

Restaurants have employees driving on their behalf all the time. The obvious case is food delivery but think about the other times when you ask one of your employees to run an errand for you, to the bank perhaps or to pick up supplies or drop something off at the bank. The minute they drive off, they are taking with them your potential liability for any damage that they cause while on that errand. If they use their cell phone during this errand, then they are 4 times more likely to cause an accident. You wouldn't let them engage in activities in your restaurant in ways that are 4 times more likely to cause accidents so why should you allow this behavior when they are driving for you?

Take a look at a few high dollar settlements against companies whose employees were on the phone when they caused an accident. A lumber salesman crippled a 78 year old woman. The lumber company was forced to pay \$16.1 million in settlement. A driver on an errand for his company didn't react when traffic slowed and rear-ended a Honda in a chain reaction that killed a 32 year old woman. A Florida jury awarded the woman's family \$21.6 million.

The real problem for you, the restaurant owner, is the smoking gun of the cellphone records. Trial lawyers are very aware of this piece of evidence and in any bad accident, they will be there with the records, ready to waive them in the jury member's faces. And unfortunately for you, juries seem eager and ready to scold companies for letting their employees engage in phone use on the road. Juries don't seem to want to let everyone out there use their phone and drive at the same time. It's ok for them, but apparently not ok for everyone else. They see it as protecting themselves by encouraging corporations to not allow their drivers to use the phones on the road.

It doesn't really matter if your employee is using a company owned car, or their own car with their own private cell phone. In each case the jury loves to pin the blame on the company and punish them with a huge jury award. Because of this, most experts now believe that out of court, pre-trial settlements are the best options for companies caught in this trap. The jury environment right now is pretty hostile to the corporation.

So what can you do? First of all, make sure that you have adequate insurance on your business auto insurance policy if your restaurant owns any vehicles. Next be sure that you have high enough limits to protect you on your non-owned auto insurance as well. Make it clear, both verbally and in writing, signed by your employees, that they will not use their cell phone in any way while driving a company car or while driving a private vehicle on behalf of your restaurant. You should consult your attorney for the best way to accomplish this.

Clinard Insurance Group, a niche player in the NC restaurant insurance marketplace wants all restaurant owners to be informed insurance buyers. If you would like help with your restaurant insurance in North Carolina, South Carolina, Georgia, Tennessee or Virginia, please call us, toll free, at 877-687-7557 or visit our restaurant insurance web page at www.TheRestaurantInsuranceStore.com