

Ohio CDL Manuals Do Not Alter the Standard of Care for Truck Drivers

By Robert W. Schrimpf

A recent opinion by an Ohio Federal Court rejects an argument frequently made by the plaintiffs' bar in truck accident cases –that commercial truck drivers should be held to a higher standard of care because they are “professional drivers.” To make this argument, the plaintiffs' bar attempts to use language in the CDL manual or the trucking company's safety handbook to generate a heightened standard of care for the truck driver. In *Krendl v. Intermark Transport*, decided last month, the Northern District of Ohio held that the CDL manual and other such items do not create a higher standard of care for commercial drivers.

In *Krendl*, the applicable CDL Manual advised commercial drivers to have a plan, to take evasive measures when confronted with a hazard, and to use the right shoulder if necessary to avoid a collision. The plaintiff's expert opined that the driver was negligent for failing to comply with these portions of the CDL manual. The plaintiff argued these provisions subject the truck driver to a heightened standard of care.

The court rejected this argument. The court first explained that CDL manuals “do not carry the force of law[.]” Moreover, to do so “would illogically place some portion of the responsibility for every accident on a commercial driver, simply because he or she has been instructed to be a defensive driver.” In deciding the defendant's motion for summary judgment, the court gave no weight to the expert's opinions on the CDL manual.

The court also noted that “There is no case law in Ohio that imposes a heightened duty of care for CDL drivers.” citing *Davis v. Brown Loc. Sch. Dist.*, 131 N.E.3d 431, 445, 2019-Ohio-246 (7th Dist. 2019). The Southern District of Ohio in *Gruenbaum v. Werner Enterprises* likewise held that the standard of care for truck drivers in Ohio is ordinary care and “the [Federal Motor Carrier] Safety Regulations to not establish a heightened standard of care in Ohio[.]” S.D. Ohio No. 09-CV-1041, 2011 WL 563912, *4. This means so-called “professional drivers” are subject to the same standard of care as all other motorists in the state.

Of course, this does not mean that commercial drivers can disregard the CDL manual. The CDL manual presents important instructions and guideposts for all commercial drivers. Commercial drivers should be defensive drivers and avoid accidents. However, in the context of a personal injury lawsuit in which the commercial driver's fault is being evaluated, Ohio law does not allow the CDL manual or the Federal trucking regulations to impose a higher standard of care.

Should you have any questions or concerns about this or other transportation topics, please reach out to any member of our terrific team of dedicated Transportation Law attorneys. It would be our pleasure to assist.

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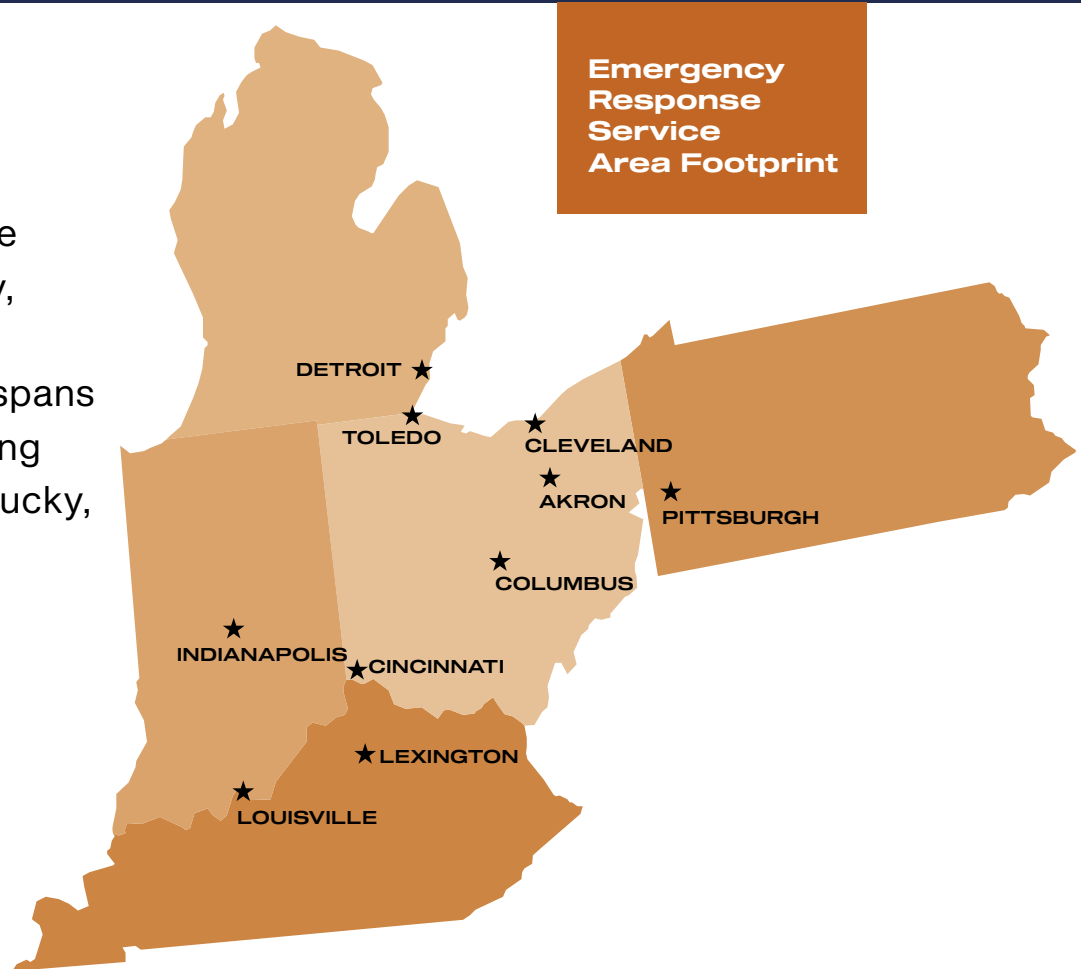


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