

Do your homework

Make sure you ship your horses with licensed carriers

BY CYNTHIA MCFARLAND

WHEN IT comes time to ship a horse, many owners focus primarily on one thing: cost.

"People often look for the cheapest company and will go with whoever charges the least," said Rob Kinsey, a partner with the Lincoln, Nebraska-based law firm Kinsey Rowe Becker and Kistler who serves as general counsel for the National Horse Carriers Association. "Price would be a consideration, but if I were shipping a horse, I'd want to know if the carrier is a licensed interstate carrier."

Licensed equine transportation carriers must have its U.S. Department of Transportation (DOT) number displayed on their rigs. If you do not see a number anywhere on the equipment, ask the operator if he or she is licensed to transport horses for hire.

If you are unsure whether the company you are considering is licensed and legal, finding out is quite simple, thanks to the Internet. All you need is the name of the company, its U.S. DOT number, or its motor carrier number. Go to www.safersys.org, which is the U.S. DOT Federal Motor Carrier Safety Administration's safety records system, and type in the information. Within moments, you will have solid information that can help you make an informed decision about shipping your horse with a specific company.

The site allows you to see how many "power units" (trucks) the company owns or leases, how many drivers it employs, mileage, cargo carried, and number of inspections within the past two years. At a glance, you can see if any of those inspections resulted in an "out-of-service" status. You can also compare the company's record against the national average of inspection percentages that resulted in an "out-of-service" status.

The number of accidents a company has been involved in is also noted, including whether any resulted in a fatality, injury, or required towing.

Compliance

Since safety is so important to horse owners, they will be glad to know they can learn how a carrier complies with the Federal Motor Carrier Safety Regulations. A "satisfactory" rating means records indicate no evidence of substantial noncompliance with safety requirements. A "conditional" rating indicates that the carrier was out of compliance with one or more safety requirements. An "unsatisfactory" rating means records show evidence of substantial noncompliance with safety requirements.

In order to legally transport horses, a company must carry certain insur-

ance. A status of "okay" means the carrier is in compliance. A status of "not okay" means the carrier is not presently in compliance with insurance requirements; any operation during a period of noncompliance is unlawful.

"If you can't find a company on the www.safersys.org website, this is a good indicator they are not licensed," Kinsey said. "There are hundreds of people who will post flyers at racetracks and barns about hauling horses, but they're not legal and may not be qualified to do what they're doing. In this industry, we call them 'bootleggers.' If someone is charging money to transport horses for hire, they need to be licensed, either by the state or the federal government. If they're crossing state lines, they are in interstate commerce and must be licensed by the U.S. DOT, otherwise, they are illegal."

Horse owners who choose to ship with someone who is not legally licensed should realize that they will likely not receive any reimbursement for their horse's value in the event of an accident causing death.

"If you knowingly go with someone who's not licensed, you need to know that your risk is increased," Kinsey said.

To learn more, visit www.safersys.org

Legal issues

When you hire a carrier to move your horse, you are typically just thinking about that one particular journey. But commercial horse transportation companies continually have to meet a number of requirements in order to legally ship horses. Not only is there the financial obligation of becoming and remaining a licensed carrier, but carriers must comply with state and federal laws, including drug-testing protocol. In order to remain licensed, their equipment also must pass periodic inspections.

"Our vehicles have annual inspections by a certified mechanic, who goes through everything from front to rear and makes sure it's all up to par," said Chip Hudson from the Ocala office of Creech Horse Transportation. "Our equipment is insured as required by the U.S. DOT. Everything we have, from the smallest truck to the biggest rig, has to be insured. Our drivers have stringent training and are randomly drug tested."

Kinsey noted that legally licensed drivers are crucial when it comes to safety.

"Commercial drivers are all drug tested," Kinsey said. "Fatigue is probably the single biggest factor in trucking accidents. When drivers know their log books are going to be checked all the time, they are more likely to follow the rules."

Shipping with a properly licensed carrier means you can trust that their drivers are qualified to operate the vehicles, and that their hours of services are logged and tracked.

Insurance precautions

Despite the millions of miles traveled annually, horse transportation companies overall have a comparatively small number of accidents. Yet, when accidents happen—and they do—the results can be tragic.

On April 15, six juvenile Thoroughbreds en route from Ocala to Belmont Park perished in a tractor-trailer fire on I-95 near Rocky Mount, North Carolina. A tossed cigarette from a passing driver has been blamed as the cause of the blaze, which also destroyed the Lorraine Horse Trans. vehicle carrying the horses.

"From our investigation, that's what was determined," Kinsey noted. "A lot of people flick cigarettes out of windows. The bedding straw inside the trailer caught fire."

The driver pulled over immediately, and both she and her back-up driver tried to save the horses, but it was impossible to rescue them. One of the drivers suffered minor injuries in the attempt.

Kinsey noted that fewer and fewer carriers have attendants riding in the trailer with the horses.

"To me, it's always been a safety risk having attendants riding in the trailer," he said. "The carriers might like to have them gone, but customers often want to have attendants with the horses. In interstate transport, there is specific federal legislation that permits humans to be in the trailers if they are attending to cargo. So, it's not unlawful, but it is a safety issue, and we've had a number of stops in the last few months by local police officers pulling over carriers for having people in the trailers. They're going by local laws, not interstate laws."

Kinsey said that many carriers are using closed-circuit video cameras, such as that on the Lorraine rig, to monitor horses en route.

At press time, Kinsey said three of the cases in this accident had been settled, but only two of the six horses were insured. He said it is not uncommon for horses to be uninsured and in his 40 years of legal experience, he has found that fewer than one out of ten horses involved in a claim are insured when transported.

Commercial carriers note a declared value for each horse they are transporting. This is found on the bill of lading. This means, in the event of the horse's death or destruction, the carrier is liable to pay only the declared value. It varies from company to company, but is usually in the neighborhood of \$2,000 to \$3,000.

"You need to read the bill of lading front and back," Hudson said. "It states specifically what the car-



Cynthia McFarland photos

Shipping with a licensed carrier means its drivers are qualified to operate the rigs and its hours are logged and tracked

rier is liable for, and it lists the declared value for each animal in the case of death."

Many insurance companies offer a short-term (30-day) mortality policy.

"The transportation company is only liable for the limit on the bill of lading, so it's wise to insure your animal. For horses being transported in the U.S./Canada, it is normally 1% of the value with a minimum premium of \$200 with most companies," said Rhonda Mack, an agent with Jerry Parks Insurance Group in Ocala. "A \$10,000 horse would be a \$200 minimum premium, but a \$50,000 horse would be \$500. Any premium taxes are additional, such as the Florida, Kentucky, or New Jersey surcharges."

Mack said that these short-term policies do not normally include the

endorsements that can be purchased with an annual policy, such as the emergency colic surgery endorsement or major medical.

"Also, there is no extension on short-term policies," she noted. "If the horse gets sick or injured during the 30-day time period and dies on the 31st day as a result of this problem, there will be no coverage since the policy already expired."

Of course, if you already have a 12-month mortality insurance policy on the horse you are shipping, this coverage includes transportation anywhere within the coverage territory. ♣



Cynthia McFarland is a freelance writer based in Fairfield, Florida.