

TRANSPORTATION MARKET UPDATE

SPRING 2026



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ADDITIONAL INSIGHTS: [Key Forces Shaping the For-Hire Trucking Industry](#) [Excess Auto Liability](#)
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INTRODUCTION

Primary Auto

When we look around the market for primary auto, we see two roads confirmed by a recent CIAB study!¹ One road shows that, while commercial auto rates continue to increase, the pace of those increases fell in the fourth quarter of 2025. Down the other road, we're seeing claims counts increasing and some leading indicators of capacity in the market waning. We've seen a wide disparity in rates driven primarily by loss experience and venue. Historical loss experience will continue to be the leading factor in pricing for primary auto, but carriers are beginning to use available technological assets to become more granular with their risk assessment. Scrutiny on individual risks has never been higher, and we don't expect that to fade.

As you read through this market update, we've highlighted several focus areas in trucking and motor truck cargo with a deep dive into transportation network companies (TNCs). The trucking industry is undergoing a structural shift with the enforcement of non-domiciled commercial driver's licenses (CDLs) following several catastrophic accidents and a decrease in available capacity, causing freight rates to start the process of reversing their downward trend. For flatbed transport, tender rejections have broken through levels not seen since 2021. Motor truck cargo thefts are finally getting the attention they deserve as law enforcement breaks up one organized crime ring after another.

Legislative attention to the proliferation of third-party litigation financing and its influence on nuclear verdicts has been playing out on the state level.² It may take several years for insurance rates to catch up to all the positives playing out around us, but as we navigate a dynamic market, it's good to have a partner with their ear to the ground.



Hired and Non-Owned

Hired and Non-Owned coverage is going through its own renaissance, and carriers aren't exactly loving what they see. With increasing frequency, we're seeing primary auto carriers either outright decline to offer Hired and Non-Owned, or if they do offer it, they're looking at it with a microscope. Contractual risk transfer may be enough for the standard markets, but it is barely scratching



INTRODUCTION (continued)

the surface in the E&S markets. As companies look to manage their operating margins, they're frequently considering non-owned fleets. Preparing for the inevitable sticker shock for these types of moves has never been more important. We've successfully navigated the placement of several of these risks by being proactive in discussions around how these risks are priced and the risk controls that are needed. The market isn't enamored with Hired and Non-Owned, and placement is getting more challenging.

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EXCESS SURPLUS LINES INSURANCE FOR TRANSPORTATION NETWORK COMPANIES: A PRACTICAL GUIDE FOR BROKERS

When it comes to insuring transportation network companies (including shared vehicle fleets and app-based delivery or transportation platforms) and understanding contingent and auto liability, we speak daily with the full spectrum of insurance professionals. Some are pioneers who helped build this niche from the ground up. Others are highly capable, well-rounded brokers placing coverage across lines from EPLI to quake who simply need a steady hand when stepping into this technically demanding space. This is the guide I wish I had the first time one of these submissions landed on my desk when I found myself asking, "Exactly what coverages does this insured need?"

What Makes TNC Auto Exposures Different?

At first glance, TNC risks look familiar: drivers, cars, and passengers, essentially modern livery, but the exposure model is fundamentally different. Traditional commercial auto involves owned vehicles, known drivers, predictable routes, and controlled risk variables. TNC operators, by contrast, rely on decentralized gig economy platforms, non-owned vehicles, and constantly shifting participation levels. Driver turnover, geography, and mileage fluctuate daily.



EXCESS SURPLUS LINES INSURANCE FOR TRANSPORTATION NETWORK COMPANIES (continued)

Four exposure characteristics drive the distinction:

1. NON-OWNED AUTOS

The platform does not own the vehicles; drivers do. Various vehicle types and conditions are on the road. That shifts accountability, reporting, and coverage structure from entity-based control to individual usage patterns.

2. RAPID SCALING

Market-driven growth can double or triple a TNC's exposure footprint almost overnight. Today's underwriting snapshot may bear little resemblance to tomorrow's real-world exposure.

3. DRIVER VARIABILITY

Unlike corporate fleets with uniform hiring and training, TNC drivers cycle in and out constantly. Driving skill, experience, and vehicle condition vary widely, creating material underwriting uncertainty.

4. REGULATORY PATCHWORK

Every jurisdiction approaches TNC regulation differently. Minimum financial responsibility (MFR) coverage limit requirements, disclosure rules, driver classification, and insurance triggers change by city or state, as do licensing regulations.

