



# Knowing Isn't Fixing

**Proactive Intervention  
Tactics for Addressing  
Driver Risk**





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# The Complexities of Fleet Safety

As a fleet and safety professional, you have the challenging task of ensuring the well-being of your drivers, protecting company assets and upholding your organization's reputation out on the roads. The pressure to get a good handle on driver safety seems to come from countless angles...

## You're Battling Ever-Increasing Insurance Premiums

Commercial auto insurers assess risk based on factors such as claims history, driving records and the implementation of safety measures — adjusting premiums accordingly.

High loss ratios (the percentage of an insurer's claims paid out relative to the premiums received) or unfavorable market conditions can further drive up those premiums. Property and casualty insurance rates have increased consecutively for the past 25 quarters<sup>1</sup>. In the first quarter of 2024, commercial insurance premiums increased by 7.7%, accelerating from the 7% increase in the prior quarter<sup>2</sup>.

So, if you're looking to combat this inflation and position yourself more favorably with your insurer, you must actively demonstrate your commitment to minimizing potential liabilities.

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<sup>1</sup> [The Council of Insurance Agents & Brokers](#)

<sup>2</sup> [Business Insurance](#)



## You Need to Know Who's Eligible to Drive for Your Organization

Regulated fleets must be meticulous when navigating the complex landscape of compliance.

At the federal level, the Federal Motor Carrier Safety Administration (FMCSA) establishes and enforces standards to ensure the safety of regulated drivers and the public. Organizations must also adhere to state-specific requirements governing commercial driving eligibility, which can vary significantly from state to state. This can encompass driver licensing, vehicle registration and insurance mandates.

It's your responsibility to ensure that your drivers meet both federal and state criteria to avoid severe penalties and maintain road safety.

## You're Noticing Gaps in Your Safety Culture

Automotive crashes are now the leading cause of workplace injury and death, accounting for 22% of all workplace fatalities<sup>3</sup>. With the increase in dangerous driving behaviors year after year, your company must foster a culture that puts safety first.

If your goal is to elevate safety across your organization, it's vital to spot and fix any weaknesses in the strategies and enforcement of your safety program and policies. Relying solely on onboarding training and annual motor vehicle record (MVR) checks to fulfill compliance requirements will create significant gaps.



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<sup>3</sup> [National Safety Council](#)





## Your Fleet Driver Was Recently Involved in a Crash

An employee-involved crash indicates potential vulnerabilities within your fleet safety program. Beyond the immediate concerns of the crash itself, there may be an underlying issue that contributed to the incident. This could include inadequate driver training, insufficient adherence to safety protocols or even systemic issues within your fleet operations.

One critical factor and common trend we see across companies is speeding — a leading indicator of future crashes. Speeding increases the probability of a claim in 12 months by 20% to 80%, depending on the driver's speed relative to the posted limit<sup>4</sup>.

The aftermath of an employee-involved crash brings about legal and financial ramifications. This is especially true if your company has documented instances of your driver speeding before the incident – without proof of intervention. In such cases, failing to act on available information can be detrimental.

## You're Looking to Avoid Aggressive Litigation

In the aftermath of a crash caused by one of your drivers, your company will likely confront the reality of aggressive litigation. Shocking statistics reveal that 50% of all personal injury lawsuits stem from auto crashes, with a staggering three out of five resulting in plaintiff victories<sup>5</sup>. Verdicts exceeding \$10 million, known as “nuclear verdicts,” present significant challenges, including mounting legal expenses and reputational damage (more on this later).

The factors above make a strong case that knowing about the risks that exist across your fleet is not enough – you must actively work to prevent, address and diminish them. In this guide, we uncover how the right level of insight must be paired with a concrete intervention plan to proactively protect your workforce, brand and bottom line.



