

THE PREEMPTION SHIELD IS GONE: What Every Freight Broker and Trucking Company Needs to Know After *Montgomery v. Caribe Transport*

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Yesterday, the United States Supreme Court changed the rules for freight brokers — and for every motor carrier that has ever brokered a load. The decision was unanimous. Nine to zero. No dissent. And its impact on the trucking and logistics industry will be immediate and lasting.

A Federal Shield Eliminated

In 2017, Shawn Montgomery was working on the side of an Illinois highway when a Mack truck operated by Caribe Transport II, LLC veered off course and struck his tractor-trailer. Montgomery lost his leg. The truck had been dispatched by C.H. Robinson — the nation's largest freight broker — to carry a load of plastic pots. Caribe had a "conditional" FMCSA safety rating when Robinson selected it. Montgomery sued Robinson for negligent hiring. For years, courts blocked that claim, finding it was preempted by the FAAAA. The Supreme Court just said: not anymore.

What the Court Held

The Supreme Court held that state-law negligent hiring claims against freight brokers fall within the FAAAA's safety exception for laws regulating safety "*with respect to motor vehicles*", eliminating the claim's prior preemption shield. Requiring a broker to exercise ordinary care in selecting a carrier — by checking FMCSA safety ratings, CSA scores, and driver qualification records — directly concerns motor vehicles on the road. The Court refused to rewrite the statute to protect brokers from state tort law, even acknowledging the litigation costs that will follow.

Who Is Affected — And It's Not Just Brokers

As legal commentators have already noted, the logic of this decision does not stop at the licensed broker. Any party in the transportation chain who selects a carrier and had access to public safety data showing elevated risk may now face negligent hiring exposure. That includes motor carriers who hold dual broker authority, shippers who directly select carriers, 3PLs, freight forwarders, and digital freight platforms.

What You Should Do Right Now

- Audit your carrier vetting process — FMCSA safety ratings and CSA scores must be checked and documented for every load.
- Preserve your carrier selection records — in litigation, documentation is your first line of defense.
- Review your broker-carrier agreements and indemnification provisions.
- If you hold dual authority, understand that your brokering activity is now subject to the same standard as a full-time broker.

At Kennedy & Associates, we have defended freight brokers, motor carriers, and logistics companies in complex trucking litigation for decades. We understand what it takes to defend these cases. This decision changes the landscape, let us help you navigate it.

Contact our Transportation Defense Team Today

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