All of this creates loss patterns that appear unpredictable when compared with conventional commercial auto. But history leaves breadcrumbs, and we've learned that strong risk controls, instituted early and reinforced often, stabilize results. Loss frequency tends to mirror driver onboarding trends, while severity correlates with high-mileage use and dense urban environments.

For underwriters, that translates to a need for precision in their review. They will scrutinize every detail including, but not limited to, geographic footprint, vehicle maintenance procedures, driver screening standards, onboarding/offboarding processes, contract wording, mileage tracking, and management experience. This isn't traditional underwriting. How will it be rated? How does this fit into existing auto liability frameworks? Most importantly, what do I not yet know that could leave my client exposed?

Thankfully, the excess and surplus lines marketplace provides flexibility to meet complexity head-on. In this space, collaboration between brokers and carriers matters more than ever. E&S professionals do more than place coverage. We help shape markets, presenting data, insights, and historical performance information that enable underwriters to expand appetites and refine product offerings. New entrants occasionally join the waters, and when they do, insureds win, with broader options and fresh capacity improving the competitive landscape.

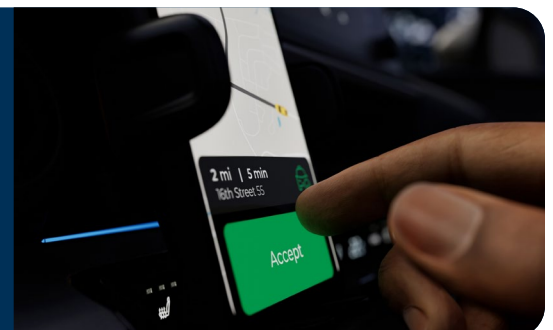
How TNC Auto Liability Rewrites the Rules of Commercial Auto

Auto liability remains the foundation of any TNC program, but its mechanics differ from almost every other commercial auto class. A standard auto policy assumes ongoing business auto use under a single employer structure. TNC programs, however, require nuanced coverage that responds according to driver engagement whether they're offline, waiting for a fare, en route to pick up, or transporting a passenger.

Understanding Periods 0, 1, 2, and 3: Where Liability Shifts

To navigate TNC risks confidently, brokers must understand how liability unfolds across operational periods:

- Period 0: App is off. Personal auto coverage applies (if at all).
- Period 1: Driver is logged into the app but has not accepted a ride.
- Period 2: Ride accepted; driver is en route to pick up a passenger.
- Period 3: Passenger in vehicle; active transport is underway.



EXCESS SURPLUS LINES INSURANCE FOR TRANSPORTATION NETWORK COMPANIES (continued)

Each phase carries different risk dynamics and coverage triggers. Period 0 exists as a point of clarity when the app is off, and there is no applicable coverage. Period 1 presents consistent challenges. Exposure exists, but revenue activity does not, and most personal carriers often exclude coverage here. A gap can leave both drivers and platforms vulnerable, so the need for coverage must be addressed. Period 2 has an increased risk of a moving vehicle. Period 3 continues to pose the risk of a moving vehicle and adds liability for the passenger inside the vehicle.

Underwriters pay close attention to how platforms track app activity, manage status transitions, and enforce driver safety measures. Because liability shifts between personal and commercial coverage (and between primary, contingent, and excess liability coverages) based on real-time data, accuracy and documentation are paramount. Factoring in all things, policy rating is typically based on miles over the road during each covered period.

Common claim scenarios include:

- Distracted driving related to navigation or app interaction.
- Accidents during pickup/drop-off in high-traffic areas.
- Disputes over the driver's app status at the time of loss.

Contingent Coverage and Symbol 10: When Coverage Triggers and When It Does Not

Contingent auto liability is the connective tissue of any TNC insurance framework, bridging the gap between personal policies and the platform's commercial program. However, it's widely misunderstood. Platforms are required to carry primary auto coverage for themselves, and may optionally extend coverage to drivers' personal liability or require drivers to obtain their own personal auto policy. Contingent liability fills any gap in coverage where a driver's personal auto policy does not respond as expected, where coverage was not in place due to cancellation, or where limits have been exhausted. Because of the difficulty in monitoring individual personal auto policies and potential for gaps, some carriers prefer to include and charge for driver personal liability coverage on their commercial auto policies, rather than hope for a personal auto policy to provide coverage. Excess liability can be layered over both primary and contingent coverages and typically should be added.

