

Employer Liability: When Accidents Happen in the Company Car

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“The company car”. We hear that phrase often when it comes to businesses. Companies loan their employees vehicles to use for the purpose of their job. But what happens if an accident occurs while an employee has use of a company-issued vehicle?

Whether or not an employer would be liable for the accident heavily depends on the legality surrounding the employer’s responsibility. This aspect of Personal Injury law is known as **employer liability**.

Who’s responsible when an employee gets behind the wheel?

When it arises, how, and why it occurs is the basis for this article. We’ll uncover the types of negligence that could lead to employer liability as it pertains to employee usage of a company vehicle.

In this article we’ll delve into how your board certified personal injury attorney can fight to obtain compensation on your behalf should you become injured while behind the wheel of an employer-issued car.

Employer liability at a glance

There are two standard ways that an employer can be held responsible (“liable”) for a motor vehicle accident caused by an employee.

- Negligence caused by the employee
- Vicarious liability; this principle is directly related to the theory of “Respondeat Superior” as discussed in “Commercial Liability in Trucking Accidents: What Drivers Need to Know!”

Vicarious liability is defined as:

“Liability that a supervisory party (such as an employer) bears for the actionable conduct of a subordinate or associate (such as an employee) based on the relationship between the two parties.”

This means that the employer bears responsibility for any objectionable conduct on the part of the employee of whom they are in a supervisory capacity of.

Employer negligence: good hiring practices can reduce costly mistakes

When it comes to good hiring practices, things like background checks, up-to-date training for truck drivers, and thorough training are necessary to prevent accidents and injury that may occur and cost the company a great deal of money in legal fees, should have they have to go to court. Employer negligence can range from hiring an unqualified employee for a position where they are not suited to failing to perform a background check on an employee with a criminal record, who then drives under the influence while on the clock and puts the public in danger while behind the wheel.

There are minimum requirements that need be met if the employee is hired to drive a commercial vehicle (for trucking employment, these would fall under FMCSA standards and regulations). The employer should first ensure the driver’s license is not suspended and that they do not have any violations on record. Drug testing is also performed by employers with stricter standards for their operators.

Negligent supervision: the employee is the employer’s responsibility

“Negligent supervision” is another way an employer can be held liable for motor vehicle accidents caused by the employee. At minimum, there should be safety standards in place and enforced consistently. It is mandatory by law that drivers comply with the safety and traffic laws in their state and any state lines they may cross while on-the-clock.

There are also “logging requirements” enforced for trucking operators under the FMCSA standards that need be enforced for every trucking carrier in the country that transports cargo and/or is not considered an independent contractor.

As discussed in *“Commercial Liability in Trucking Accidents: What Drivers Need to Know!”* there are different rules and regulations governing independent contractors than there are for trucking carrier employees.

Reasonable care: the employer’s duty to the employee!

It’s up to the employer to consistently maintain the training and certifications of the drivers they employ. Maintaining training and certifications can mean requiring employees to attend mandatory training courses or making sure every employee is up-to-date with FMCSR standards.

If the employer fails to do these things, and the employee fails to meet the standard of care required of them, the employer could be held liable for any accidents, injury, or death caused by the employee.

Vicarious liability

To further the importance of a topic we touched on at the beginning of this article, vicarious liability is a principle that suggests the employer is not required to be found negligent of anything themselves to have a lawsuit filed against them under the principles of employer liability.

Being vicariously liable is a theory of law that necessitates that the actions of an “agent” (the employee) are nearly the same as the actions of the “principle” (the employer). When the “principle” instructs its “agents” to perform a task, it’s the same as if the “principle” (the employer) had performed the task themselves.

It should be understood that this rule will only apply if the “agent” (the employee) is actually performing a task for the “principle” (the employer) at the time the accident, injury, or death occurs.

A board certified civil trial attorney will be able to determine whether this theory of law applies during the discovery phase of your personal injury case and will choose to act on your behalf based on the evidence they uncover during the process. It’s important to retain counsel that’s familiar with FMCSA laws in your state and knows the nuances that go into trucking-related accidents and wrongful deaths.

Contact us to schedule a complimentary consultation. There’s no obligation. Take the first step and call us today: (877) 529-0080