

# 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.

## FMCSA RELEASES HOURS-OF-SERVICE FINAL RULE

The U.S. Department of Transportation on Thursday, Dec. 22, announced the long-anticipated Federal Motor Carrier Safety Administration final rule that revises the hours-of-service safety requirements for commercial truck drivers.

While the final rule retains the current 11-hour daily driving limit — FMCSA previously was in favor of reducing it to 10 hours — it reduces by 12 hours the maximum number of hours a truck driver can work within a week. Under the old rule, truck drivers could work on average up to 82 hours within a seven-day period. The new HOS final rule limits a driver's work week to 70 hours. FMCSA says it will continue to conduct data analysis and research to further examine any risks associated with the 11 hours of driving time.

In addition, truck drivers cannot drive after working eight hours without first taking a break of at least 30 minutes. Drivers can take the 30-minute break whenever they need rest during the eight-hour window.

The rule also requires truck

drivers who maximize their weekly work hours to take at least two nights' rest when their 24-hour body clock demands sleep the most — from 1 a.m. to 5 a.m. This rest requirement is part of the rule's "34-hour restart" provision that allows drivers to restart the clock on their work week by taking at least 34 consecutive hours off-duty. The final rule allows drivers to use the restart provision only once during a seven-day period.

Companies and drivers that commit egregious violations of the rule could face the maximum penalties for each offense. Trucking companies that allow drivers to exceed the 11-hour driving limit by 3 or more hours could be fined \$11,000 per offense, and the drivers themselves could face civil penalties of up to \$2,750 for each offense.

"Trucking is a difficult job, and a big rig can be eadly when a driver is tired and overworked," said U.S. Transportation Secretary Ray LaHood. "This final rule will help prevent fatigue-related truck crashes and save lives. Truck drivers deserve a work environment that allows them to perform their jobs safely."

As part of the HOS rule-making process, FMCSA held six public listening sessions across the country and encouraged safety advocates, drivers, truck company owners, law enforcement and the public to share their input on HOS requirements. The listening sessions were live webcast on the FMCSA Website, allowing a broad cross-section of individuals to participate in the development of this safety-critical rule.

"This final rule is the culmination of the most extensive and transparent public outreach effort in our agency's history," said FMCSA Administrator Anne Ferro. "With robust input from all areas of the trucking community, coupled with the latest scientific research, we carefully crafted a rule acknowledging that when truckers are rested, alert and focused on safety, it makes our roadways safer."

**Commercial Carrier Journal—Jeff Crissey 12/22/11**

## THE RISK OF PASSENGERS

Although the Federal Bureau of Motor Carrier Safety Regulations distinguishes between unauthorized and authorized passengers, the latter being permitted, they could hold the motor carrier liable for ALL passengers in the equipment. State laws are permissive in the area of passengers suing drivers for injuries, with the ultimate responsibility possibly resting on the motor carrier. Many states allow for children suing a parent or a wife suing a husband. When it comes to a courtroom situation, juries are very sympathetic to the injured party, especially when the defendant is a company that has those big intimidating trucks!

Many motor carriers have authorized passengers in the past which included a release statement or hold harmless clause in the authorization. Insureds should be advised that this type of general release is difficult to defend in court. The arguments are mainly that the release is too broad and the passenger is not completely aware of the risks or future damages

he/she might be waiving. Some carriers have gone to a more specific release which has also failed the court test. Many anticipatory releases of liability signed by passengers are worthless.

One example of passenger hazard is an accident that occurred because the insured was forced off the road by a phantom vehicle and upset. A woman who was applying for a job with a motor carrier was authorized as a passenger while they were waiting for the results of her drug test.

As a result of the accident, she received a very serious injury, a broken back. So far, her medical bills total over \$10,000. Upon advice of the driver, she is now represented by an attorney and this claim will most likely cost the insurance company a six figure settlement.

Another accident occurred when an insured was struck by a hit and run driver causing his tractor to upset. A teenage relative of the driver was a

passenger, and received a fairly serious injury. He has incurred \$5,000 in medical bills so far. This claim creates a sizable liability for the insured which will ultimately result in a large settlement.