It may trigger when:

- A driver's personal insurer denies coverage due to business-use exclusions.
- A loss occurs during an active app phase not addressed by primary limits.
- Coverage disputes delay settlement and a contingent layer must respond.

It typically does not trigger when:

- The driver is clearly off-platform.
- Policy conditions or documentation requirements are not satisfied.
- There's no verifiable evidence (such as app timestamp data) confirming driver engagement.

Because contingent triggers vary widely across carriers, manuscript wording requires scrutiny. Most of us are familiar with standard auto symbols 1–9. But Symbol 10, which applies to exposures "as described," is pivotal in app-based operations. Here, we can specify coverage for certain periods (1, 2, and 3, or 2 and 3 only), and in some instances, build contingent protections around personal auto coverage. It's a technical tool that allows us to nimbly craft terms and change outcomes at the time of a loss.

Where Personal Auto Policies Collide with Platform Coverage

The intersection of personal and TNC insurance is often where claims unravel. Disputes typically center on:

- Whether the driver disclosed rideshare or delivery activity to their personal carrier.
- App timestamps verifying driver status at the time of loss.
- Conflicting policy language around business-use exclusions.

When a personal auto carrier denies coverage, contingent or commercial layers often step up, not always by design. These gray areas can lead to litigation and sizable settlements. That's why broker education is critical on the front end. Clients must understand the coverage handoffs that occur between their personal and commercial policies. Over the years, I've seen claim

EXCESS SURPLUS LINES INSURANCE FOR TRANSPORTATION NETWORK COMPANIES (continued)

outcomes ranging from denials that left businesses reeling, and in contrast, markets that quietly paid high-dollar claims in good faith, preserving long-term partnerships and reputations alike. Those good actors deserve applause; they remind us of the heroic intentions behind what we do.

Where Disputes Most Often Arise

Coverage tension usually converges in three areas:

1. Driver Status at the Time of Loss:

This determines which policy responds first.

2. Policy Priority and Attachment Points:

Because overall program structures vary widely, the type of structure determines the order in which each policy responds, from primary policies up through excess policies.

3. Contractual Indemnification:

Transportation network company agreements sometimes shift responsibilities inconsistently with policy intent.



In these scenarios, experienced brokers bring clarity, ensuring structure and sequencing of coverage match the operational reality of the risk.

How Plaintiffs' Attorneys Push the Boundaries

From a litigation perspective, plaintiff attorneys have become adept at reframing the TNC model. They frequently argue that platform operators exert direct control over drivers via performance metrics, route guidance, or safety oversight. Even if drivers are classified as independent contractors, these arguments have successfully drawn platforms into liability frameworks that once applied only to employers. In the vehicle-sharing platform space, there is an assertion that not properly vetting drivers before giving them access to vehicles can allow for negligent entrustment. Fortunately, there are precedents, such as the Graves Amendment, which have held up against such assertions in the vehicle leasing space and push responsibility for driving back to the individual behind the wheel, as necessary. Bottom line, we expect attorneys to remain creative and persistent for layered protection to remain valuable and for excess carriers to remain cautious, indispensable partners.

The Strategic Balance: Compliance, Cost, and True Protection

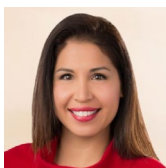
With inconsistent regulations and limited insurance budgets, there is rarely a one-size-fits-all answer. The right coverage structure balances regulatory compliance with real-world protections, anticipating where claims arise rather than simply meeting minimum state requirements. The challenge and the opportunity lie in finding that sweet spot.

That balance cannot be found in off-the-shelf policies. It's the product of hands-on guidance, deep market relationships, and a thorough understanding of exposures, data, and how liability triggers behave in practice.

When that expertise is applied early and thoughtfully, we build programs that protect platforms, support drivers, satisfy regulators, and keep operations running smoothly. Ultimately, this is what we are all trying to deliver: risk management guidance that prevents losses and coverage that stands up when losses occur.

