

THE TURNER & HAMRICK EXPRESS



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Turner and Hamrick, LLC is an Independent Insurance Agency serving Alabama and the southeastern United States. Protecting you and your business is our only focus. Enjoy the expertise, commitment, and professionalism that assures you will receive not only the best premiums, but also the finest service throughout your policy year.

NTSB: Ban truckers calling or texting from road

LOUISVILLE, KY— Truckers and other commercial drivers should be banned from talking on the phone and texting when they are behind the wheel, a federal safety agency recommended Tuesday.

The National Transportation Safety Board endorsed the ban during a hearing in Washington after ruling that a truck driver on his phone caused a crash that killed 11 people on a Kentucky interstate in 2010. The board said the ban should include use of hands-free devices.

Kenneth Laymon, 45, of Jasper had just made a one-second call at the time of March 26, 2010, crash on Interstate 65 near Muncie, Ky., the board said.

This is not going to be popular
 NTSB Chairman Deborah Hersman said similar recommendations about phone use have already been made in aviation and for ship operators.

“It may not be something that’s widely embraced. This is not going to be popular. But, we’re here to do what needs to be done,” Hersman said.

Investigator David Rayburn said Laymon panicked and hit the brakes but didn’t try to steer his tractor-trailer out of the median. The 38-ton truck drove into the oncoming lanes and smashed head-on into a van carrying a Mennonite family and friends to a wedding in Iowa.

Laymon and 10 people in the van were killed in the fiery crash. Two young children in

safety seats were the only survivors.

The NTSB was told that Laymon had been talking and texting in the hours leading up to the early morning crash

The NTSB doesn’t have the power to ban cell calls and texting. It sent its recommendations to the Federal Motor Carrier Safety Administration and all 50 states for action. Kentucky is among 34 states that have barred texting for all drivers but it doesn’t outlaw cell phone calls behind the wheel.

The proposed ban would cover commercial driver’s license holders while they operate vehicles such as tractor-trailer, buses or tanker trucks. The federal Bureau of Labor Statistics estimate in 2008 that there were about 2.8 million commercial truckers.

Driver fatigue also cited
 The NTSB voted to accept its investigators’ conclusion that Laymon, distracted by his phone, caused the deadly wreck.

In an interview before the hearing, Misty Laymon said her husband was careful about using his phone while driving, even buying a hands-free device to ensure safety.

“I don’t want him perceived to be another incompetent driver who killed people,” she said.

She could not immediately be reached for comment after the hearing.

The NTSB also found that driver fatigue and the failure of cable

barriers along the median contributed to the fatalities.

“We believe the ban on cellular telephones, hand held and hands free, are appropriate in this case,” said NTSB Director of Highway Safety Don Karol.

Getting a cell ban in all 50 states is unlikely in the near term, said Jonathan Adkins, a spokesman for the Governors Highway Safety Association in Washington, D.C. The group has recommended employer-based policies instead.

“We’re not there yet,” Adkins said. “You shouldn’t use your phone while you driver. The question is what do you do about it?”

Federal authorities said Laymon left Lansing, Mich., at about 4 p.m. on March 25, 2010. The wreck happened roughly 13 hours and 437 miles after the left. Autopsy tests on Laymon came back negative for alcohol or drug use.

The victims were 22-year-old Joel Gingerich, 22, and his 20-year-old fiancée, Rachel Esh, who were riding in the van. Also killed were John Esh, 64, owner of a vinyl-building business in Marrowbone; his 62-year-old wife, Sadie; their daughters, Rose, 40, and Anna, 33; their son and daughter-in-law, Leroy Esh, 41, and Naomi Esh, 33, and their adopted infant son; and family friend Ashlie Michelle Kramer, 22.

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NTSB: Ban truckers calling or texting from road. CONTINUED

Several relatives of the Mennonite victims attended Tuesday's hearing. At one point they were advised to step outside before some graphic evidence was shown.

Company shut down

Investigator Rayburn said that the stretch of highway where the crash happened had a cable barrier along the median but it wasn't designed to stop a vehicle that weighed so much and was going so fast. Laymon was traveling about 70 mph, the speed limit for that stretch of highway, the NTSB said.

"When it struck the first post, it pulled

the system down before it could engage the truck," Rayburn said.

After the wreck, the Federal Motor Carrier Safety Administration shut down Laymon's employer, Hester Inc., of Fayette, Ala.

Federal records show the agency conducted 194 driver inspections on drivers of Hester Inc. over 30 months. They resulted in 21 drivers being taken out of service for log book violations, exceeding the 11-hour driving limit or the 14-hour on duty limit.

Hester has since been bought by FTS

Fleet Services of Little Rock, Ark. The NTSB ruled that Hester essentially kept functioning under the guise of FTS, using the same trucks and employees. Federal Motor Carrier Safety Administration fined FTS \$35,000, which was suspended, and required FTS to pay Hester's \$134,000 fine stemming from the fatal wreck.

