

# **A TRUE WAKE-UP CALL**

**BY JAY ANDERSON**

**The motoring public has led themselves to believe that everyone else is a bad driver. Rarely do motor vehicle operators accept responsibility for their actions when involved in a crash, even though statistics prove more than 90% of all collisions are direct result of driver error.**

**Given the fact that an increasingly large number of people choose to drive distracted it shouldn't be surprising that motorists consider unsafe driving a threat to themselves and others who use our roads and highways.**

**Many drivers frequently use cell phones for personal and business purposes, everyone from soccer Mom's to company CEO's. There is no question regarding the benefits of being in constant communication. Realistically we all have to think about the times it's just not proper to use your cell phone. Operating a motor vehicle is one of those times.**

**According to the results of a study by Carnegie Mellon 2008; Talking on the cell phone while driving reduces the amount of brain activity associated with driving by 37%. Explains why some folks can't walk and chew gum but are convinced they can multitask and drive. There is enough evidence from agencies such as; AAA Traffic Safety Foundation, National Safety Council and the American College of Emergency Physicians that there should be a national ban on cell phone use and text messaging while behind the wheel.**

**Presently there are only five states along with Washington, D.C. that ban hand held cell phone use: California, Connecticut, New York, New Jersey and Washington. Sixteen additional states and D.C. restrict cell phone use by drivers under the age of 18. An important point to apply here is that the level and danger of the distraction is not lessened by the use of "hands-free." The significant increase in traffic fatalities, involving young inexperienced drivers text messaging, has made many states consider legislation to help protect the people who do drive smart and safe.**

**Most drivers are unaware of the liability issues related to distracted driving. Anything that allows you to drive your vehicle in an unsafe manner can result in a charge of careless driving. Remember the law requires us operate our vehicles safely, while abiding by the rules and maintaining control of the vehicle at all times. Insurance companies now subpoena driver's cell phone records when a client is involved in a crash with bodily injury. Guess who the insurance company now finds at fault in the crash. The true wake up call comes when an attorney recognizes there is proof positive that one or more drivers involved were on the phone and now are talking punitive damages, which would greatly increase any settlement.**

**Let's transfer that liability over to employers who encourage or allow cell phone use especially in company vehicles. You better have some good insurance if you do so. Failing to address employee cell phone usage while driving could expose businesses including Federal, State, County, City and local municipalities to millions of dollars in liability. Recently the International Paper Company (IP) settled a lawsuit for a reported \$5.2 million, the suit alleged that an IP employee was using her company-supplied cell phone when she rear-ended another vehicle. The other driver suffered such severe traumatic injuries she eventually had to have her arm amputated.**

**Experience indicates the importance of prohibiting cell phone usage while driving through the use of a written policy. Employers should implement a strong policy forbidding phone calls by all employees while driving a vehicle on company business. The policy should highlight the importance why cell phone use is forbidden and stress it applies to all employees. It may limit use to hands free calling or completely ban cell phone usage while driving. Adopting such a policy may run counter to current practice, so it requires a team effort. Supervisors for example will have to understand when the call goes to voice mail or why it might take awhile for the employee to check in.**

**Prudent employers have a commitment to employee safety, so instituting a cell phone ban while driving will make our roads safer for all drivers and protect the company financial security.**

The Stay Alive .... Just Drive! (SAJD) traffic safety education and awareness program encourages all drivers to: Think and “PULL OVER” if your going to do anything but drive when your behind the wheel. To learn more about the effort to curb distracted driving visit us on the web: [www.sajd.org](http://www.sajd.org). To schedule a speaker or a presentation contact the SAJD office at: (239) 340 – 8693.

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