

Safety Management Council

The Safety Management Council of the Nevada Trucking Association is dedicated to enhancing the safety and security of the trucking industry. This council brings together industry experts to share best practices, provide safety training, and networking with peers and partners in law enforcement and regulatory agencies. Join us today!

Newsletter Highlights

- Safety Council Meeting Notice
 - Truck Driving Championships Results
 - 2026 Safety Awards Program – Nominations Open
 - MOTUS Update – New system in place
 - Brake Safety Day – 600 Trucks OOS for Brakes
 - FMCSA Upgrades DataQs Program
 - National Technician Appreciation Week – June 14-20
 - NV OSHA Heat Regulations – Reminder!
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 - Calendar of Events / Save the Dates
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Safety Council Meeting

We will hold our next Safety Council meeting on June 11, 2026. This will be held on ZOOM only.

Join us in welcoming Pat Goodman from Great West Casualty Company who will be providing a presentation on “The Cost of Risk”.



The 2026 Nevada Truck Driving Championships in Las Vegas was another outstanding celebration of safety, professionalism, and driving excellence. Hosted by GT4, the event brought together Nevada’s top professional drivers to compete in written exams, pre-trip inspections, and challenging driving courses that showcased the very best of the trucking industry.

Congratulations to this year's champions, including Grand Champion John Jackson of Oak Harbor Freight Lines. First-place winners include Lopati Keil (3 Axle), Randall Stromlund (4 Axle), Brandon Hardy (5 Axle), Mark Livingston (Flatbed), Richard Bradford (Sleeper Berth), Matthew Harrison (Straight Truck), Eric Flick (Tank Truck), John Jackson (Twin Trailers), and Arben Reshani (Step Van). Hugo Aranda earned Rookie of the Year honors, while UPS captured the Team Championship.

A special thank you goes to the many sponsors, equipment providers, and volunteers whose dedication made the event possible. Their continued support helps promote safety, professionalism, and excellence throughout Nevada's trucking industry.

Appreciation is also extended to GT4 for serving as host and helping create a first-class championship experience for competitors and attendees alike.

The championships also gave back to the community, raising \$500 for Battle Born Guardians in support of their important work serving veterans and the community. The event once again demonstrated that Nevada's trucking industry is driven not only by skill and safety, but also by generosity and partnership.

2026 Safety Awards Program Open for Submissions – Deadline Extended!

NTA is accepting nominations for the following Safety Award Categories:

- Driver of the Month (*Driver of the Year will be selected from these applications*)
- Safety Professional of the Year
- Fleet Safety
- Knights of the Road

You will find the downloadable nomination forms on our website. Please return the completed forms and other required information no later than **June 19th**.

We hope you take advantage of these great programs. We highly recommend each of our member companies submit nominations. They are an excellent way to recognize your company, drivers and safety professionals for their dedication to highway safety.

<https://nevadatrucking.com/safety-awards-program/>

MOTUS System Now Live – Log-in to Verify Your Company

The Federal Motor Carrier Safety Administration (FMCSA) has officially launched the new Motus USDOT Registration System, a modernized online portal designed to

streamline registration, improve security, and simplify account management for motor carriers, brokers, freight forwarders, and other regulated entities.

All trucking companies are strongly encouraged to log into the new system and verify their company information, authorized users, and company official information.

Companies should also review and update contact information, operating classifications, and Biennial Update (MCS-150) information to avoid future access or registration issues. FMCSA notes that inactive portal accounts may become disabled or archived if not maintained regularly.

Additional information, step-by-step instructions, videos, and preparation resources can be found through the FMCSA Motus Resources Hub at [FMCSA Motus Resources Hub](#) and the Motus information page at [Move Into Motus](#).

The NTA is finalizing a training webinar and will announce date / time as soon as it is confirmed.

Nearly 600 Commercial Motor Vehicles Removed from North American Roadways in One Day Due to Brake Violations

Brake Safety Day is the Commercial Vehicle Safety Alliance's (CVSA) annual brake-safety inspection, regulatory compliance and data-collection initiative. Forty-seven jurisdictions throughout Canada, Mexico and the U.S. participated in this year's Brake Safety Day, which was April 14 and was not publicly announced in advance.

