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New Carrier Vetting Post-Montgomery: Cameras, CSA Scores, and Continuous Monitoring

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The One Big Thing

The Supreme Court's *Montgomery v. Caribe* decision didn't just open the door to broker liability. It's rewriting how brokers select carriers, structure contracts, and price freight. Carriers who don't adjust to these changes will get squeezed out first.

Brokers are moving fast, and carriers need to adjust now. The Court ruled 9-0 that federal law doesn't shield brokers from state negligent-hiring claims. Carriers assumed this was a broker problem. It isn't.

- Brokers are now requiring higher insurance minimums, with some pushing carriers to $5 million in coverage to keep getting loads.
- Brokers are rewriting contracts to push indemnification downstream, often without a choice-of-law clause that protects either side.
- Brokers are getting far more selective about who they'll assign freight to, and price is no longer the deciding factor.

Why It Matters

If you're a small or mid-size carrier without a documented safety program, you may already be getting priced out of broker relationships, regardless of how safely you actually run. Alternatively, if you don't scrutinize your broker agreements, you may be on the hook for more than you ever imagined.

The math brokers are now doing:

- Carrier coverage: $1 million
- Serious accident claim: $8 million
- Uncovered gap: $7 million, and the broker is now a named, funded target for it

What's New

Add joint and several liability to that math. In most states, if a broker is found even partially at fault, a plaintiff can pursue the entire verdict from the broker alone, not just the broker's proportional share. That means a broker found 5% at fault can still be on the hook for 100% of an $8 million verdict if the carrier can't pay. This is why brokers aren't waiting to see how "at fault" they actually are. Presence in the case is the exposure.

What To Watch

- Insurance demands will keep climbing. Expect increased minimums to become standard for brokers' preferred carrier networks.
- Contracts are the new battleground. Watch for broad-form indemnification language that would make you

responsible for the broker's own negligence. Always confirm there's a choice-of-law provision; without one, you don't know which state's anti-indemnification statute applies until after a verdict.
- Carrier vetting is becoming continuous, not one-time: onboard cameras as a condition of doing business, CSA scores and accident history requested up front, and real-time monitoring so any change in your safety status is flagged automatically.
- The market is consolidating around "known quantity" freight. C.H. Robinson has already tightened carrier standards. J.B. Hunt has flagged an expected boost to its dedicated fleet business. Watch for new entrants offering their own captive capacity, the way Amazon has built out freight operations.

The Bottom Line

Pull your CSA scores, your crash history, and your current insurance certificate. If you were a broker deciding today whether to assign you a load, would your own paperwork convince you? That's the standard you're now being held to.

For a full deep dive, click here to watch the video and click here to listen to the podcast.

If you or your company have questions about broker liability, please contact me or any member of the Saxton & Stump Trucking and Commercial Transportation Group.

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