

Safe Driver Manual

Improving Seatbelt Usage & Preventing Distracted Drivers

IMWCA

Iowa Municipalities Workers'
Compensation Association

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Purpose

This manual was developed to assist IMWCA members with the development, training and enforcement of policies related to safe driving habits. The manual provides direction to employees and elected officials on improving the safety of all employees and elected officials while they operate vehicles and equipment for business purposes.

Employees have a responsibility to follow state law and the policies of the employer. However, it is the responsibility of the employer to hold employees accountable for failure to follow the policies. Solely relying on law enforcement to enforce seatbelt and distracted driving law leaves numerous gaps in the coverage of these policies.

In the end, the responsibility for employee equipment and vehicle safety firmly sets with the management of your organization.

Seatbelt Q&A

Q: Why should my city/county or agency have a seatbelt policy?

A: Employees are the most valuable resource that any organization has. While vehicles and off-road equipment is getting more sophisticated, we still need employees to operate them. In the course of their jobs, many employees are exposed to traffic hazards that can kill or seriously injure them. Using a seatbelt is the quickest and simplest way to protect your employees. A seatbelt policy makes it clear to an employee when they will wear seatbelts and the potential ramifications for not following the policy.

Q: We follow the state law regarding seatbelt usage. Why do I need policy for my organization?

A: State law is a start, but it doesn't cover off-road equipment. Many managers feel that enforcement of the law is a law enforcement matter, when in fact it is a workplace safety matter. Further, state law only requires adults in front seats of on-road vehicles to be belted.

Q: Aren't municipal employees exempt from state law of seatbelt usage?

A: No, there is no exemption in Code of Iowa Sec. 321.445 in the state law for municipal employees.

Q: We stop and start a lot. Aren't we exempt from using seatbelts then?

A: Not always. Code of Iowa Section 321.445 states that only drivers and occupants on set routes (garbage routes, delivery and meter reading routes) which require the employees to frequently get in and out of vehicles are not required to wear seatbelts while on the route and moving less than 25 miles per hour.

Q: We drive the speed limit in town. Why do we have to wear the seatbelt?

A: You might be going the speed limit, but the person that hits you might not. Even if both vehicles were going the speed limit, the combined force can still cause serious injury when you are thrown about the cab.

Q: I operate a slow-moving, off-road machine. Do I have to wear the seatbelt?

A: If the manufacturer designed the machinery with a seatbelt and roll-over system, then the designer envisioned use. We have had fatalities in this type of equipment, because the employee was thrown from the equipment and crushed or suffered serious injury by being tossed violently in the cab.

Q: Does the Occupational Safety and Health Administration (OSHA) cover seatbelts?

A: Possibly under the general duty clause.

Q: Our vehicles are equipped with air bags. Don't they take the place of seatbelts?

A: No, airbags are a supplemental safety feature. They are designed to be effective only when occupants are wearing seatbelts. In reality, not wearing a seatbelt when an air bag is deployed can cause a person to be shoved around the cabin of the vehicle. This can cause significant injuries or even death.

Seatbelt Facts

Since 1987, IMWCA has incurred eight fatal vehicle events. In every case, the deceased employee was not wearing a seatbelt. The eight claims totaled \$4,300,000 in losses for an average of \$537,500 per person lost.

However, the biggest cost is unquantifiable in terms of the spouses, children and loved ones left behind. In the same time, since 1987, there has never had a fatal vehicle accident when the employee was wearing a seatbelt.

Seatbelt-Related Training

The IMWCA Online Safety University features the following courses that reference seatbelt usage:

- Driver Safety
- Backhoe Safety with Trackhoe Supplement
- Bulldozer Safety
- Defensive Driving
- Defensive Driving Refresher
- Driving Around Animals
- Driving in Adverse Weather
- Dump Truck Safety
- Light Trucks: Handling Extreme Conditions
- Road Grader Safety
- Snow Plow Safety
- Space and Time Management
- Survival Driving - Emergencies and Natural Disasters
- Survival Driving - Urban Driving

Code of Iowa Section 321.445

Safety belts and safety harnesses — use required.

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses which conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. §571.209 – 571.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year.

2. a. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under eighteen years of age shall be secured as required under section 321.446.

b. This subsection does not apply to:

(1) The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

(2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

(3) The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

(4) Passengers on a bus.

(5) A person possessing a written certification from a health care provider licensed under chapter 148 or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United

States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

(6) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

c. The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or non-used equipment under subsection 2. However, the driver shall not be charged for a violation committed by a passenger who is fourteen years of age or older unless the passenger is unable to properly fasten a seat belt due to a temporary or permanent disability. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

4. A. The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986.

b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3, subsection 1. However, except as provided in section 321.446, subsection 6, the failure to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of this section must first introduce substantial evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to

wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of plaintiff's recovery by an amount not to exceed five percent of the damages awarded after any reductions for comparative fault.

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by persons with disabilities who use collapsible wheelchairs.

Distracted Driving Q&A

Q: What Is distracted driving?

A: Distracted driving is any activity that diverts attention from driving, including talking or texting on your phone, eating and drinking, talking to people in your vehicle, fiddling with the stereo, entertainment or navigation system—anything that takes your attention away from the task of safe driving.