By: Brett Barrouquere.
AP Associated Press 9/13/2011
www.msnbc.msn.com

FREIGHT BROKERS BEWARE!!!

It is becoming more and more common for Freight Brokers to be pulled into law suits that the carrier is involved with. In return, insurance companies that insure brokerages are tightening up on guidelines and requirements that brokers must follow.

Several recent claims involving brokerages are having to do with negligent entrustment of freight to a specific carrier. For example; if a broker brokers a load to a carrier that has 3 BASIC alerts and a conditional rating the broker will be at risk for negligent entrustment. Say this carrier has a serious accident with bodily injuries or fatalities and the driver is over his hours. In this case the plaintiff is going to try and make a case that the broker is partially responsible because it was visible that the carrier was not a responsible company and already had an alert for log violation as well as other violations and the Broker should not have entrusted the load with such a carrier. GUESS WHAT...your GL or contingent liability will not cover you for such a claim. Below are some examples of what many insurance companies as well as some legal bodies are starting to require and / or expect from Brokers.

- Get all carriers to list the brokerage as additional insured. This will allow their auto liability to cover the Brokerage, for half the policy limits, if the broker is pulled into a claim.
- Have guidelines to what type of carrier you use.
- Have a good Broker contract with indemnification wording.
- Make sure all carriers are with an "A" rated insurance company. You can do so by going to ambest.com and pulling the insurance company's rating.
- Only use companies that have had authority for 3+ years
- In the carriers file Keep:
 - *Certificate of insurance: Listing broker as additional insured, current limits and dates
 - *Copy of the Insurance company's rating that you pull off ambest.com
 - *Copy of safer profile (showing satisfactory rating), authority history (showing how long they have had authority), Insurance Filing (showing they have active insurance on file), Copy of SMS numbers (showing BASIC scores). All of this can be obtained from SAFER (safersys.org)

For examples of cases and laws regarding the responsibility of the Freight broker, go to <http://www.millardlaw.net/articles/transportation-brokers-liability.htm> I found this on the web and it give some good examples and is a little more in-depth.

ATA Safety Contest Winners

Turner & Hamrick would like to congratulate our clients that placed in the Alabama Trucking Association safety contest.

General Commodities Combined Under 1 Million Miles

- 1st Place: JCrawley Transport LLC
- 2nd Place: Church Transportation & Logistics, Inc

General Commodities Linehaul Under 1 Million Miles

- 2nd Place: J&D Burgess Inc

General Commodities Linehaul and Combined awards 5 to 10 Million Miles

- 3rd Place: B.R. Williams Trucking, Inc

General Commodities Local under 1 Million Miles

- 2nd Place: B.R. Williams Trucking, Inc

KEY EMPLOYEE: TONI JONES

Turner & Hamrick would like to congratulate Toni Jones for being selected as the key employee of the quarter.

Ms. Jones graduated as the valedictorian of Goshen High in Goshen, AL. Toni received a degree in Communication Arts from Troy University in 2006 where she graduated Summa Cum Laude. She then went on to receive a master's in Business Administration from Troy University in 2007, also as Summa Cum Laude.

Ms. Jones began her career in insurance in 2006 when she joined Turner & Hamrick's marketing department.

What Toni likes best about marketing is getting the client the

best insurance policy for their money. "I enjoy the competition and challenge of making sure the client is fully covered for the best price."

Toni also likes to collect trucking company paraphernalia. She has a growing collections of shirts, hats, and stationary from many of our clients.

Ms. Jones is married to Mr. Luke Jones. Toni and Luke have one son, Mason, 1 year old and two dogs, a poodle named Oreo and a miniature schnauzer names Dixie. In her spare time, she enjoys spending time with her family and reading.

Thanks again Toni for your hard work and dedication.



CLIENT SPOTLIGHT: BENNY WHITEHEAD, INC



Benny Whitehead, Inc., headquartered in Eufaula, Alabama is a refrigerated truckload carrier that operates from the Southeast to the West Coast, hauling refrigerated and dry goods. For 45 years, the name Benny Whitehead has stood for high-quality transportation services to an ever-growing list of prestigious customers. Experience, integrity, and a solid track record have earned Benny Whitehead a reputation as one of the nation's leading transport companies in both temperature control and dry products.

The business started in 1963. When Benny was only 19 years old, he purchased his first used truck and began hauling timber locally. Then, in 1975, he bought two additional trucks and started to haul freight. Six years later, he sold his older vehicles and bought two brand new trucks and from then on, began adding a few new units each year. By the mid-80's, he was running twenty trucks and had established a successful business. Benny's dream to own his own company had turned into reality. Today, Benny has involved his three children, Amy, Benny Paul, and Eddie, in the operation and has created a lucrative family owned and operated business. He currently operates seventy

2012 International ProStars, and each is equipped with Qualcomm satellite communications and XM Radio.

The company strives to be the best in the business by providing top notch customer service with 100% on-time deliveries. Safety is a top priority for them and they believe that you can only be the best by continuously improving. Their mission is to earn the respect and trust of their customers and employees by always being honest in everything they do.

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