

# utah trucking

UTAH'S VOICE IN TRUCKING

## 2016 CONFERENCE RECAP



SUMMER  
SAFETY

PREVENTING INJURIES  
ON THE JOB

## TRUCKERS AGAINST TRAFFICKING

IN THE FIGHT AGAINST HUMAN TRAFFICKING,  
WHY TRUCKERS?

SUMMER 2016 EDITION

# REDUCING A BROKER'S INCREASING RISK FOR EXPOSURE TO LIABILITY

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*“An attorney can offer guidance and advice on how to reduce this risk and protect your company moving forward.”*

The legal community is observing a trend of claims and lawsuits against transportation brokers. Shippers have attempted to hold brokers responsible for lost or damaged freight, and other motorists have sued brokers for property damage and personal injuries following trucking accidents. The plaintiffs tend to allege that brokers failed to properly investigate the safety record, claims history, and insurance status of the carriers. They have also argued that the carrier and the broker are not separate entities, or that their close relationship gives the broker control over the carrier's shipments.



The troubles for brokers arise if the motor carrier the broker selects is alleged to have been negligent in causing an accident or damaging/losing freight. If a plaintiff questions whether the carrier was fit to perform the job, he or she may also begin to question whether the broker acted reasonably in selecting the carrier. The claimant may investigate the carrier's accident history, safety rating, insurance, and experience to assess whether the broker properly vetted the carrier.

In order to limit exposure to liability and avoid potential lawsuits, transportation brokers should implement policies and practices to assist with the selection of carriers with safe drivers and adequate insurance coverage. A broker should also take steps to avoid the appearance that it and the carrier it selects are essentially the same legal entity and responsible for each other's acts and omissions. The risk of being sued cannot be eliminated, but an attorney can offer guidance and advice on how to reduce this risk and protect your company moving forward. For that reason, it is important to consult with your attorney regarding these issues because a problem, or claim, arises.

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