

Unauthorized Passengers

This document was developed to outline the following items with respect to unauthorized passengers:

- Actual truck losses with unauthorized passengers in the cab
- U.S. Federal Government's guidelines
- Potential liabilities to the driver
- Industry best practices for commercial fleets and owner operators
- American Team Managers Inc. recommendation

The story line in the local newspaper read, "Family Accompanied Truck Driver on Fatal Trip". A 6-year old girl was killed in a tractor-trailer rollover as she was traveling with her family from Iowa to their home in Idaho Falls. The girl's father is a long haul truck driver, and she, her 4-year old sister and mother were accompanying him as he made a delivery. The mother and father were wearing seat belts in the front cab, but the two girls were traveling in the sleeping bunk, which is protected only by web netting. The mother and 4-year old suffered minor injuries in the accident, which was caused when a strong gust of wind tipped over the truck. The 6-year old was ejected from the sleeping berth and was crushed by the cab. The father was uninjured.

A second newspaper article read, "Fatal Accident on Martinez Lake Road". The accident involved a pickup truck and a tractor-trailer. The man died at the scene after his pickup hit a semi-trailer truck that turned left into the westbound lane. Both trucks were engulfed in flames. The male driver of the semi, along with three passengers, escaped with minor injuries. Those three passengers were family members of the semi driver on their way to buy groceries.

An alarming number of today's professional semi-truck drivers are being accompanied by unauthorized passengers. Typically, long haul drivers leave Sunday and return home late Friday. To reduce the loneliness while traveling, drivers have been known to use books on tape, cell phones, televisions and training CDs. Other drivers bring along a family member, pet or personal acquaintances to help them stay connected with their family.

While large commercial transportation firms can and do authorize co-drivers or team drivers to share in the driving responsibility, most trucking firms do not allow any unauthorized passengers in the cab while driving. The US Department of Transportation (DOT) and Federal Motor Carrier Safety Administration addresses unauthorized passengers in Subpart G, Prohibited Practices—§392.60 Unauthorized Person Not to Be Transported. Under federal safety rules for commercial motor vehicles (CMVs), passengers are not allowed on CMVs (except buses) unless they are specifically authorized by the motor carrier. When the motor carrier issues such an authorization, it must state the following:

- Name of the person to be transported
- Points where the transportation is to begin and end
- Date when the authorization expires

The driver is not required to carry the authorization on board the vehicle. Written authorization is not required for the transportation of:

- Persons assigned to the vehicle by the motor carrier
- A person transported when aid is being rendered in an emergency
- An attendant delegated to care for livestock

Allowing unauthorized passengers is also becoming a serious liability exposure with owner operators. This group of independent and unsupervised drivers may not understand the serious nature of bringing along an unauthorized passenger. Whether it's on their next long haul trip or a ride with the family to the local grocery store, this practice increases their liability exposure tremendously.

If the owner/operator becomes involved in a vehicle accident with an unauthorized passenger in the cab it increases the liability of the driver. The driver becomes liable for his/her actions and for the injuries sustained to the passenger. Should the unauthorized passenger become injured, the insurance coverage for their injuries may not be available, depending on the circumstances surrounding the accident.

Suggested industry best practices for large transportation firms should include a written and implemented unauthorized passenger policy. Drivers should be trained on the policy requirements and DOT's Subpart G, Prohibited Practices—§392.60.

Suggested industry best practice for an owner/operator should include a clear understanding of the additional liability that is being undertaken by the driver and to not allow any unauthorized passenger in the cab for any reason.

To completely eliminate the potential for a major loss, American Team Managers Inc. recommends that under no circumstance should a professional truck driver permit a passenger in their truck for any reason, whether they are authorized or unauthorized.

If you would like additional information on this subject or any other insurance related subject, please contact your insurance agent, American Team Managers Inc.

References:

"Family Accompanied Truck Driver on Fatal Trip"
www.billingsgazette.com

"Fatal Accident on Martinez Lake Road"
www.yumasun.com