



NOT JUST A BIG CAR CRASH — YIN AND YANG TRUCKING TRENDS  
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## Spoliation Letters - Imposing a duty to preserve

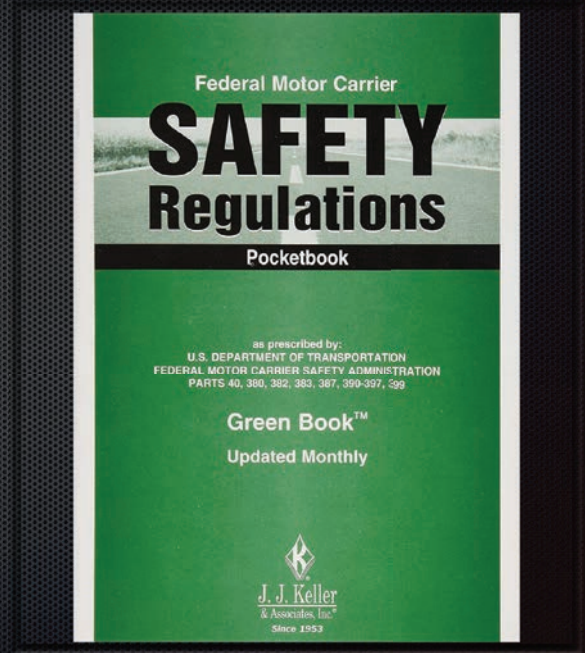
*Brookshire Bros., Ltd. v. Aldridge*, 438 S.W.3d 9 (Tex. 2014)





# Key FMCSRs

- Title 49 of the Code of Federal Regulations
  - Sections 40 and 382: Drug and Alcohol Use
  - Sections 383 and 391: Driver Qualifications and Licensing Standards
  - Section 387: Insurance Requirements
  - Section 392: Rules of Driving, Fatigue, Alcohol Use, Schedules, and Inspections
  - Section 395: Hours of Service Limitations
  - Section 396: Inspection, Repair, and Maintenance
  - Section 397: Hazardous Materials



## FMCSRs and Discovery



- Driver's logs
- Driver inspections
- Driver qualification files
- Event tracking data
- Dash cam footage
- Dispatch records
- Safety and Training Manuals
- Alcohol and Drug Tests
- Telephone Records



# Vicarious Liability Theories of Recovery

- Statutory Employer
- Respondeat Superior
- Negligent Entrustment



## Statutory Employer

- 49 C.F.R. § 376.12(c)(1)
- Interstate motor carriers required to assume full direction and control of leased vehicles
- Full responsibility for:
  - Maintenance and operation of equipment
  - Borrowed drivers
- Vicarious liability as a matter of law
- Transaction-specific determination, general authorization to operate as motor carrier irrelevant



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## Title search: Not Just A Big Car Crash: Yin and Yang Trucking Trends

Also available as part of the eCourse

[2020 The Car Crash eConference](#)

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2020 Car Crash Seminar session

"Not Just A Big Car Crash: Yin and Yang Trucking Tips and Pitfalls"