

Minnesota Supreme Court Creates New Cause of Action for Negligently Hiring an Independent Contractor

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On July 10, 2024, the Minnesota Supreme Court recognized a new common law cause of action for negligently hiring independent contractors in its decision in [*Alonzo v. Menholt Farms, Inc.*](#)

The case arose from an accident during the 2018 sugar beet harvest. An employee, employed by Braaten Farms and contracted to drive for defendant Menholt, crossed the centerline and collided with another driver, who was injured. The employee had multiple driving-related criminal offenses and a suspended license. Braaten did not conduct any type of background check on the employee before hiring him and assigning him to drive for Menholt, who likewise did not conduct any background investigation on the drivers Braaten was using.

The issue on appeal was the existence of a cause of action for negligently hiring a contractor. The court recognized the new tort, noting that the tort was seeking to hold Menholt liable for its own negligence, and that such a claim is “a natural extension of well-established tort principles.”

For the contours of the new claim, the court said that (1) “a claimant must establish that the principal breached their duty to exercise reasonable care in selecting a competent and careful contractor, and (2) that this breach of duty caused the claimant’s physical harm.” The court added that “the degree of care required will vary depending on the circumstances.”

Minnesota businesses who use independent contractors should work with counsel to ensure that they have exercised care in selecting such contractors. The greater risk of injury from the contractor’s work, the more due diligence will be needed in vetting.

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