

Driving safety affects your business

Enact policies to make sure your drivers are responsible

By Kenneth Von Forell

Accident laws

Twenty-five thousand accidents a year result from unsecured loads in the United States, according to the Washington Department of Ecology. There is no national legislation for securing loads, but some other states have taken the initiative to enact their own laws, including: Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Louisiana, Michigan, Ohio and Wyoming.

For a complete list, visit www.ecy.wa.gov/programs/swfa/litter/secureLAW.html.

One sunny morning, I was driving to a customer in the San Francisco Bay area when suddenly, about 200 yards ahead of me, an aluminum stepladder flew off the rack of an import pickup truck. Fortunately, traffic was light so I was able to slow down, change lanes and get out of the way of the wildly spinning and bouncing ladder. Some people are not as lucky.

The Washington State Legislature recently enacted a new law, commonly known as Maria's Law, stemming from an accident where a piece of board flew off the back of a rental truck and broke through the windshield of Maria Federici's car, shearing off much of her face and blinding her. The jury found the rental truck company and the driver who failed to secure his load liable for \$15.5 million. Maria's Law makes it a criminal offense to cause injury to persons or property due to an unsecured load. There are also fines even if no damage is done to persons or property.

Many horticultural businesses place significant emphasis and expend significant time and energy training and informing employees on job safety. Proper use of equipment and safety gear, proper storage of flammable liquids and pollutants and proper techniques for lifting are all general areas of emphasis. Sometimes, all but forgotten is

what just might be the most dangerous part of the day: driving to and from work, a delivery or a jobsite.

Any employer who owns commercial vehicles or has employees making deliveries should be aware that ownership and operation of vehicles is an area of considerable exposure to loss. Making sure all loads are completely secure and training all driving staff on how to properly secure loads is the first step in preventing these types of accidents.

Once measures are taken to ensure that all loads are secure, defensive driving is the cornerstone of an effective fleet-safety program. Common sense and attention to detail go a long way toward translating training into action.

Important safety points

Here are some points to consider:

- ✓ **Hire drivers with good records.** Make a motor vehicle report part of your hiring process. Younger drivers may be too inexperienced to be behind the wheel of a commercial vehicle.
- ✓ **Make sure your vehicles and equipment are in good repair, and keep records.** Have periodic checks by licensed mechanics of brakes, steering etc. If you use tie downs or



bungee cords, make sure they are in good repair. Provide spares on the truck or trailer in case something goes wrong. If an employee reports a problem with a vehicle, get it checked out and repaired immediately. Knowingly putting employees behind the wheel of a vehicle with bad brakes or steering can land the owner in jail.

✔ **Consider using a 1-800 reporting service that allows the public to report unsafe driving.** The impact of just knowing someone can report unsafe lane changes, etc., can improve a driver's habits.

✔ **Make sure a driver knows where to go.** Many accidents are the result of the distraction caused by talking on a cell phone or looking up directions on a map or navigation system.

✔ **Create basic policies.** Have a company policy about eating, drinking and cell phone use while in the company vehicle. If an employee needs to check in with the office, it should happen while the vehicle is legally and safely parked.

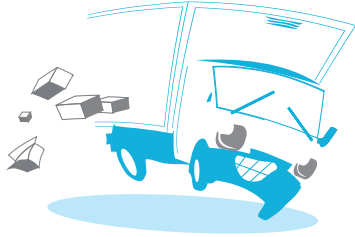
✔ **Don't allow personal use.** Consider a company policy that prohibits the personal use of company-owned vehicles. Taking the girlfriend out at lunch can be a distraction, and if she is injured, maybe a lawsuit.

✔ **Review safety practices.** Review use of equipment and other safety practices periodically as part of tailgate safety meetings. These take just a few minutes, but reinforce the importance of safe practices.

Bad things can happen

The unfortunate consequences of an automobile accident can be considerable. A single accident involving your commercial vehicle could result in a scenario like this:

While returning from the job, your driver decides to stop at a



convenience store to pick up some snacks and beer. Still in route to the office or yard, the driver makes a call on his cell phone to plan the night's activity with his friends. He gets to laughing and is distracted when a car in front has to stop short due to traffic. The road is a little wet. As he slams on the brakes because he was inattentive and following too closely, the vehicle swerves, rolls or crosses into another lane. If there is an open

truck bed, perhaps equipment is tossed out and becomes a missile to other vehicles on the road.

Your first hope is that there is no significant bodily injury to any drivers or passengers of other vehicles. If there is, consider that your insurance limits might not be adequate to protect your business assets. Bodily injury equals a lawsuit and all that entails. Considering there are open containers of alcohol in the car, there could be criminal negligence. There could be considerable property damage to other vehicles and with equipment or debris (Maria's Law).

If there is injury to your crew member, it could mean weeks off work. Medical bills, lost time benefits, etc., are covered by insurance, but what about the revenue generated by the crew? How do you keep customers satisfied?

Consider the result of damage to your equipment. Automobile physical damage insurance coverage

is paid on an actual cash-value basis, as is (most likely) the damage to your equipment. Your truck will lose considerable value in the first year. With high depreciation, the truck may be worth less than you have it financed for. Insurance proceeds may not cover the loan on the vehicle.

If any polluting fluids are spilled as a result of the accident, such as crankcase oil, gasoline or chemicals, the bill for that cleanup and hazmat team could eclipse all of the other costs combined.

Paying attention to details and safety on the roadway are essential parts of every job that entails driving.

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