

How Negligent Hiring by a Trucking Company Can Lead to a New Mexico Truck Accident

Holding Trucking Companies Responsible for Unsafe Drivers They Put on the Road

Negligent hiring by a trucking company is often part of the story behind a serious New Mexico [truck accident](#). Responsible carriers carefully check a driver's record before handing over the keys to a big rig, but some don't.

When a company hires a driver with a history of reckless driving, license violations, or other red flags, that decision can become central to your case. The federal [Large Truck Crash Causation Study](#), released in 2006, found that when a large truck was assigned the critical reason for a crash, that reason was driver-related 87 percent of the time.

New Mexico truck accident attorney Andras Szantho at [Szantho Law Firm](#) understands how trucking company hiring decisions can shape a claim or lawsuit. He knows which state and federal rules apply, what evidence to look for, and how to hold trucking companies accountable for who they put on the road.

At a Glance

- **A Claim Against the Company Itself** – Negligent hiring focuses on whether the trucking company ignored warning signs before it ever put the driver behind the wheel.
- **Federal Screening Rules Apply** – Carriers must collect an application, check three years of driving records, and review each driver's record every year.
- **Some Violations Disqualify Drivers** – Offenses like driving under the influence or refusing an alcohol test can bar a driver from operating a truck.
- **Records Don't Last Forever** – Some trucking records only have to be kept for months, so acting quickly after a crash protects key evidence.

What Is Negligent Hiring in a Trucking Case?

Negligent hiring isn't about the moment of the crash. It's about the decision that came before it, when a trucking company put a driver on the road that it knew, or should have known, was unfit to drive.

In other words, the company failed to use reasonable care when choosing who it hired. New Mexico courts recognize this as its own type of claim against an employer, separate from anything the driver did on the day of the crash.

That distinction matters for an injured victim. A negligent hiring claim doesn't depend only on proving the driver was careless behind the wheel. It looks at whether the company already had reason to know this driver was a risk before hiring him.

Warning Signs a Trucking Company Should Catch Before Hiring a Driver

A careful hiring process should catch trouble before it ever reaches the highway. These warning signs belong in every trucking company's review, long before a new driver's first mile:

- **A History of Prior Crashes** – One accident might be a fluke, but several in a short window usually point to a pattern a company shouldn't ignore.
- **Serious Traffic Violations** – Reckless driving, excessive speeding, or repeated unsafe lane changes suggest a driver who regularly pushes the limits.
- **CDL Suspensions or Disqualifications** – Any lapse in a commercial driver's license (CDL) history deserves a hard look before a company hands over the keys.
- **Failed or Refused Drug and Alcohol Tests** – This is one of the clearest red flags a hiring file can hold, and one of the easiest for a company to verify.
- **Unexplained Gaps in Work History** – A missing stretch of employment sometimes hides a firing or a disqualification that the driver would rather keep quiet.

None of these signs proves on its own that a driver will cause a wreck. Taken together, though, they tell a company something worth acting on, and a carrier that hires anyway, despite what its own screening turned up, opens the door to a negligent hiring claim.

What Background Checks Are Trucking Companies Required to Run?

Federal rules leave little guesswork about what a company must check. Every driver applicant must complete an [employment application](#) under Federal Motor Carrier Safety Administration (FMCSA) rules, listing prior jobs, accidents, and traffic violations from several years back.

A company can't just take that application at face value. FMCSA rules also require it to [pull the driver's three-year driving record](#) from every state where the driver held a license and to contact previous employers about the driver's safety history.

The obligation doesn't end at hiring, either. Federal rules require an [annual review of each driver's motor vehicle record](#) for as long as that person stays on the payroll, and skipping any of these steps, or ignoring what they turn up, can expose a company to a negligent hiring claim.

CDL Problems That Should Disqualify a Driver From Being Hired

A commercial driver's license carries its own set of [federal disqualification rules](#). Some offenses disqualify a driver automatically, no matter how strong the rest of the application looks, including driving under the influence and refusing a required alcohol test.

