

Category: Negligent Entrustment of Vehicle

## When Bad Drivers Cause Semi-Truck Collisions

*By Tom Sinas  
Sinus Dramis Law Firm (Grand Rapids)*

The New York Times once published a powerful op-ed piece about death caused by semi-truck collisions. The piece was entitled, "*The Trucks are Killing Us*," and described the incredible increase in semi-truck accidents in recent years. According to the article, "*The death toll in truck-involved crashes rose 17 percent from 2009 to 2013. Fatalities in truck-involved crashes have risen four years in a row, reaching 3,964 in 2013, the latest data available.*"

One of the reasons for fatal truck accidents is that trucking companies too often let bad drivers continue to drive semi-trucks. Our firm has handled several cases where commercial trucking companies allowed drivers with terrible driving records to continue driving. Sadly, those bad drivers then ended up causing another collision that injured our clients.

Cases involving semi-trucks and bad drivers always require a close look and an understanding of the legal rules called "negligent entrustment." Simply put, negligent entrustment stands for the principle that you should never turn over your keys to someone you know (or should know) is a bad driver. The doctrine was first established over 60 years ago in the case of *Perin v. Peuler*, 373 Mich. 531 (1964).

In *Perin*, the defendant made much to do about the fact that Michigan passed the owner-liability statute (now at MCL 257.401) that made vehicle owners liable for the acts of those the owners let drive their car. The defendant argued that this statute got rid of the common law rule of negligent entrustment. The court rejected this argument: "*That the common-law duty of the owner or lender of a motor vehicle to refrain from placing it in the hands of a known unfit or incompetent driver for operation on our public highways, stands unimpaired by Michigan's 55-year-old owner-liability statute.*"

Thus, the court held that a plaintiff may pursue both owner liability and negligent entrustment theories in the same case.

The Michigan Court of Appeals has analyzed the continued applicability of the *Perin* case. In the case of *Modzelewski-Shekoski v Bindig*, the court held that negligent entrustment remains a viable claim, even when a defendant admits to vicarious liability.

In *Bindig*, the plaintiff's decedent was killed when his bicycle was struck by defendant Bindig, who was operating a truck owned by his employer, Allied Excavation. The plaintiff alleged negligence against Bindig, owner liability against Allied, vicarious liability against Allied, and negligent entrustment/supervision against Allied. The jury

apportioned 20 percent negligence to Allied, 50 percent to Bindig, and 30 percent to plaintiff's decedent.

On appeal, the defendants argued that the plaintiff should not have been allowed to pursue a negligent entrustment claim because the defendant had admitted vicarious liability. Relying on Perin, the Court of Appeals rejected this argument.

On June 30, 2015, the Michigan Supreme Court denied leave to appeal in *Binding*. The Court said "*we are not persuaded that the questions presented should be reviewed by this Court.*" This order ended any question about the Perin doctrine. Simply put, those who choose to allow bad drivers to operate vehicles are liable for that decision in the event of injury.

If you or a family member is involved in an accident with any kind of commercial vehicle — whether it be a semi-truck, a package delivery truck, a construction vehicle, or a taxi cab — it is important to consult with a lawyer that understands the legal rules that apply to these cases.