This year, emphasis was placed on drums and rotors. Inspectors identified 43 drum and rotor violations, of which 21 were out-of-service violations.

Certified commercial motor vehicle inspectors throughout North America conducted 4,021 inspections of commercial motor vehicles in one day and restricted 574 (14.3%) of those vehicles from travel due to brake-related out-of-service (OOS) violations.

A commercial motor vehicle is placed out of service when an inspector determines the vehicle has safety violations serious enough to make continued operation hazardous. Out-of-service orders are designed to prevent crashes from happening.

Of the 4,021 total inspections conducted, 3,447 commercial motor vehicles did not have any brake-related out-of-service violations – 85.7% of the total number of vehicles inspected.

CVSA's Brake Safety Day is part of [Operation Airbrake](#), a CVSA program dedicated to improving commercial motor vehicle brake safety throughout North America. CVSA's seven-day brake safety campaign is scheduled for Aug. 23-29.

FMCSA Upgrades DataQs Program to Improve Efficiency and Transparency for Safety Record Corrections for American Truckers

The Federal Motor Carrier Safety Administration (FMCSA) t announced updates to its DataQs program which will improve turnaround times for truckers awaiting safety record corrections. States must now meet strict deadlines and follow a three-step independent review process when handling requests to fix data on crashes, inspections, and violations.

The system is key to maintaining accurate safety data and ensuring fair treatment for our law-abiding truck drivers. In 2024, DataQs processed more than 71,000 requests, including at least 8,300 related to crash data.

FMCSA's DataQs system allows motor carriers, commercial motor vehicle (CMV) drivers, and other stakeholders to request a review of federal and state data they believe is incomplete or incorrect.

Key Enhancements to DataQs

The revised requirements establish a more streamlined framework for handling Requests for Data Review (RDRs), specifically for states receiving Motor Carrier Safety Assistance Program (MCSAP) funding from FMCSA.

General Requirements

- States must designate points of contact for crash and inspection RDRs.
- States are required to review requests submitted within three years of an inspection and within five years of a crash.
- All decisions, especially those where no data correction is made, must include detailed explanations, evidence reviewed, and clear next steps in the review process.
- States must participate in FMCSA program reviews and follow established policies, including those related to adjudicated citations.

Three-Stage Review Process:

States must implement a multi-stage, independent review structure that includes:

1. **Initial Review** – Ensures decisions are not made solely by the issuing officer when denying a correction.

2. **Reconsideration** – Conducted by independent subject matter experts not involved in the initial decision.
3. **Final Review** – Completed by a senior decision-maker or independent panel, ensuring an unbiased final determination.

Timeline Standards:

- Initial reviews must be completed within 21 days.
 - Reconsideration decisions must be issued within 21 days.
 - Final reviews must be completed within 45 days.
 - State MCSAP Lead Agencies must submit DataQs Implementation Plans detailing how they will meet the new requirements, address backlogs, and prevent future delays. To promote transparency, all approved plans will be publicly available through the DataQs system.
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The Nevada Trucking Association proudly recognizes 2026 National Technician Appreciation Week and extends sincere appreciation to the skilled technicians who keep our fleets operating safely and efficiently every day. From preventive maintenance and diagnostics to emergency repairs and advanced technology systems, technicians play a critical role in keeping the trucking industry moving.

Their professionalism, dedication, and technical expertise help ensure drivers stay safe on the road and customers receive the reliable service they depend on. As commercial vehicles continue to evolve with increasingly sophisticated equipment and technology, the importance of trained, knowledgeable technicians has never been greater.

Trucking companies across Nevada are encouraged to participate in National Technician Appreciation Week by recognizing and celebrating the hardworking maintenance professionals within their organizations. Whether through employee recognition events, appreciation lunches, awards, company spotlights, or simple words

of thanks, taking time to acknowledge technicians helps highlight the important work they do every day.

Thank you to all technicians for your commitment to safety, reliability, and excellence throughout the trucking industry.

REMINDER: Are you Ready for Summer? NV OSHA Heat Illness Prevention Program

As temperatures begin to rise across Nevada, trucking companies are reminded to review and comply with Nevada OSHA's heat illness prevention requirements to help protect employees working in high-temperature conditions. Drivers, warehouse personnel, mechanics, yard workers, and other outdoor employees are all at increased risk for heat-related illness during the summer months.

