



## **April is National Distracted Driving Awareness Month**

Now is a good time to regroup and take responsibility for the choices we make when we're on the road. According to the National Highway Transportation Safety Association (NHTSA), distracted driving has become a deadly epidemic on our roads. While drivers texting behind the wheel tops what seems like an endless list of distractions, other risky actions include talking on the phone or to others in the car, setting your navigation, adjusting what you're listening to, drinking coffee, applying makeup, and more. By driving distracted, you're robbing yourself of seconds that you may need to avoid a close call or deadly crash.

In 2019, distracted driving killed 3,142 people, a 10% increase from 2018. Young drivers seem more prone to using their phones while driving. But make no mistake; it isn't just young people who are driving distracted. Drivers in other age groups don't lag far behind.

In New Jersey, distracted driving is a leading cause of accidents that lead to serious bodily injury or death. The New Jersey State Legislature responded by passing N.J.S.A. 2C:11-5 and N.J.S.A. 2C:12-1 which establishes that the illegal use of a cell phone while driving is *recklessness* under the vehicular homicide and assault by auto statutes. This law makes it easier to obtain convictions for vehicular homicide or assault by auto against a person who illegally uses a cell phone while driving and, as a result, kills or injures someone.

If a serious motor vehicle accident occurs that involves serious bodily injury and or death; accident investigators are trained on how to obtain information about cell phone usage. Metadata, phone call information, Wi-Fi connectivity, and text data can be obtained from a subscriber's cell phone carrier. This information will identify the date, time, and location of when the cell phone was being operated.

N.J.S.A.39:4-97.3 prohibits the use of handheld electronic devices (e.g., cellular telephones) while driving a motor vehicle on any public road or highway. Using a hand-held cellular telephone or texting device is a primary offense. Motorists are permitted to use a hands-free cellular telephone if it does not interfere with the safe operation of the vehicle. Although the use of a hands-free cellular telephone is legal, it is strongly discouraged. A handheld cellular telephone may be used only in certain emergency situations

### **Commit to Drive Responsibly**

The Safety Director offers the following recommendations:

- Develop a policy on the use of cell phones that minimally complies with Federal and State Law.
- Consider prohibiting all non-emergency use of cell phones while operating any vehicle. If an employee needs to send a text, pull over and park in a safe location. Only then is it safe to send or read a text.
- Identify the consequences
- Educate employees and provide strong policy guidance
- Lead by example and take enforcement action when personnel fail to follow the law or your organization's policies.

When developing your rules, look beyond the "driving" aspect and assess other work tasks that may be affected by an employee's use of a cell phone while working.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.