

Unsafe at Any Speed: Unauthorized Passengers in Employer-Owned Vehicles May Sue Employer for Driver's Negligence

Legal Alert
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Do your employees drive on company business? If so, you should take note of an important Washington Supreme Court decision that imposes liability against an employer for injuries suffered by family member or friend who rides in an employer-owned vehicle without authorization.

The employer in this case, *Rahman v. State*, is the Washington Department of Ecology. That agency had a strict policy prohibiting employees who travel on business from transporting passengers, unless they were also on official state business. Mr. Rahman, an intern with the department, needed to travel from Olympia to Spokane for work. His wife was lonely and ill and wanted to spend the day with him. Mr. Rahman brought her along, and she was badly injured when he lost control of the vehicle.

Mrs. Rahman sued the state under the principle of “respondeat superior.” That principle provides that persons injured by a negligent employee acting within the scope of his duties can recover against the employer. In a 6-3 decision, the Supreme Court applied respondeat superior and ruled that Mrs. Rahman could recover against the state. As Mr. Rahman was traveling on business — within the scope of his job — the state agency is vicariously liable for his negligent driving. This result followed even though he violated clear policy by letting his spouse ride in the car. The full text of the *Rahman* decision is available [here](#). The dissent is available [here](#).

The *Rahman* decision means that despite clear rules prohibiting family members and friends from riding in company vehicles, those interlopers can still sue the employer if the employee

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drives unsafely. Note, however, that if the accident occurs when the vehicle is used outside the scope of the employee's duties, respondeat superior probably would not apply.

What are Washington employers supposed to do? As a first step, employers should check insurance covering employees traveling on business and anyone who those employees could injure. Second, even though it obviously will not offer full protection against liability, employers still should announce and actively enforce rules against non-employee riders. Third, employers should ensure that employees are careful drivers, conducting background checks before permitting them to drive, and adopting and enforcing safe driving rules. Finally, given the broad scope of respondeat superior, employers must simply hope for the best.