Nevada OSHA regulations require employers to implement measures including access to potable drinking water, scheduled rest breaks, shaded or cooled recovery areas, employee training, and procedures for responding to heat illness symptoms. Companies should also ensure supervisors and employees are trained to recognize the warning signs of heat exhaustion and heat stroke and understand emergency response procedures.

The Nevada trucking industry has always emphasized safety, and heat illness prevention is another important part of protecting employees both on and off the road. Companies are encouraged to review their heat illness prevention plans now and make any necessary updates before peak summer temperatures arrive.

US Dept. of Justice Reschedules Limited Marijuana Products

In accordance with President Trump's December 18, 2025, Executive Order on Increasing Medical Marijuana and Cannabidiol Research, the Justice Department and the Drug Enforcement Administration (DEA) today announced the issuance of an [order](#) immediately placing both **FDA-approved products containing marijuana and marijuana products regulated by a state medical marijuana license** in Schedule III of the Controlled Substances Act, as well as the initiation of an expedited administrative hearing process to consider the broader rescheduling of marijuana from Schedule I to Schedule III. The [new hearing](#), beginning June 29, 2026, will provide a timely and legally compliant pathway to evaluate broader changes to marijuana's status under federal law. Together, these actions provide immediate and long-term clarity to researchers, patients, and providers alike while still maintaining strict federal controls against illicit drug trafficking.

NOTE: The Medical Review Officer Certification Council (MROCC), the body responsible for Medical Review Officer certification for regulated drug testing programs, has stated that DEA's actions do not change the requirements for federally-regulated drug testing and MROs who review and report marijuana positive tests under the DOT drug testing program. At this time, **MROs will not take medical marijuana as an acceptable medical explanation for a THC positive test and DOT safety-sensitive employees continue to be prohibited from using marijuana.**

Again: NOTHING has changed for DOT drug testing programs for safety-sensitive employees!

USDOT Announces New Verification Process for Clearinghouse Users

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) today announced improvements to their Drug and Alcohol Clearinghouse online database. New identity verification requirements for certain Clearinghouse users will strengthen fraud prevention, improve record accuracy, and enhance accountability for over six million users in the database.

Medical Review Officers, Substance Abuse Professionals, third-party administrators, **and employers** will be required to take additional steps to verify their identities within the FMCSA database.

FMCSA's Drug and Alcohol Clearinghouse online database allows employers, law enforcement, and state agencies to quickly identify commercial vehicle drivers who are prohibited from driving due to drug and alcohol violations.

The new process will be completed using IDEMIA, a company specializing in secure identity verification and used by the Department of Homeland Security at airports across the country. Future phases will extend the new requirements to most other users, though commercial driver's license (CDL) holders are already verified through state systems.

NTA will keep you updated as we learn more about the process.

Safety Council Meetings

The Safety Council will meet via ZOOM on the 2nd Thursday of each month in 2026.

June 11
September 10

July 9
October 8

August 6th (1st TH)
November 12

December 10

Other Dates of Interest

June 14-20 – National Technician Appreciation Week

July 12-18 – Operation Safe Driver

August 10-14 – National Truck Driving Championships – Pittsburgh

August 23-29 – National Brake Safety Week

September 13-19 – National Truck Driver Appreciation Week

Get Involved!

We are excited to invite all members to actively participate in our Safety Council and safety-related programs. By joining, you'll have the opportunity to contribute valuable insights, share experiences, and collaborate on events. Let's work together to build a positive safety culture in Nevada. Join us in making a difference! Contact Patti today!

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Guest Column: Doug Marcello, Saxton & Stump

Montgomery v. Caribe Transport: The Supreme Court Just Reshaped Trucking Liability. Here Is What Every Carrier, Broker, and Insurer Must Do Now.

A Breaking Analysis of the May 14, 2026 Supreme Court Decision and Its Immediate Implications for the Transportation Industry

The preemption shield that freight brokers have relied on for years to defend against personal injury claims is gone. The United States Supreme Court said so unanimously on May 14, 2026.

In *Montgomery v. Caribe Transport II, LLC*, 608 U.S. ____ (2026), a nine-justice Court held that negligent hiring claims against freight brokers are not preempted by the Federal Aviation Administration Authorization Act. The decision, written by Justice Barrett, reverses the Seventh Circuit and abrogates two circuit precedents that had insulated brokers from state tort liability. It resolves a circuit split that had divided courts for years.

