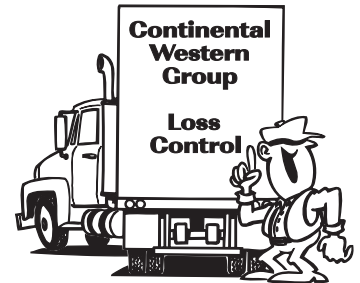


# TRUCK TALK

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## Distracted Driving

The University of North Carolina Safety Research Center found that an estimated 284,000 distracted drivers are involved in serious vehicle accidents every year. Factors that contributed to accidents include:

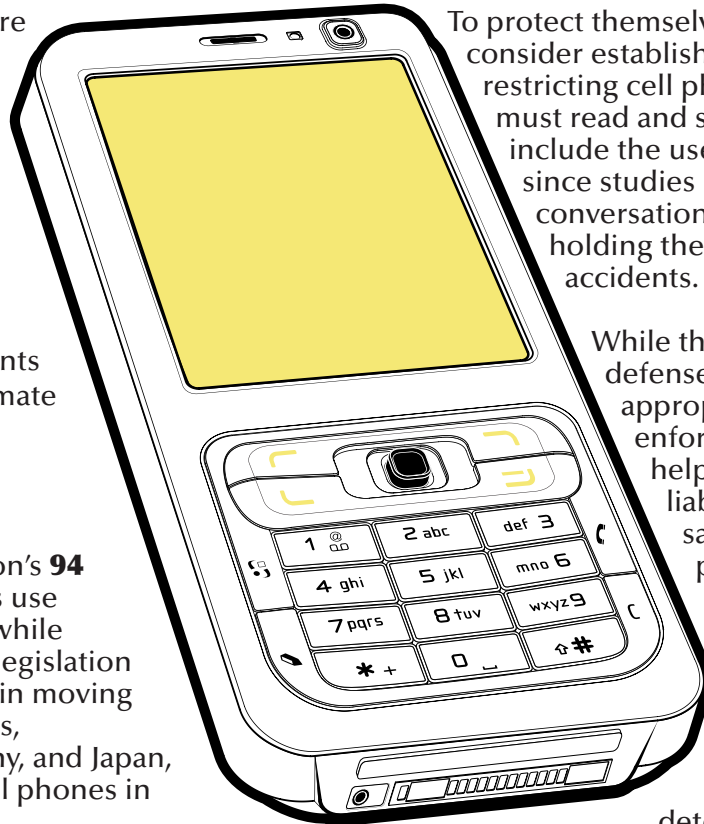
- Distractions outside the vehicle
- Cell phone use
- Adjusting radio or CD player
- Talking to other occupants
- Adjusting vehicle or climate controls
- Eating or drinking
- Smoking

More than 80% of the nation's **94 Million** cell phone owners use them, or have used them, while driving. Many states have legislation to regulate cell phone use in moving vehicles. At least 13 nations, including England, Germany, and Japan, have banned the use of cell phones in moving vehicles.

In the past few years, cell phone usage has been an issue in several lawsuits, and employers are being held responsible if a driver causes an accident while talking on the phone. Cell phone usage is a distraction while driving, like a lot of other things. So, why are employers worried?

Cell phone records can be subpoenaed to prove the driver was on the phone, and who they were talking to. Other distractions cannot be identified to a specific time, and many drivers don't want to say they were distracted and not driving safely. In one case, attorneys argued the case on the grounds of common law negligence, since the employer required drivers to be available via cell phone and to use their driving time productively, and that an employer is responsible for the bad acts committed

by employees while on the job.



To protect themselves, motor carriers should consider establishing a written policy restricting cell phone usage that drivers must read and sign. The restriction should include the use of hands-free headsets, since studies indicate it's the conversation, not the physical act of holding the phone that contributes to accidents.

While there is no guaranteed defense to liability, developing appropriate policies, training, and enforcement mechanisms can help limit potential liability and increase public safety. Some companies prohibit drivers from using cell phones while driving, while other companies adopt cell phone usage safety guidelines and focus on training and enforcement. Each company should determine if the benefits of driver cell phone use outweighs the risks.

Some examples of cell phone use policies include:

- Completely banning cell phone use while driving; use voice mail while driving
- Directing drivers to comply with all state and local laws governing cell phone use
- Requiring drivers to pull over to take phone calls or to make phone calls
- Prohibiting cell phone use in adverse weather or difficult traffic situations
- Restricting driver cell phone use to brief conversations