

Hauling a Trailer you don't own?



TruckSure
By Trevor Toohill

You're running long haul, long shift, moving grocery supplies overnight. You own the tractor and have in tow a B-train owned by another transport operator on contract to the supply chain owner. You are on time with 30 minutes to the first scheduled drop-off and feeling pretty relaxed when you see some headlights approaching. You tense up a bit and concentration kicks in – probably just as well, the oncoming car has pulled out wide on the corner. You ease left, still plenty of time, a quick flick on the headlights, phew the car veers back to their lane, but the driver has overreacted and the tail's coming down your lane sideways.

You are now off the carriageway and looking to go bush, still in control and easing the tractor back up to the tar but it's not all over yet - the trailers have tracked wider and the soft shoulder has given way. You feel the tractor reacting, bucking and being pushed sideways, right wheels off the ground, left ones with the rubber peeling off the rims, then bang the trailers release violently from the turntable. You are now kicking back in the opposite direction, fishtailing left and right. Just a glimpse behind and you see the trailers in the dust on their sides and the taillights of the car disappearing down the road. Heart rate is now around 180 and you are sweating like a pig, but you have managed to get the tractor to pull up nearly 80 meters down the road from where you dropped the trailers.

19 seconds was all it took for this encounter - start to finish.

Hey, but you are ok and you have insurance, right?

Sure, you have a big named broker and pay the big premium every year – last annual phone review was only a couple of months back. Just as well you both agreed to keep the sum insured on the tractor unit the same as last year and of course it was a bit cheaper this year because you dropped off your B-train trailers. They had been sold because you

were now only contracting to haul trailers owned by the shipper's transporter. Money in the bank and managed to pay a bit off the finance on the tractor.

The Transport Company and shipper won't be too happy - load gone and trailers definitely for the wrecker. Good units, probably worth best part of \$250,000.

Next step, let everyone know and get the salvors organised to secure and recover trailers and stock – no problems, just a couple of phone calls.

Moving forward a couple of days and the paperwork needs completing and loss assessors need their statement and copies of insurance policies – sure you have all the right covers – truck insurance, public liability and carriers – no worries, yes?

Trailer in Control Insurance – what's that?

Ask the broker, he's the expert. Anyway you don't own the trailers and the contracted transporter or the shipper will have them covered – you were just hauling them, right?

You are now starting to realise you may have a bigger problem than just the accident – who has the trailers insured? Who is liable for their damage? The shipper and transport operator are now getting a bit concerned and making demands.

Where is the copy of your freighting contract? What does it say about insurance? Hell, you knew you should have run this by the lawyers but it all looked so easy. You were just using your tractor to haul their trailers – it was that simple – don't need a lawyer!!!!

Ok this is a story with a not so happy ending and cost this owner operator his truck and his house.

The contract, when it was located, revealed that most definitely the trailers were to be insured by the hauler.

This is the usual case and alarm bells should have sounded when the insurance broker did the review – in this instance the hauler told his broker he did not need the insurance.

Insurance brokers and their clients cannot take it for granted and the contract must be reviewed to establish insurance liability – preferably with the involvement of the lawyer.

Trailer in Control Insurance is readily available but the transport operators must make their brokers aware that they are hauling trailers belonging to someone else.

At TruckSure we are dealing with two clients that have failed to either advise us that they are pulling a non-owned trailer, or have thought that they were not required under their contract to insure the trailers.

This prompted me to write this article and hopefully bring to the attention of all transporters, haulers, and brokers that trailers being in the control of the hauler require a Trailer in Control extension on the policy.

I have not yet reviewed a contract that states anything different.

I suspect that a recent increase in the number of our client's enquiring about insuring a trailer that they don't own could be a by-product of tighter economic conditions. Maybe but, maybe not, it just could be a sign of future trends to come.

Bobtailing as it is known in the USA and Canada has been a predominant feature in transporting for a number of years and possibly now outnumbers the traditional operator's ownership model for the tractor and trailer.

If you have any doubts about your own situation or need a copy of the Trailer in Control wordings then best talk to your specialist transport broker or contact a TruckSure consultant www.trucksure.co.nz

To do nothing could be an expensive option. ☹️



MultiSure



0800 287 287

www.trucksure.co.nz



TruckSure

'You sit behind the wheel – we stand behind the truck'