PROTECTING YOUR FLEET IN THE AGE OF LITIGATION
No matter how experienced your drivers are or how much you invest in safety initiatives, accidents are virtually unavoidable. But, utilizing video technology can improve fleet safety and protect your drivers and company in the event of a crash.

According to the FMCSA, 4,311 large trucks and buses were involved in fatal crashes and 87,000 in injury crashes in the U.S. in 2015 — that's more than 11 fatal crashes and 238 injury crashes every day.

Distracted driving caused by the rapidly growing use of smartphones behind the wheel, combined with speeding of any kind, increases a driver's risk of an accident, and all costs that come along with it.

The average cost of a large truck-related injury is $195,258 per crash, while the average cost of a fatal large truck accident is $3.6 million.

Regardless of who is ultimately at fault, 95 percent of litigation costs will be absorbed by commercial carriers.

Who’s Really to Blame?

As anyone in the transportation industry likely knows, the vast majority of accidents involving large trucks are not caused by professional drivers. You may, however, be surprised to learn just how lopsided those numbers actually are.

A University of Michigan Transportation Research Institute study found that car drivers contributed to 81 percent of crashes involving large trucks, versus only 27 percent for professional drivers.

So, if passenger car drivers — drivers who don’t perform pre-trip inspections of their vehicles, aren’t responsible for compliance, and whose vehicles aren’t heavily-regulated by law enforcement — are largely responsible for accidents on our roadways, why are carriers paying the vast majority of the associated costs?

Unfortunately, this is largely due to the trend toward mega verdicts against carriers over the last several years. Defense attorneys have perfected a way to use fear to override a jury's ability to think clearly and fairly.
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The Reptile Theory
Many, if not most, plaintiff’s attorneys are simply trying to get fair compensation for accident victims. However, there are some who seek to take advantage of, and manipulate, a jury’s emotions simply to cash in on large settlements using what’s referred to as the “Reptile Theory.”

The Reptile Theory gets its name from basic parts of the human brain — the brainstem and cerebellum — that mirror the structures of a reptile’s brain, controlling vital functions such as breathing and heart rate, along with our most basic emotional responses like fear or anger.

Rather than trying to gain sympathy for the plaintiff, attorneys using this technique will focus on the defendant’s behavior, using everything at their disposal to make the jury believe the defendant, or carrier, is unsafe and irresponsible, regardless of the actual facts of the case. They will call into question every part of that carrier’s safety record, maintenance protocols, driver training programs, and management decisions in an effort to cast the carrier in the worst possible light.

Unfortunately for every carrier on the road, the Reptile Theory has been incredibly effective in courtrooms all over the United States. Hundreds of millions of dollars have been paid out by carriers and insurance companies every year since its widespread introduction in 2009.

What This Means for Your Fleet
As if roadways are not dangerous enough, the added distraction of smartphones and other connected devices only increase the odds that your fleet will be involved in a serious accident. And, even though we know professional drivers are much less likely to be at fault in any major accident, we also know that the transportation industry pays the vast majority of all settlement and litigation costs.

Even one judgement against your fleet, no matter who was truly at fault, can destroy your profit margin for an entire year — or more — not to mention the long-term damage of having your company name splashed across headlines.

Video Evidence is Reality
A video of the accident in question is the best witness you can have in court, as it shows the incident exactly as it happened. Unlike witness statements, data on a spreadsheet, or even physical evidence from the scene, video can’t be twisted by an attorney to mislead or incite the jury.

Video evidence allows the jury to make their decision based on what they see, rather than your driver’s account of the event or how a lawyer is telling them to feel.

With video of an accident, you’ll know what actually happened so you can make the correct decision on how to proceed. If your driver is at fault, you can quickly settle, making sure families are taken care of and less money goes into unnecessary litigation. If your fleet isn’t at fault, you can potentially avoid long, expensive legal battles and all the bad press that goes along with them.

Given how much today’s accident litigation has changed from years past, and how high the stakes are for your fleet, you simply cannot take the risk of facing a jury without the best possible witness on your side. An accurate video, such as Omnitracs’ Critical Event Video (CEV), depicts what actually happened — allowing you to not only protect your fleet in the age of litigation, but also identify risky drivers and reduce dangerous driving behaviors.
Critical Event Video: Your Silent Witness

Omnitracs’ reliable, easy-to-use CEV puts powerful protection technology in the hands of every fleet. The forward-facing camera can be set to constantly record, giving you an accurate and permanent picture of every event your vehicle encounters. For added protection, you can choose to install an optional driver-facing camera, which records anytime the parking brake is not set.

Omnitracs’ CEV puts you in control of video retrieval in three different ways:

1. These cameras are fully integrated with our Critical Event Reporting (CER) application, giving you a complete picture of what occurred during an event. It is also consistent with processes and procedures many fleets already have in place, so there’s nothing new to master.

2. Highly configurable, you can choose to enable audio on the cameras, select what triggers an automated event, change frame rate, resolution, and duration of your video clips, and even choose to only request the video that is needed.

3. In addition to proving what really happened in an accident, Omnimtracs’ safety solutions help fleets predict and prevent accidents by:
   - Allowing you to identify and coach drivers that present the greatest accident risk with predictive analytics
   - Reducing dangerous driver behavior, such as hard braking, through immediate intervention with CER
   - Preventing unsafe tractor trailers from hitting the road with automated DVIR

Leaving Nothing to Chance

Unfortunately, nothing can prevent bad luck from finding one of your trucks on the road. But, an accurate video that depicts what really happened in an accident can be the defining factor in the face of a trial, supporting your drivers and saving your company heavy litigation costs.

About Omnimtracs

Omnitracs, LLC is a global pioneer of trucking solutions for all business models. Omnimtracs’ more than 1,000 employees deliver software-as-a-service-based solutions to help more than 12,000 customers manage nearly 1,100,000 assets in more than 70 countries. The company pioneered the use of commercial vehicle telematics thirty years ago and serves today as a powerhouse of innovative, intuitive technologies. Omnimtracs transforms the transportation industry through technology and insight, featuring best-in-class solutions for compliance, safety and security, productivity, telematics and tracking, transportation management (TMS), planning and delivery, data and analytics, and professional services.