The implications reach every segment of the trucking industry. Brokers face new and immediate litigation exposure. Carriers find their FMCSA safety records newly elevated as commercial gatekeeping criteria. Insurers must reassess coverage structures built on preemption assumptions that no longer hold. And the broker-carrier contractual relationship — particularly indemnification provisions — is due for immediate scrutiny.

The Facts That Got to the Supreme Court

Shawn Montgomery was working as a truck driver on an Illinois highway when his tractor-trailer, stopped on the shoulder, was struck by a Mack Truck driven by Yosniel Varela-Mojena. Montgomery's leg was amputated. He sustained other severe and permanent injuries.

Varela-Mojena was driving for Caribe Transport II, LLC, hauling a load of plastic pots. C.H. Robinson Worldwide, Inc. — one of the largest freight brokers in the country,

arranging transportation for enormous volumes of freight annually — had brokered the shipment.

Montgomery's central claim against C.H. Robinson was straightforward: the broker negligently hired Caribe Transport, a carrier that had a conditional safety rating from FMCSA at the time of the hiring. That rating reflected documented deficiencies across multiple BASIC categories — driver qualification, hours of service compliance, inspection and maintenance records, and recordable crash rate. Montgomery argued that C.H. Robinson knew or should have known from that record that choosing Caribe Transport was reasonably likely to result in crashes injuring others.

The district court held the claim preempted. The Seventh Circuit affirmed. The Supreme Court granted certiorari to resolve the circuit split — and reversed, unanimously.

What the Court Held and Why

The legal analysis turned on a single statutory provision: the FAAAA's safety exception, which provides that the preemption clause shall not restrict the safety regulatory authority of a State with respect to motor vehicles. 49 U.S.C. § 14501(c)(2)(A).

The Court's reasoning was direct. Negligent hiring claims impose a duty of reasonable care in selecting a contractor for work carrying a risk of physical harm. The preemption question was whether such claims are with respect to motor vehicles. The Court held they are — because requiring a broker to exercise ordinary care in selecting a carrier concerns the trucks that will transport the goods. That connection brings the claim within the safety exception and saves it from preemption.

Justice Kavanaugh's concurrence, joined by Justice Alito, acknowledged competing contextual arguments that cut in favor of the brokers: the FAAAA does not mandate insurance for brokers as it does for carriers, suggesting Congress did not anticipate routine broker liability; and the anomaly that state tort suits would be permitted against brokers for arranging interstate transportation but preempted for intrastate. He treated these as serious points — but concluded that Congress, in an economic-deregulation statute, did not intend to immunize brokers from safety-based tort liability while leaving

trucking companies fully exposed to it. The bottom line: federal law does not preempt state tort liability against brokers for negligent selection of trucking companies.

The Court was also careful to cabin the ruling. This is not strict liability. Brokers who exercise reasonable care in vetting carriers — who verify safety ratings, check BASIC scores, and ask the hard questions before tendering a load — should be able to defend successfully against negligent hiring claims. As plaintiff's counsel acknowledged at oral argument, brokers who hire carriers with reasonable safety records and ask substantive questions about carrier safety practices will not have a problem. The exposure is for negligent vetting, not for every accident involving a brokered load.

Impact on Brokers: The Vetting Obligation Is Now a Legal Duty

The most immediate impact falls on freight brokers. The preemption defense that brokers have used to dismiss personal injury claims at the pleading stage is gone. Cases that were previously dismissed on preemption grounds will now proceed to discovery and potentially trial.

The standard that will govern broker liability in these cases is negligent hiring — whether the broker exercised reasonable care in selecting the carrier before the load moved. That standard has several practical components:

- **CSA score and BASIC review.** Caribe Transport's conditional safety rating and BASIC alert status were the foundation of the negligent hiring claim in this case. Brokers must review carrier CSA scores and BASIC ratings as a standard part of the vetting process. A carrier with a conditional rating or alert status in safety-related BASICs presents heightened risk that a broker who proceeds without additional scrutiny may have difficulty defending.
- **Safety rating verification.** Brokers should verify a carrier's current FMCSA safety rating — satisfactory, conditional, or unsatisfactory — before tendering freight. An unsatisfactory rating should, in most circumstances, preclude the hiring. A conditional rating at least warrants additional inquiry if not preclusion.

