

Commercial Vehicle Passenger Liability

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Passengers increase company liability

In today's commercial auto 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 as part of their driver recruiting and retention efforts.

Whether a company has a formal passenger program or tacitly allows passengers to accompany drivers, their exposure to additional third-party liability claims increases. 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 company and/or the driver.

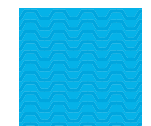
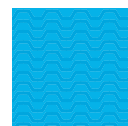
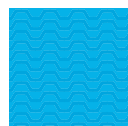
Unfortunately, when accidents result in serious injury or death, relationships quickly sour and a driver's allegiance to the company can dissipate. Claimants who face unpaid medical bills, debilitating injuries, lost wages or the loss of a family member may see pursuing legal action against the company and the driver as their only recourse.

Guidelines to manage risk

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 and when, and the number and duration of trips allowed.
 - a. Create driver safety-related qualifications. For example, only drivers who:
 - Have been employed longer than one year.
 - Have a minimum of 200,000 miles driving experience.
 - Have had no moving violations, drug/alcohol related violations, accidents or driver/vehicle-out-of-service violations within the last year.
 - If a commercial driver, 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).



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