

## Sammy Hagar Says He Can't Drive 55. OSHA Says Your Workers Can't Drive Distracted.

Insights

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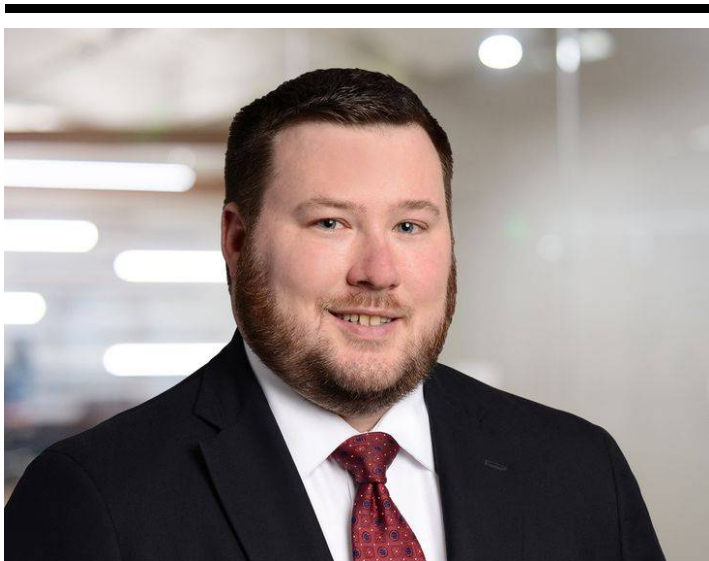
According to the Occupational Safety and Health Administration (OSHA), motor vehicle crashes cost employers \$60 billion annually in medical care, legal expenses, property damage, and lost productivity. Motor vehicle crashes are responsible for more worker fatalities than any other cause, including machine guarding and lock-out tag-out violations.

Given these statistics, it should come as no surprise that OSHA will target and fine employers who permit or encourage distracted driving. The agency has taken the position that distracted driving is a recognized hazard under the General Duty Clause of the OSH Act, and, as of January 2019, penalties for willful violations of the General Duty Clause can range up to \$132,598 per occurrence.

It should be noted that OSHA and the OSH Act may be preempted with respect to commercial carriers by the Federal Motor Carrier Safety Administration (FMCSA). OSHA and the FMCSA have issued guidance with respect to their respective responsibilities for transportation safety which employers should consult. Typically, however, OSHA claims jurisdiction over safety and health where the OSH Act is not preempted by another federal agency. Examples may include vehicles engaged exclusively in intrastate travel or those that do not meet the definition of a commercial carrier.

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