**Speeding increases the probability of a claim in 12 months by up to 80%.**

<sup>4</sup> [SambaSafety](#)

<sup>5</sup> [Claims Journal](#)





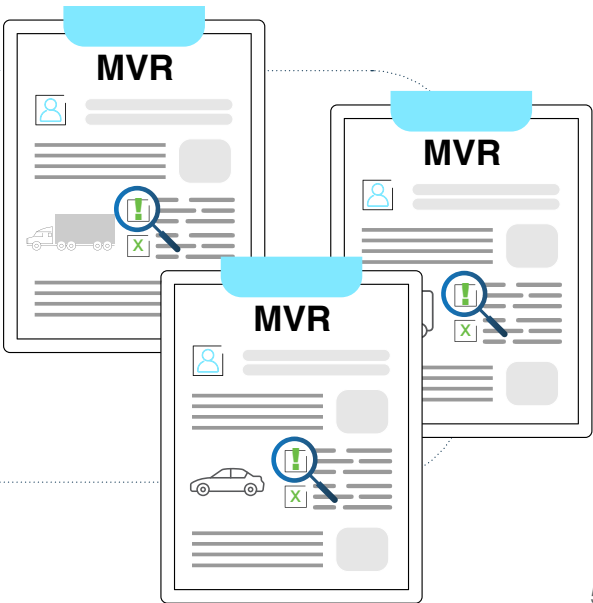
# What Are Companies Doing to Uncover Hidden Risk?

Companies leverage a range of tactics to gain visibility into risk, from simply meeting regulatory requirements to implementing advanced monitoring systems and comprehensive training programs.

Our chart on the next page breaks down the spectrum of approaches risk and safety professionals are known to adopt.

## Did You Know?

An analysis of over **40 million MVRs** from 2020 to 2023 found that more than **11.7 million unique licenses had at least one recorded violation.**<sup>4</sup>





## Where Do You Rank in Driver Risk Assessment?

### Level 1: Compliance Checker

- You ensure compliance with your state and federal laws governing fleet driver safety.
- You conduct initial MVR screenings during the hiring process.
- You perform annual MVR checks to meet FMCSA regulations.
- You track your company's Compliance, Safety, Accountability (CSA) score and violations via the FMCSA's Safety Measurement System (SMS), electric logging devices (ELDs) and inspection reports.
- Your safety policy obligates drivers to self-report violations and crashes.

### Level 2: Risk Assessment Specialist

All of the above, plus:

- You conduct multiple MVR checks each year.
- You've installed in-vehicle telematics devices to capture and report on driver behavior data.

### Level 3: Proactive Risk Assessment Professional

All of the above, plus:

- You leverage ongoing MVR and CSA monitoring, with automated systems that notify you of any changes to driving records year-round.
- You've implemented automated license status tracking, with continuous updates on license changes such as suspensions or expirations.
- You use telematics monitoring tools that interpret telematics data, providing simplified insights and ongoing, automated alerts.
- You track and document claims and unreported incidents involving company drivers.

### Level 4: Master of Proactive Risk Assessment

All of the above, plus:

- You've integrated all your methods for identifying driver behavior, violations and current license statuses into a single solution. This solution consolidates and normalizes all necessary driver data, giving you access to a simplified, 360-degree view of risk across your fleet.



## The Difference Between Minimum Effort and Maximum Visibility

Let's compare Level 1 and Level 4 from the chart on the previous page. At Level 1, Compliance Checkers essentially check off boxes to meet the minimum safety standards required by law. This reactive approach leaves significant gaps in their view of risk, as they can only spot violations during annual MVR checks or if an honest driver chooses to self-report.

On the other hand, Masters of Proactive Risk Assessment embrace a diverse toolkit that offers a 360-degree view of risk. They're plugged into an integrated solution that can track driver behavior, violations, crashes and claims, giving them a complete picture of each driver's risk profile. With this proactive approach, they're not just meeting standards or checking boxes; they're actively identifying risks in real time and predicting which drivers are at greatest risk of causing future incidents.