It has been our experience that settlements of claims for injuries to passengers are VERY high. Insureds should also be advised that they are prime candidates for punitive damages, which may or may not be covered by insurance.

Insurance Companies views passengers as an unnecessary exposure that is not reflected in rate structures. In our opinion, if rates reflected the risk of passengers, the cost of insurance would force many motor carriers out of business.

*-Inside Coverage, Great West Casualty Company*

## Work Comp CREDIT!!!!!!

For all of you that have your workers compensation written through the Alabama Trucking Work Comp Fund please comply with the following.

The ATA will be sending out an enrollment for "verified safety program". Truckers that enroll in this program can get up to 10% addi-

tional credit off their work comp premium if they have an accident free year. The enrolment forms and criteria will be sent out between January and February.

Please make sure you enroll in this program. This can save you a lot of money on your 2013 renewal.



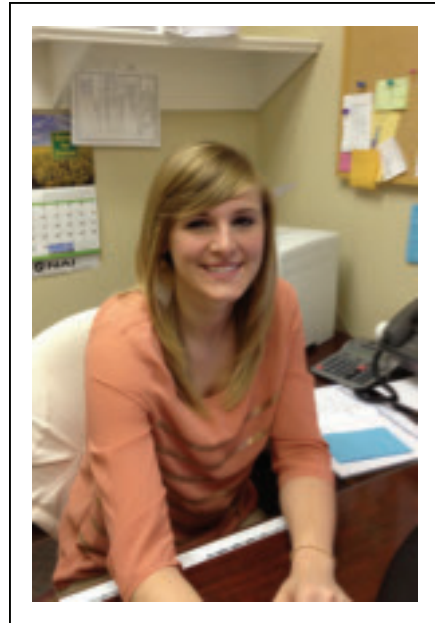
## KEY EMPLOYEE: ALLISON DICKENS

Turner & Hamrick would like to congratulate Allison Dickens as being recognized as the key Employee of the quarter.

Allison is currently employed as a CSR Assistant at Turner & Hamrick. She has been with Turner & Hamrick since March of 2011. Ms. Dickens is from Orlando, FL and graduated from Apopka High School. She is currently enrolled at Troy University. Allison will graduate in Fall 2012 with a bachelor degree in Print Journalism.

Prior to working at Turner & Hamrick, Allison received her Associates of Arts Degree from Valencia College while working for The Law Office of Eben C. Self. From there she Moved to Tallahassee and worked for PATLive Communications while she attended school at Florida State University.

When not working Allison enjoys going to the beach, rock climbing, and playing Lacrosse.



## CLIENT SPOTLIGHT: WILLIAMS TRUCKING LLC



Turner & Hamrick would like to congratulate Williams Trucking LLC for being selected as the Client Spotlight.

Williams Trucking LLC was started with one truck in 1994 by John and Wanda Knopp. In 1997 Mr. and Mrs. Knopp applied for their own authority and slowly began to grow the company by utilizing both company trucks and owner operators. Due to the rapid growth Wanda's two sons, Alan Williams and Don Williams, were brought on to help grow and run the company.

Williams Trucking specializes in the Intermediate haul of flatbed freight consisting mostly of shingles and poles. The company runs 20 company trucks and around 14 Owner Operator units for a total fleet size of 34 tractors. Williams Trucking strives to continue offering outstanding flatbed services to its customers and provide a stable and dependable place for it's drivers and owner operators to make a living. Williams Trucking plans to maintain slow and steady growth with a heavy emphasis on family values and safety.

Turner & Hamrick thanks Williams Trucking for their business and dedication to safety and service.

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## Turner & Hamrick LLC

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### OUR STAFF

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- Cheney Haugabook, Agent
- Matt Vaughan, Agent
- Steve Hewitt, Agent
- Brett Carlisle, Agent
- Claude Chambers, Agent / Marketing
- Shirley Warrick, Head of Marketing
- Toni Jones, Marketing
- Porter Reaves, Marketing
- Lynn Jacques, CSR
- Shannon Jacobs, CSR
- Mary Beth Sanders, CSR
- Eva Green, CSR Assistant / Receptionist
- Jim Harrell, Claims
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- Coleman Ulmer, Office Assistant
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