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KEY FORCES SHAPING THE FOR-HIRE TRUCKING INDUSTRY

The U.S. for-hire trucking industry continues to serve as the backbone of the American economy, moving over 72% of domestic freight tonnage. Yet, even in this essential role, operators face relentless pressure on already thin profit margins. Fleets large and small are responding by sharpening focus on flexibility and operational efficiency to weather the storm and position themselves for better days ahead. Many in the industry hope these adaptations signal a gradual return to the relative stability seen in the mid- to late 2010s. Here is a closer look at the key headwinds shaping the current landscape and the signs of potential relief on the horizon.

A Prolonged Freight Recession Lingers

The downturn that took hold in 2022, following the post-COVID rate surge, shows no quick end. Freight volumes remain soft, with the Freight Transportation Services Index (TSI) dipping 0.6% month-over-month in December 2025 (though up a modest 0.4% year-over-year). Ongoing economic uncertainty, potential tariffs, and trade tensions continue to suppress demand and slow any meaningful rebound. However, there are bright spots in the marketplace. A frequent gauge used to assess freight capacity has climbed to recent highs. Tender rejections—a trucking operator rejecting the offer of a load—have reached recent highs, signaling a contraction in trucking capacity. Freight broker RXO has recently indicated that a structural change is underway and expects spot rates to run ahead of contract rates.

Insurance Costs: A Persistent Squeeze

Commercial truck liability premiums have climbed steadily for over a decade, driven by factors like fleet size, radius of operation, garaging locations, loss history, and venue risks. Larger fleets regularly invest heavily in loss control measures like driver compliance programs, rigorous maintenance documentation, and telematics in an effort to mitigate exposures. While these efforts often deliver real safety gains and better post-accident outcomes, they represent capital expenditures that further erode margins. This balancing act becomes more pronounced as fleet size decreases. However, these measures are now viewed as essential investments for public safety and managing long-term insurance costs.

Smaller Fleet Operators

Those most affected are the roughly 587,000 to 922,000 owner-operators nationwide and fleets under 15 power units. These segments face the most extreme rate volatility due to limited market capacity and heightened perceived risk, making consistent profitability a major challenge. While insurance capacity continues to be available for smaller fleets, the insurance markets continue to seek higher per unit premium levels to offset the risk of large claims, putting pressure on profit margins.

Nuclear Verdicts and Litigation Pressures

Large accident and wrongful-death verdicts, often dubbed “nuclear,” continue to hit the industry hard, with eye-popping awards appearing almost monthly. States have stepped up with reforms targeting third-party litigation funding and other abuse drivers. Problem states like Florida, Georgia, and Michigan (among others) have passed meaningful legislation in recent years, showing early promise in curbing excesses. Federal action remains on the sidelines, despite trucking’s interstate nature being monitored federally. No major breakthroughs have occurred yet, but there are several pieces of legislation introduced in the 119th Congress, including the FAIR Trucking Act, which would require any claim over \$5,000,000 be adjudicated in federal courts.³ Sustained state-level progress over the next 5–10 years could eventually influence national policy.

Adaptation and Consolidation Trends

The cumulative strain has driven many independent operators to join larger companies or corporations, trading ownership for steadier paychecks. Unfortunately, some may exit trucking entirely in the near term. Those still standing are laser-focused on shopping their insurance programs, turning what was once an annual renewal discussion into a near-weekly (or daily) priority.

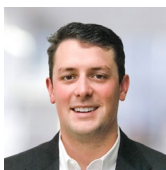
This intense scrutiny, combined with capacity contraction, especially among mid-size and larger fleets (20+ power units), is reshaping the insurance marketplace. Carriers that once passed on certain accounts are now competing more aggressively to fill appetites squeezed by fewer insurable risks. As a result, we may be approaching a plateau or even modest softening in rates for mid-size and larger fleets in the coming months.

Smaller or newer operations (especially those under three years in business or with limited units) will likely continue seeing significant volatility and higher premiums. Broader auto segments outside for-hire trucking should expect steadier increases in the 5–15% range per power unit.

The road ahead remains challenging, but the industry’s resilience shines through in its adaptability. By prioritizing efficiency, safety, and smart risk management, forward-thinking fleets are laying the groundwork for stronger performance when demand finally rebounds. Stay tuned, we’ll keep tracking these developments in the next market update.

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EXCESS AUTO LIABILITY

With the first couple of months of the year behind us, we are settling into the new year and beginning to see clearer market trends emerge. As is typical early in the year, there is still some “feeling out” of where the market is heading. Overall, the excess transportation market remains fairly stable. For the purpose of this update, we are focusing on accounts with under 250 units and heavier-unit operations (truck, waste, fuel, distributors, etc.).