However, while having a comprehensive view of risk is essential, knowing about the risks your drivers face is not the same as addressing them. Awareness must be coupled with action to transform driver behavior and safeguard your company from costly ramifications.



### Discover 3 Must-Have Tools for Maintaining a 360-Degree View of Driver Risk

[Download Guide](#)







# The Legal Implications of Risk Visibility

Once you uncover driver risk, you must act swiftly to prevent future incidents. The longer a risky or disqualified driver continues to operate a company vehicle without intervention, the greater the risk of a crash — not to mention subsequent legal trouble for your organization.

## Understanding Legal Responsibilities

Two key legal concepts play significant roles in the realm of employer liability: respondeat superior and negligent entrustment.

**Respondeat superior**, a Latin term meaning “let the master answer,” is a legal principle widely used in civil cases across the United States. This doctrine holds employers liable for their employees’ negligent or wrongful acts. Essentially, the employer, or the “master,” is responsible for the actions of individuals working on their behalf.

**Negligent entrustment** occurs when employers provide potentially dangerous tools, such as vehicles, to employees who they know (or should know) are likely to misuse them. Proving negligent entrustment can result in punitive damages, which aim to punish the wrongdoer for egregious behavior and deter similar conduct in the future. Insurance policies do not typically cover punitive damages.



## Legal Consequences of Inadequate Risk Response

How do these legal responsibilities apply to fleet management? For companies managing drivers, this means that ignorance of a driver's incompetence does not absolve liability. Under these legal principles, your company can be held accountable if you fail to recognize and address a driver's risk factors or are aware of the issues but fail to act promptly.

Furthermore, the very data you track to manage driver risk can be used against you if you do not respond quickly or effectively. Detailed records of violations, telematics alerts and other risk indicators provide clear evidence of known issues. If these data points show a pattern of inaction or delayed response, they can significantly strengthen a plaintiff's case, clearly demonstrating your company's negligence.

## The Rise of Nuclear Verdicts

The rise of nuclear verdicts has further highlighted the critical need for timely and effective risk management. Nuclear verdicts have devastating financial implications. On the next page, we examine three common fuses of nuclear verdicts — underscoring the importance of proactive safety measures and thorough documentation of risk management efforts.

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## Three Common Fuses of a Nuclear Verdict

1

**Egregious Conduct:** This includes grossly negligent, reckless or unethical behavior by the defendant or their employees. Such conduct can lead to punitive damages aimed at punishing the defendant and deterring similar behavior in the future.

*Example: A truck driver causes a crash while driving under the influence. It is later revealed that the company was aware of the driver's history of alcohol abuse but failed to take any action.\**

2

**Failure to Maintain Proper Safety Protocols:** A company's failure to implement and enforce adequate safety measures can be seen as neglecting its duty to protect its employees and the public. This may involve insufficient driver training, lack of regular vehicle maintenance or ignoring known safety issues.

*Example: A delivery company fails to provide regular driver training and refreshers on safety protocols. One of their long-time drivers, unfamiliar with updated defensive driving techniques, causes a serious crash. Investigation reveals that the company ignored repeated requests from their safety team to conduct necessary training sessions.\**

3

**Inadequate Response to Incidents:** How and when a company responds to incidents can heavily influence a verdict. If a company does not take corrective action immediately after an incident or fails to properly investigate and address the causes, it can appear indifferent to the risks associated with its operations.

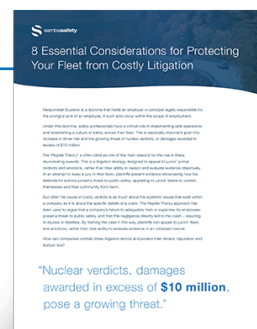
*Example: A transportation company fails to intervene after one of its drivers receives a speeding ticket. The driver, who has a history of repeated safety violations, continues to operate company vehicles without any additional training or oversight. Eventually, the same driver is involved in a severe crash while driving over the speed limit.\**

*\*The fictitious examples provided above illustrate plausible scenarios that can lead to nuclear verdicts.*

To mitigate these repercussions, it is crucial to have a written and well-executed intervention plan that demonstrates your company's prompt and decisive action to prevent crashes.