A second tier of violations counts as [serious traffic violations](#) under federal commercial driving rules, including excessive speeding, reckless driving, and improper lane changes. Two of these within three years bring a 60-day disqualification, and three bring a 120-day disqualification.

A trucking company that overlooks one of these marks, or never checks for it, is hiring blind. When a crash follows, that blind spot can become powerful evidence in a negligent hiring claim, especially if a routine check would have found it.

Beyond the Driver, Who Else Can Be Held Responsible?

A bad hiring decision is rarely a one-person failure. Several parties can end up [sharing responsibility for a truck crash](#) once the paperwork behind a hire gets examined during a lawsuit:

- **The Trucking Company** – The employer that made the call to hire can be directly liable (legally responsible) for its own negligence (a failure to use reasonable care).
- **The Staffing or Leasing Company** – When a driver comes through a staffing agency or leasing arrangement, that business can share the blame for a bad placement.
- **The Driver** – None of this erases the driver's own liability for the careless or reckless driving that caused the crash in the first place.

A strong case usually argues two things at once. The driver did something wrong on the road that day, and the company, separately, should never have put him there. We build both arguments from the start of a case, not as an afterthought.

How Do You Prove a Trucking Company Was Negligent in Hiring a Driver?

The driver qualification file is where this kind of case usually begins. It should contain the employment application, the driving record checks, and the safety history the company gathered before hiring, and what's missing from that file can matter as much as what's in it.

That file gets measured against what federal law required the company to do before hiring this particular driver. A skipped inquiry or an ignored red flag marks the gap between what the company actually did and what the law required.

Records from prior employers and state licensing agencies can fill in what a company's own file leaves out. Time matters here, because [preserving trucking company records quickly](#) keeps them from disappearing, and some records only have to be kept for months.

The table below shows how long federal rules require trucking companies to keep several key records, based on the [driver qualification file rule](#) and the record retention schedule published by the [Colorado State Patrol](#).

Record	What It Can Show	Minimum Retention Period
Driver qualification file	The application, driving record checks, and annual reviews	Length of employment plus three years
Safety performance history inquiries	What prior employers reported about the driver	Length of employment plus three years
Positive drug test or alcohol test of 0.02 or higher	Substance problems the company knew about	Five years
Hours-of-service records	Whether the driver was rested and logging time honestly	Six months

Those short windows are why we move quickly to demand records after a crash. [Hours-of-service logs](#) in particular can show whether a driver the company hired was also being pushed past federal driving limits.

What Can a Negligent Hiring Claim Recover for an Injured Victim?

A serious truck crash can leave someone dealing with the fallout for years. New Mexico law gives injured victims several paths to compensation, depending on how the crash happened and who was at fault:

- **Medical Care, Present and Future** – Hospital treatment, surgery, therapy, and the ongoing care a serious injury may demand for months or years to come.
- **Lost Income and Earning Capacity** – Wages missed during recovery, plus any lasting harm to your ability to earn a living in the future.
- **Pain and Suffering** – Compensation for the physical pain and emotional toll an injury causes beyond the medical bills themselves.
- **Property Losses** – Repairs to your vehicle or the cost of replacing it, along with anything else damaged in the wreck.
- **Wrongful Death Losses** – Compensation for a family that lost a loved one in a fatal crash, through a [wrongful death](#) claim.

A negligent hiring claim can open doors a standard injury claim doesn't, including insurance coverage tied to the company itself, not just the driver's own policy. When an injury is

[permanent](#), that additional coverage can matter a great deal, so we map out every available source of recovery before any settlement talk begins.

Uncovering What the Trucking Company Knew Before the Crash

These cases rarely stay simple once the company gets involved. A trucking company will guard its hiring file closely, and its insurer will look for any opening to pin the crash on the driver alone, away from the company's own decisions.

At the Szantho Law Firm, we know how to get past that resistance. We demand the records a company would rather not produce, and we build the case around what the company knew and when it knew it.

If a negligent hiring decision led to your accident, [talk with us today](#) about your options. There are [no upfront costs](#), and we only get paid if we recover compensation for you.