Texting is the most alarming distraction.

Sending or reading a text takes your eyes off the road for five seconds. At 55 mph, that's like driving the length of an entire football field with your eyes closed.

You cannot drive safely unless the task of driving has your full attention. Any non-driving activity you engage in is a potential distraction and increases your risk of crashing.

Q: Why is distracted driving a big deal for city and county drivers?

A: Vehicle accidents are some of the most serious claims for IMWCA and its members. Distracted driving is the number one contributing factor for both on-road and off-road vehicle-related injuries including a number of fatalities.

Q: What are the most common causes of distracted driving for local government employees?

A: Generally cell phone usage is the most common, but in law enforcement reading computer screens is the most common distraction. Other distracting activities include eating, looking at reports, and reaching for objects on the floor or back seat.

Q: Does the Occupational Safety and Health Administration (OSHA) cover incidents involving distracted driving?

A: Possibly under the general duty clause. Distracted driving for forklifts and skid steers may fall under the Section 1910. 178 Powered Industrial Trucks standard.

Q: Do we need a distracted driver policy if we follow state law?

A: Yes, *Code of Iowa* Section 321.276 (2017) is a start. However, it doesn't cover off-road equipment and other forms of distraction besides texting. Some managers feel that enforcement of the law is a law enforcement matter, however it is actually a workplace safety matter.

APPENDIX:

Model Seatbelt/Restraint Policy

Purpose

This policy was created to protect the safety of our employees while operating official vehicles, equipment, and personal and rental cars on official business.

Copies of this policy and procedures will be accessible to employees at location.

Leadership and Accountability

Name or Position will be responsible for enforcing and annually evaluating the seatbelt/restraint policy of their department.

Employees are accountable for following the policy and ensuring that other occupants of the vehicles or equipment they operate abide by the policy.

Policy

It is the policy of name of member that all employees operating official vehicles, equipment, personal and rental cars on official business and other occupants use seatbelts and shoulder restraints.

Employees operating on and off-road equipment with a Rollover Protective Structure (ROPS) shall use seatbelts when operating the equipment.

Employees are also prohibited from riding in or on parts of a vehicle not designed for human occupancy. This includes but is not limited to pick-up and truck boxes, fenders, steps and bumpers. This also applies to trailers, ATV dump boxes and lift buckets.

Failure to comply with these rules is a violation of name of member safety policies, which is cause for disciplinary action.

Employees should refer questions or comments about this policy to Name or Position.

Employee Information and Training

All employees will be trained on the policy. Training will be documented and the records stored at location.

APPENDIX:

Model Distracted Driving Policy

The purpose of this policy is to ensure the safety of those individuals who driver a vehicle and/or a personal vehicle for work purposes. Distracted driving is a serious safety risk, not only to the driver but to other passengers in the car and drivers/passengers and pedestrians on the road.

The **employer name** requires all employees to operate motor vehicles in a safe and responsible manner during their work scope of duties. In order to increase employee safety and eliminate unnecessary risks, the **employer name** has enacted a Distracted Driving Policy, effective Date of Adoption. The **employer name** has adopted the following policy which applies to any employee operating a employer name vehicle or using a personal vehicle for **employer name** business:

- Driving on **employer name** business and/or driving an **employer name** vehicle under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline, up to and including termination of employment.
- No driver shall operate a **employer name** vehicle or personal vehicle for **employer name** business when their ability to do so safely has been impaired by illness, fatigue, injury, prescription or over-the-counter medication.
- **Employer name** employees are prohibited from holding, dialing or reaching for a hand held cellular phone while operating a vehicle – whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, utilizing smartphone applications, and reading or responding to emails, texts or instant message, including using voice assisted email, text and instant message composing.
- A driver is allowed to initiate, answer, or terminate a call by touching a single button on a mobile phone or headset provided it can be done while seated in a normal manner and seat-belted as required by law. Any such movement must be accomplished without removing the driver's eyes from the roadway. Therefore hands-free technology is permissible, provided the use does not cause distraction.
- All drivers must minimize other distractions which take away from concentrating on driving, driving while distracted constitutes a hazard, and could lead to a traffic infraction. Distractions include, but are not limited to, eating, reading, talking to passengers, and performing other activities which tend to cause the driver to remove their eyes from the road or divert their attention from the task of driving.
- If **employer name** employees need to manually use their phones, they must pull over safely to the side of the road or another safe location and put the car in park.
- **Employer name** employees are required to turn cell phones off, engage hands-free capability, or put them on silent or vibrate before starting a **employer name** vehicle or personal vehicle for **employer name** business.

The **employer name** is concerned about the safety and well-being of its employees. This is so important that violations of this policy will be considered serious and may result in the imposition of discipline up to and including termination. Below is a policy acknowledgement that says you have read and fully understand the **employer name** policy. Please sign it and return it to you supervisor. If you have any questions regarding this policy please contact your supervisor.

Distracted Driver Policy Acknowledgement

I acknowledge that I have received a written copy of the Distracted Driving Policy, that I fully understand the terms of this policy, that I agree to abide by these terms, and that I am willing to accept the consequences of failing to follow the policy.

Employee Signature

Employee Printed Name

Date