### Explore 8 Considerations for Protecting Your Fleet from Costly Litigation

[Download Checklist](#)







## Creating a Well-Executed Intervention Plan

When it comes to costly litigation, one common theme we uncovered in the previous section is the defendants' lack of corrective driver training.

While the Level 3 and Level 4 driver risk assessment experts from our initial chart leverage driver monitoring tools that provide ongoing visibility into risk, these strategies merely uncover hazards. Companies must also implement an intervention plan that works to address them.

Combining driver monitoring with training is a proven strategy for improving safety outcomes. SambaSafety's insights reveal that, on average:

Adding targeted training to monitoring alone results in a **46% incremental reduction in monthly violations.**



By merging the strengths of these tools, you can craft a solid intervention plan that showcases proactive risk management. Below are a handful of strategies your team can include in your plan to ensure your actions are both comprehensive and effective.



### TARGETED, REMEDIAL TRAINING

Remedial training addresses specific issues identified in a driver's behavior or reported violations. By tailoring training to the individual's needs, you can target and correct bad habits to prevent future incidents.

Time is of the essence when it comes to addressing these issues. Quickly assigning and ensuring the completion of training helps to minimize the period during which a driver might pose a risk. This prompt response demonstrates to regulatory bodies and insurers that your company takes safety seriously.



### PROACTIVE, ONGOING DRIVER TRAINING

Regular training ensures that both new and well-seasoned drivers are continually updated on best practices, safety protocols and new regulations. Ongoing training sessions keep safety top-of-mind and help prevent complacency. By being proactive rather than reactive, you can address potential issues *before* they become significant problems, thus maintaining a high standard of safety within your fleet.



### AN ACTIONABLE DRIVER SAFETY POLICY

Documenting your intervention plan in your safety policy is essential for several reasons. First, it ensures consistency in addressing and mitigating risky driver behavior across your organization. By having a clearly defined plan, all team members understand the necessary steps to rectify safety issues, leading to more efficient and effective interventions.

Additionally, documentation provides a clear record of your proactive efforts to manage driver risk. This is invaluable during audits, regulatory reviews and legal proceedings, as it showcases your commitment to safety and helps protect your organization from potential liabilities.



### ONGOING RECORD KEEPING

Thoroughly documenting the execution of your intervention plan is also vital. Keeping detailed records of when and what training is assigned and completed provides a clear paper trail that can be referenced in case of an audit or legal inquiry. This transparency further safeguards your company from legal repercussions by demonstrating due diligence.

While it's clear that successful driver risk management requires strategies for both assessing and reducing risk, using disparate, manual tools makes it impossible to manage and track everything effectively. How can you ensure that the resources you leverage don't end up creating new obstacles for your team?





# Become a Master of Risk Assessment *and* Mitigation

The sheer volume and complexity of driver data needed to successfully identify risk can overwhelm even the most diligent safety professionals. If you've categorized yourself as a Level 3 "Proactive Risk Assessment Professional" from our chart above, you're using all of the right tools. But managing telematics, MVR, CSA and other data sources through multiple systems introduces new gaps in your risk assessment as you work to organize, normalize and keep track of the right insights. The more systems you use, the higher the chance that critical risks slip through the cracks.

The problem intensifies when you add the intricacies of driver training. How do you sort through all the existing data to know where to focus your efforts and how to intervene? Without a unified view, swift intervention becomes nearly impossible, delaying critical actions that could prevent future incidents and costly litigation.

