

Transure

For The Road Ahead...

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For questions or suggestions, please feel free to contact Andy Sharpe at 800-326-8198 ext. 102 or andy@transure.com.

TRUCKING INSURANCE MARKET UPDATE

We recently have gained access to a couple new workers compensation markets that most trucking agents cannot access. Workers comp in the trucking industry is a major cost and we know the need for more competitive markets and we feel these new additions will benefit many. Please let us know if we can help your company in its workers compensation insurance placement.

We are very pleased to report that our relationships with a couple insurance companies offering workers compensation when written with auto liability have recently grown. We have been able to obtain highly competitive rates for auto liability, physical damage and workers compensation when combined together. In some cases they have also quoted

competitive excess liability and umbrella coverage.

Occupational Accident coverage has been a constantly battled alternative program to workers compensation for the past several years. We have been very cautious of the programs that have surfaced and until now, we have not recommended the use of the coverage.

We are now on the cutting edge of an occupational accident plan that works to the advantage of the motor carrier from both a pricing standpoint as well as a coverage standpoint regarding contingent workers compensation. We are working with an insurance company and a well respected general agency to be able to bring a program to you that we can recommend.

This occupational accident

program can also be written on NC owner operators!

For those logistics customers that act as brokers or freight forwarders we have initiated negotiations with an A rated company to offer customized and broadened contingent motor truck cargo coverage when written in conjunction with the motor truck cargo primary policy. This product promises to be an effective way to handle the exposures of the logistics company at an affordable price. Furthermore, we have created a sample contingent questionnaire that can help identify coverage issues with your carriers. This sample may be used in conjunction with your own diligent research for a prospective carrier. Contact your producer for a copy of this sample.

Stay tuned...

Boost Insurance Protection For Litigation, Attorney Says

ORLANDO, Fla. - Trucking companies are bigger targets than ever in the courts and legislatures, and should consider increasing their insurance coverage, a prominent industry lawyer said.

Rob Moseley, chairman of Leatherwood, Walker, Todd & Mann, Greenville, S.C., said carriers should expect to face more lawsuits, more aggressive legislation from politicians and even new

taxes from local and state governments.

Because monetary awards from civil court juries are rising, Moseley said carriers should seriously consider increasing the amount of their insurance liability coverage.

"One million dollars of coverage is not enough for anybody these days," he said. "One million dollars used to be a lot to juries. They used

to say that a million dollars is too much money. Well, we've blown past a million dollars in monetary damages."

Rising health care costs resulting from accidents are largely to blame for the higher jury awards, he added. He spoke Oct. 22 in an educational session at American Trucking Associations' 2007 Management Conference & Exhibition.

Moseley also said court

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Boost Insurance Protection For Litigation, Attorney Says

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challenges are being pursued nationwide over whether independent contractors should be given full employee status. There also are continuing legislative efforts to force employers to reclassify independent contractors as employees in California, Connecticut, Illinois, Minnesota, New Hampshire, New York and Rhode Island, he said.

"Right now, there's a strong swirl trying to punish companies that misclassify employees," he said.

Despite assurances from rate bureaus that their loss of antitrust immunity won't affect their customers, Moseley said it is too early to know if new rate bureau procedures will withstand court challenges. He cautioned that pricing and classification structures could change drastically because of the Surface Transportation Board's May ruling removing rate bureau antitrust immunity and that carriers will be vulnerable to

antitrust violation litigation.

Other legal challenges facing interstate truckers include changes in employment laws ranging from overtime to driver health and safety issues. And, employees

can expect attempts by states to make up for lost revenue caused by a downturn in the economy. Corporate gross receipt taxes are being considered in Illinois, Michigan, Kentucky, Ohio and Texas, he said.

New rules governing court discovery of electronic records and e-mails are additional causes for concern to truckers, said Moseley. Knowing that they are introduced more frequently in court trials, he advised carriers to instruct their employees to be careful what they say in e-mails.

He cited one example of how an email can make a huge difference in the outcome of a civil lawsuit. Moseley said internal e-mail sent just after a driver got into a wreck said: "The knucklehead's done it again."

by Eric Miller in Transport Topics 10/29/07 issue



bringing lawsuits against their companies are increasingly seeking class-action status as they "follow the money" and search for "deep pockets," he said.

He warned that truckers

"One million dollars of coverage is not enough for anybody these days" ~ regarding liability insurance

Welcome Teresa



We would like to welcome our newest addition to the Transure team, Teresa Dixon.

Teresa will be assisting you with your physical damage and non-trucking auto liability needs.

Happy Halloween!

Happy Halloween from Transure's part time spokes women, Addison Garris and Mary Elizabeth Huneycutt.

They also want to remind you to drive safely and keep on truckin'!



Recent Truck Wreck Cases and Payouts in NC

Motor Vehicle Accident / Tractor Trailer Truck Wreck on I-40

A brother and sister were traveling eastbound on Interstate 40 (I-40) toward Raleigh when they encountered a line of traffic created by the closure of the three inside lanes. The brother brought his car, a Toyota Echo, to a stop in the right-most lane. A tractor trailer operated at a high rate of speed by a driver with a criminal history struck the Toyota in the rear, then dragged the Toyota the length of a football field after coming to rest against the center median. The Toyota ended up under the tractor truck and was virtually unrecognizable. Both brother and sister died at the scene, though there was some evidence the sister may have lived for a brief period of time after the collision. Accident reconstruction evidence, as well as testimony from the tractor trailer driver indicated that there were no obstructions, sight lines were clear, weather was good, and that the driver had plenty of time to stop had he been paying attention. The parties settled in 2004 for \$5 million.