As noted in previous updates, the market has largely focused on disciplined limit deployment over the past few years, and we are continuing to see that trend. Limits have generally remained stable, and the market is not broadly expanding or reducing capacity for preferred risks. Accounts that have experienced losses into the excess layer, or that show a developing pattern of losses on the primary layer (whether or not they penetrated the excess), may see some tightening of available capacity.

Rates are also relatively stable. Most accounts in this segment are seeing flat renewals to increases of up to 10%. Preferred accounts are benefiting from increased competition, with some seeing modest decreases. Conversely, accounts located in more challenging venues (i.e., Florida, New York, Louisiana, and South Texas) are more likely to see double-digit rate increases. At this point, most carriers in this space reported profitable results last year but are preparing for the impact of long-tail claims. Without meaningful tort reform, large verdicts will continue to influence the market. Today, it is less a question of if a limits loss will occur and more a question of when, how many, and whether deployed limits were kept to a minimum. While results may appear favorable early in the year, loss activity is expected to emerge over time.

We have not seen a significant influx of new carriers into this space. However, many existing carriers are adjusting how they deploy capacity. Some are pulling back from venues where they have experienced challenges and reallocating capacity to areas where results have been stronger.



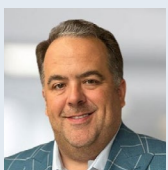
Overall, this segment of the market remains healthy. Pricing is being driven more by individual account performance and characteristics than by broad market shifts, which is a positive sign. It has been some time since we have seen a market environment this balanced. That said, the excess auto market continues to be dynamic. While capacity remains in the market, venue challenges, especially for complex risks, create an environment where creative solutions are vital. Carriers are applying a higher level of analysis to the limits they are willing to offer. In response to this change, we’re seeing more excess programs built through risk-sharing mechanisms instead of traditional layering. Insureds are taking on more of the working layer with larger self-insured retentions, corridor deductibles, or quota share participation, with the goal of making the tower more affordable and keeping carriers willing to deploy more capacity on the way up the tower.

At the same time, excess auto carriers are getting increasingly more cautious around Hired and Non-Owned Auto. Instead of automatically scheduling it, they ask for more details on who is driving and under what circumstances, vendor and contractor controls, contractual risk transfer, COI tracking, and loss history, because that’s where surprise severity can show up quickly.

Ultimately, excess auto capacity remains in the market, but just like primary auto, scrutiny on individual risks has increased. Best-in-class insureds may be able to secure favorable Hired and Non-Owned terms, but those without the required risk controls may find themselves in positions where terms are not ideal. Partnering early in the placement process is more critical than ever before.

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MOTOR TRUCK CARGO

Cargo losses have been trending upwards and have risen from 2024 to 2025. The estimated losses are up 60%, with high-value loads being targeted. Cargo theft is becoming more sophisticated, and thefts involving cyberattacks are becoming more frequent. While most thefts, 60–70%, still involve unattended trucks, 30% of the theft claims now involve more sophisticated forms of fraud like double brokering, fictitious pickup, and credential deception.

This is a significant increase from historic numbers. Thefts occurring at a warehouse and hijacking are still present, but they do not represent a large percentage of total losses. Recent law enforcement action is a positive indicator that cargo theft is being looked at as an economic risk. In February, Florida law enforcement acted against an organized crime ring responsible for 32 thefts totaling \$7.8M in losses.⁴ In Los Angeles, authorities recovered \$5M worth of stolen cargo as they continue their crackdown on organized theft rings.⁵

Due to the increased theft losses, the insurance market is underwriting commodities and accounts with theft activity with more scrutiny. The increase in strategic and fraud-based theft has exposed gaps in coverage for cargo policies. Some carriers are looking into how to expand their form to provide coverage for those gaps, and others are working on endorsements to provide clarity of an exclusion on a policy.

There are many new entrants in the Motor Truck Cargo space, and the market is still very opportunistic. This has resulted in a bifurcation in available market capacity. There are carriers interested in taking advantage of a tighter market, being opportunistic, and writing placements with higher deductibles. Then there are others taking a backseat approach and not actively pursuing the business. With the influx of MGAs in the space, the market has remained competitive despite underwriting accounts with much more scrutiny.

