

Passenger Authorization

This document authorizes:

Name _____

Street Address _____

City _____ State _____ ZIP _____

Social Security Number _____ - _____ - _____

Birth Date ____ / ____ / ____

to ride on truck/tractor number _____

from ____ / ____ / ____ to ____ / ____ / ____

with a (*Your Company Name Here*) driver: _____

This authorization must be carried by the person named above at all times while on the truck, at a residence, at a company's customer facility, or on (*Your Company Name Here*) corporate premises. This authority is not transferable and is not valid after the expiration date.

Passenger Date ____ / ____ / ____

(*Your Company Name Here*) Safety Department Date ____ / ____ / ____

Valid only when authorized by the
(*Your Company Name Here*) Safety Department

THIS AUTHORIZATION EXPIRES: ____ / ____ / ____