



## MYTH:

*Drivers can't drive for someone else, so they must be employees.*

## FACT:

*Drivers **can** driver for someone else, they just don't need to and federal safety laws make it hard.*

*Federal Safety Regulations forbid trucks from switching from one carrier to another quickly and easily. See 49 CFR Section 376.12(c). "[The carrier] shall have exclusive possession, control, and use of the equipment for the duration of the lease." This rule was put in place to make sure the motoring public was financially protected in case of an accident caused by an independent contractor or an employee driver.*

*All the "controls" like logbooks, background checks, passenger authorizations, truck inspections, and so on are in place because federal safety laws require those controls on employee drivers and independent contractors alike. Each carrier is legally responsible for the safety of the public and the drivers, whether independent or employee.*

*Drivers can drive for multiple carriers, and trucks can even switch carriers, but federal safety laws require a lot of safety rules to be followed and paperwork to be done. A worker's classification doesn't change because federal safety laws require numerous safety protocols. Drivers have choice in the industry, and the vast majority choose the employee driver route, but a strong minority choose independence. Protect every driver's freedom to choose independence or employee status. Protect an industry specific definition that provides certainty and clarity for drivers, carriers, and government officials alike.*



*But he/she chooses not to drive for another carrier. Doesn't that make him/her an employee? No!*

*Federal safety rules protecting the motoring public make it hard for independent contractors to switch carriers. Those federal safety rules should not force the contractor to give up his or her independence.*

We condemn misclassification wherever it occurs just as much as we defend it when legitimate.

**BEING AN INDEPENDENT CONTRACTOR IN TRUCKING IS  
ALWAYS A CHOICE.**