

## Do You Have a Distracted Driver Policy?

Distracted driving is driving a motor vehicle while engaged in another activity, typically one that involves the use of a cellular phone or another electronic device. Distractions can be categorized as visual, manual, or cognitive. A visual distraction is anything that makes the driver take their eyes off the road, such as looking at a cell phone. Likewise, a manual distraction makes the driver take their hands off the wheel, like texting or eating while driving. Cognitive distractions take a driver's mind off of driving, for example, talking on the phone while driving.

The five most common driving distractions, listed below, are a combination of these three types of distractions.

1. Using your smartphone
2. Eating or drinking
3. Adjusting radio or temperature controls
4. Other vehicle occupants
5. Driving on autopilot

### EMPLOYER LIABILITY

The National Safety Council reports that distracted driving leads to approximately 1.6 million crashes each year. One out of every four car accidents in the United States is caused by texting while driving. If a county employee, while performing work duties, causes an auto accident because they were driving distracted, the county can be held liable.

An employee's cell phone records during the time of an auto accident can be used in court. This includes whether the employee was using the phone, how long they were on the phone, location changes recorded by the phone, texts sent, speed and velocity of the phone at the time of the accident, and the employer's cell phone policy implementation and enforcement.

### DISTRACTED DRIVER POLICY

The best way that a county can potentially mitigate liability for distracted driving accidents is to have and enforce a distracted driving policy. Counties should have a formal, written policy that details the county's position on using mobile devices while driving. The policy should also consider other sources of distractions. Communicate the policy regularly and have employees sign a document stating that they have read and understood it. Managers should lead by example by not responding to calls or emails while driving. No phone call or email is more important than employee safety.

### WHAT THIS MEANS FOR COUNTIES

Vehicle accidents are consistently one of the most significant areas of loss for the County Pools. Those caused by distracted driving pose an additional liability, so counties should implement and enforce a distracted driving policy to reduce the risk of accidents and injuries. The CTSI Training Library at [ctsi.org](https://ctsi.org) offers videos on fleet safety, including one on distracted driving. For more information about implementing a policy, contact CTSI at 303 861 0507.