Motor Vehicle Accident / Tractor Trailer Truck Wreck on I-77

A 51 year old man, survived by a wife and two children from a previous marriage (a minor son and a young adult daughter) was killed by a tractor trailer truck. The decedent was the operator of a vehicle towing service. While assisting a disabled vehicle on I-77, he was struck and killed by a tractor trailer truck. Decedent earned approximately \$29,000 per year and was extremely popular and highly regarded in his community. A settlement video was prepared showing his close relationship with his family and the high esteem in which he was held in the

community. The case settled at mediation in 2006 for \$3,625,000.

Motor Vehicle Accident / Tractor Trailer Truck Overturned on Car and Caused Fire

A 40 year old wife and mother of four burned to death in late 2004, after a tractor trailer truck overturned on her car as she was driving up US Highway 21, a mountainous and curvy road, near Sparta, NC, in Alleghany County. The truck driver, who was working for XYZ Trucking Company in NC, lost control of the tractor trailer truck while driving downhill in ninth gear (out of ten). The decedent, traveling with her mother, attempted to pull her car off the road as far as she could, but was restricted by the side of the mountain. Her car was struck by the tractor trailer truck as it overturned in the curve, and she was pinned inside. Passers-by attempted to extinguish the fire that broke out, but it continued to reignite and eventually consumed the vehicle and burned her to death. Settlement was complicated by the fact that there was only \$1 million in insurance coverage available. After two mediated settlement conferences, the wrongful death case settled in May, 2006, for \$2,850,000 (the amount of the settlement beyond the insurance coverage came from the trucking company).

Motor Vehicle Accident / Mail Carrier Struck by Tractor Trailer Truck

A rural mail carrier in the process of delivering mail was struck from the rear at a high rate of speed by a tractor

trailer truck that was owned by Defendant Owner-Operator and driven by Defendant Driver. The plaintiff was rendered a paraplegic by the accident and also lost sight in her right eye. Her husband pursued a claim for loss of consortium. Plaintiff has one adult child. The driver of the tractor trailer truck had a substantial criminal record. Attached to the tractor truck was a trailer that had been leased by Defendant Motor Carrier ABC Trucking, Inc. and provided to the Owner-Operator for use in hauling its loads. Complicating this case further was the fact that Owner-Operator operated under his own DOT authority pursuant to a "motor carrier agreement" with ABC Trucking which identified Owner-Operator as an independent contractor. Despite the fact that Owner-Operator only hauled for ABC Trucking, the motor carrier filed for summary judgment and alleged that it was not liable for Owner-Operator given his status as a purported independent contractor. The firm's attorneys, representing the plaintiff, argued that ABC Trucking's Agreement's language was in violation of federal regulations; and further, that ABC Trucking was still liable for the acts of independent contractors pursuant to federal regulations and authoritative case law. Summary Judgment was denied and the case settled soon thereafter in December, 2006 for \$5.5 million.

Source: Comerford and Britt, LLP
www.comerfordbritt.com



Settlements of:

\$5,000,000

\$3,625,000

\$2,850,000

\$5,500,000



RICKISMS...JOKES BY RICK JOYCE

Transure's Controller



This Issue's Recipe:

MELVA'S Turkesti

1 ¼ c. raw spaghetti broken into 2 pieces, cooked and drained

Mix all ingredients listed below:

1 ½ to 2 cups diced turkey

¼ c diced canned pimento

½ onion chopped

¼ green pepper chopped

1 c mushroom soup, diluted

½ chicken broth

½ tsp salt

½ tsp pepper

1 ½ c grated cheese (Save ½ c for top of casserole.)

Pour into casserole and bake at 325 for 45 minutes. If recipe is doubled, bake 1 hour. Freezes well.

If fishing was easy, it would be called catching.

The only time my prayers are never answered is on the golf course. ~Billy Graham

Golf appeals to the idiot and the child in us. Just how childlike golfers become is proven by their frequent inability to count past five. ~John Updike

It is almost impossible to remember how tragic a place the world is when one is playing golf. ~Robert Lynd

If profanity had an influence on the flight of the ball, the game of golf would be played far better than it is. ~Horace G. Hutchinson

They say golf is like life, but don't believe them. Golf is more complicated than that. ~Gardner Dickinson

If a lot of people gripped a knife and fork the way they do a golf club, they'd starve to death. ~Sam Snead

If you drink, don't drive. Don't even putt. ~Dean Martin

I'm just serious!

Transure Services, Inc.

Your Truck Insurance Specialists

For over five decades, Transure has been fulfilling the insurance needs of the transportation trade. By specializing exclusively in the associated risks of that business, Transure is clearly the best qualified broker to recognize and respond to the exceptional demands created by a unique industry.

Specialization is a key to Transure's success. Our clients are provided with a host of ancillary services not available through other brokers that are not focused in the transportation insurance field. This single industry concentration enables Transure to remain consistently informed about cycles and changes in both the insurance and transportation industries. A single focus helps us match clients with the most cost effective program offered, custom tailored by a Transure team, you (the client), and the insurance carrier.

Transure Services is composed of a staff of proven professionals with over 200 years of collective experience in transportation insurance. Both sales and administrative personnel have had experience and success in direct and retail sales of this kind of insurance placement. This industry knowledge and dedication, coupled with our outstanding insurance company relationships, adds value to Transure's strength in marketing.

We pride ourselves on individual attention to service which contributes to our success and to client satisfaction. Statistical loss analysis is designed specially for various client needs. Our staff identifies the risks that adversely impact your financial statement. Once identified, we make recommendations to eliminate, reduce or transfer the risks via insurance or alternative risk financing methods.

One of our most important services is providing prompt claims services to clients when a claim occurs. Our claims department handles each loss with efficiency and speed whether we do the adjustment or it is sent to a company for handling. We follow through with the companies to ensure the satisfaction of our most valued asset, our client.