

## CELL PHONE LIABILITY

### BELOW IS A SUMMARY FROM AN ARTICLE ON THE INCREASED LOSS POTENTIAL OF DISTRACTED DRIVERS

The article states drivers who “TEXT” while driving are 23 times more likely to be involved in an accident. Drivers using the cell phone are 3-6 times more likely to be involved in an accident, a rate similar to that of a “drunk driver.”

1. Research shows that motorists talking on a cell phone are four times more likely to crash than other drivers, and are as likely to cause an accident as someone with a .08 blood alcohol level.
2. There are two dangers associated with driving and cell phone use, including texting messages. First, drivers must take their eyes off the road while dialing or reading and typing. Second, people can become so absorbed in their conversations that their ability to concentrate on the act of driving is severely impaired.

The advice is that management should be including discussions of cell phone or any other device in the cab that requires the driver’s attention away from driving. **The comment below is to let the policyholder know that they can be held liable and potentially for punitive damages which are NOT covered by insurance policies.**

#### “EMPLOYERS MAY BE HELD LIABLE”

Employers are now concerned they may be held liable for accidents caused by their employees while driving and conducting work-related conversations on cell phones, according to the Insurance Information Institute. Under the doctrine of vicarious responsibility, employers may be held legally accountable for the negligent acts of employees committed in the course of employment. **Employers may also be found negligent if they fail to put in place a written policy for the safe use of cell phones.**

“In response, many companies have established cell phone usage policies,” said Worters. “Some allow employees to conduct business over the phone as long as they pull over to the side of the road or into a parking lot. Others have completely banned the use of all wireless devices in their vehicles.”