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WHY PROFESSIONAL LIABILITY MATTERS FOR MEDICAL TRANSPORTATION RISKS

Professional Liability (PL) insurance is a critical component of coverage for businesses operating in medical transport, such as non-emergency medical transport (NEMT) and emergency medical services (EMS), including EMTs, ambulances, and paramedics. When evaluating these risks, the initial focus is often placed on Primary Auto and Hired & Non-Owned Auto (HNOA) coverage. While both are essential, they primarily address vehicle-related losses and often do not respond to the more severe claims arising from patient interaction, assistance, or care-based services.

This is where a well-structured Professional Liability and General Liability (PL/GL) package becomes essential, helping to ensure insureds are properly protected against unexpected and financially significant losses.



A well-tailored PL/GL package helps:

- Eliminate any gray areas between Auto and GL/PL coverage so they work in tandem when a claim arises.
- Provide crucial coverage limits/sublimits aligned with real NEMT/EMS loss activity.

For NEMT/EMS operations, strong auto coverage is necessary but not sufficient on its own. Without PL and GL coverage, insureds remain exposed to the very claims most likely to arise from daily operations. While proper training, policies, and procedures are critical in mitigating risk, claims can still occur. Additionally, some operations require medical professionals (such as EMTs, RNs, or NPs) on board, while others do not, further complicating exposure profiles and coverage needs.



WHY PROFESSIONAL LIABILITY MATTERS FOR MEDICAL TRANSPORTATION RISKS (continued)

Common Medical Transport Claims That Highlight the Need for PL/GL Coverage

LOADING & UNLOADING/PATIENT-HANDLING CLAIMS

A large percentage of NEMT/EMS losses occur when the vehicle is stationary:

- A wheelchair-using passenger falls while being transferred from the vehicle to a residence, medical facility, or retail location.
- Failure to use safety equipment or improperly securing equipment during loading or unloading causes bodily injury.
- A driver uses improper lifting techniques on a passenger, aggravating a pre-existing condition.
- A passenger's fingers or limbs get caught in lift mechanisms.

These claims are frequently disputed between Auto and PL/GL carriers due to differing policy triggers (claims-made vs. occurrence). Clear loading and unloading coverage, often subject to sublimits, is essential to avoid coverage gaps and costly defense disputes.



PROFESSIONAL LIABILITY – FAILURE TO FOLLOW CARE OR ASSISTANCE PROTOCOLS

NEMT/EMS drivers regularly assist vulnerable passengers, often blurring the line between transportation and care:

- A driver fails to secure oxygen equipment properly, leading to respiratory distress.
- An EMT fails to recognize stroke or cardiac symptoms during transport.
- A passenger left unattended in extreme temperatures while driver assists another rider, or a patient left unattended in the ER hallway without proper handoff.
- Delays in transport lead to missed dialysis or chemotherapy appointments and result in bodily injury allegations.

These allegations are typically framed as negligent professional services, not auto-related losses, highlighting the importance of PL coverage tailored to NEMT/EMS operations.



SEXUAL ABUSE & MOLESTATION (SAM) CLAIMS

SAM claims, while infrequent, represent some of the most severe and financially devastating exposures:

- Allegations of inappropriate touching during assistance with restraints or wheelchair securement.
- Claims involving cognitively impaired individuals, minors, or elderly passengers where consent is disputed.
- Incidents occurring off-vehicle during transfers into residences or medical facilities.
- Alleged unauthorized photos or recordings.

Even when allegations are unfounded, defense costs alone can be significant, and many standard GL policies either exclude SAM entirely or provide insufficient sublimits on an occurrence reporting trigger. Dedicated SAM coverage within a PL/GL package is critical for both indemnity and defense protection. In most cases, additional protection can be secured through a standalone SAM policy.

WHY PROFESSIONAL LIABILITY MATTERS FOR MEDICAL TRANSPORTATION RISKS (continued)

Final Perspective

NEMT/EMS is a service-driven industry where safety, professionalism, and timeliness are paramount. Equally important is ensuring that these organizations are properly protected when issues arise, including those outside their direct control. Partnering with specialized carriers and brokers is essential to securing coverage aligned with the insured's specific operations. The goal is comprehensive protection when a claim occurs, and seamless coordination between Auto and PL/GL coverage partners is critical to achieving this outcome. It is also important to note that premiums in this space remain competitive, and most carrier partners we work with are able to address the above exposures through sublimits or, in certain circumstances, full limits.

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