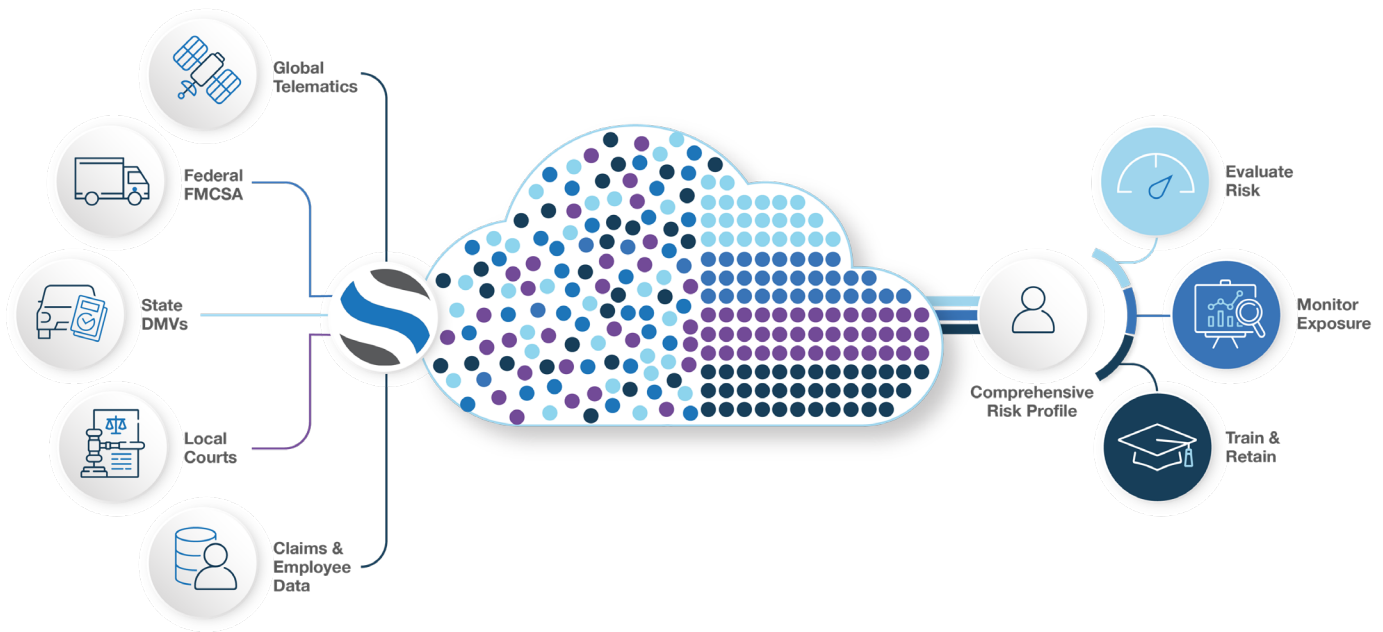
## Level Up Your Risk Management Toolset

This is what sets our Level 3 and Level 4 safety experts apart. Instead of juggling multiple tools to manage risk, Level 4 "Masters of Proactive Risk Assessment" leverage single, centralized solutions that offer the complete view of driver risk.

And if they're using a truly comprehensive solution, they will also have the power to mitigate it.

# The SambaSafety Risk Cloud

## An End-to-End Driver Risk Management Solution



Complete driver risk management solutions revolutionize how you address common risk management challenges by consolidating, enriching and unifying all your critical driving data into a single view — so you can take well-informed action.

With this degree of insight, you can track and reduce risk continuously at both the driver and company levels. Timely alerts on risky behaviors, violations and license status changes enable swift intervention, while tailored training programs address incidents immediately and provide ongoing education for both individual and groups of drivers.

The result of this single, end-to-end approach? Streamlined operations, lower violation, crash and claim frequencies, a stronger defense against potential litigation and a safer, more efficient fleet.

### Ready to Take Your Safety Program to the Next Level?

Schedule time with our experts to discover how SambaSafety can help you become a true Master of Risk Assessment and Mitigation.

[Schedule a Demo](#)