- **Documentation.** The vetting process that was previously a business practice is now a legal obligation. Every element of the review — what was checked, what was found, what decision was made and why — needs to be documented before the load moves. That documentation is the broker's defense at trial.
- **Carrier selection standards.** Brokers should consider developing and following written carrier selection criteria. A documented internal standard, consistently applied, is significantly more defensible than ad hoc selection. The standard does not need to be perfect — it needs to be reasonable and followed.

Impact on Carriers: Your Safety Record Is Now a Commercial Gatekeeping Criterion

For motor carriers, the implications of this decision are less about direct liability and more about commercial consequences that flow from brokers' new legal exposure.

Your CSA scores are now gatekeeping criteria. Brokers who face personal injury liability for negligently hiring unsafe carriers will scrutinize carrier safety records more carefully than ever before. A conditional safety rating, alert status in safety-related BASICS, or a pattern of unresolved violations is not just a regulatory compliance issue — it is a commercial liability that may result in brokers refusing to tender freight.

This makes the DataQs reform published April 16, 2026 — which we covered in this series two weeks ago — immediately more important. Every inaccurate inspection record, every incorrectly attributed crash, every data entry error that sits unchallenged in the FMCSA system now has direct commercial consequences in addition to its litigation implications. The three-stage appellate process established by the new DataQs requirements gives carriers a real mechanism to challenge inaccurate records. Use it aggressively.

Broker-carrier contract indemnification provisions. Brokers facing increased liability exposure will respond by strengthening indemnification clauses in their broker-carrier agreements. Carriers should expect to see contract language requiring them to indemnify and hold harmless brokers for claims arising from carrier negligence —

including personal injury claims like the one in Montgomery. These provisions need to be reviewed by counsel before execution. The insurance implications need to be assessed against the carrier's current coverage.

Carriers who also broker: Many motor carriers also broker freight as part of their operations. Those companies now carry broker liability exposure on top of their carrier exposure. If your company arranges transportation for others, the broker analysis applies fully to your brokering activities.

Impact on Insurers: The Coverage Landscape Has Changed

For insurers covering brokers for personal injury liability, the foundational assumption that preemption would defeat most claims before trial is no longer operative. Cases that would have been dismissed at the pleading stage will now reach discovery and potentially jury trial. The cost of defending those cases, and the risk of adverse verdicts, has increased materially.

Broker liability policies need to be examined in light of the decision. Policy language addressing negligent hiring claims, coverage limits, and premium structures may all require reassessment. The underwriting models built on the preemption defense need to account for a post-Montgomery environment where that defense is unavailable.

For insurers covering motor carriers, the indemnification dynamic matters. Brokers whose contracts include carrier indemnification provisions will make indemnification claims against carriers following accidents. Those claims will implicate carrier liability policies. The scope of coverage for indemnification obligations, the adequacy of coverage limits, and the interaction between carrier and broker policies all deserve review.

The DENUCLEARIZATION Connection

Montgomery v. Caribe Transport is a direct illustration of why the DENUCLEARIZATION series exists. The decision does not create new litigation risks out of thin air. It validates and expands the framework that plaintiff attorneys have been building for years — the

use of FMCSA safety data to establish that a commercial entity knew or should have known it was engaging with an unsafe operator.

The CSA data that plaintiff attorneys have long used to establish systemic failure narratives against carriers is now the same data that establishes broker negligent hiring claims. The carrier whose FMCSA record shows conditional ratings and BASIC alert status is not just a litigation defendant — it is now a commercial pariah that brokers cannot afford to hire.

The DataQs reform, the data management framework, the Motus transition, the Reptile Theory defense — all of it now applies with equal force to broker vetting decisions and the carrier records that drive them. A clean, accurately documented FMCSA safety record is not just a defense asset in the courtroom. It is a commercial prerequisite for participation in the brokered freight market.

The industry that moves to the front of this decision — that builds the vetting processes, cleans the safety records, reviews the contracts, and reassesses the coverage — will be in a fundamentally different position than the industry that waits to respond case by case.