

CELLY SERVICES, INC.

Environmental, Health and Safety Services

DEALER ALERT

TO: EHS Coordinator & Sales Manager
FROM: Sam Celly, MS JD CSP REA
SUBJECT: **Accidents on a Test Drive**
DATE: October 10, 2008

Accident 1: A fatal accident occurred on a test drive when a prospective customer crashed into a car taking a left turn in front of the dealership vehicle. The customer test-driving the vehicle was found to be driving at an unsafe speed. During the trial proceedings, the customer stated that the salesperson's aggressive driving during the first part of the test drive induced the customer to speed, as a result of which the accident occurred. The salesperson had stated that they should drive fast and "see what this car can do." The jury found negligence on part of the dealership and awarded **more than \$12 million in damages** to the family of the deceased.

Solution: Utilize the Safe Demo Drive Training Memo from CSI to train the sales staff never to drive in an unsafe manner and to obey all traffic laws, especially speed limits, when out on a test drive.

Accident 2: A customer and his pregnant wife were on a test drive. The customer asked the salesperson where the "overdrive" button was located. The salesperson from the backseat was showing the driver the location of the button when an accident occurred. It is stated that the pregnant lady went into premature labor as a result of the accident and delivered a baby with lifetime birth defects. The dealership paid \$1.5 million in damages.

Solution: Utilize the Safe Demo Drive Training Memo from CSI to train sales staff to never distract the driver during the test drive. Also, ensure that sales employees are familiar with the features of the automobile they sell and **review them prior to going on a test drive or after the drive!**

Accident 3: During a test drive, an accident occurred when the automobile being driven by the salesperson crashed into a school bus and the customer received life-disabling head injuries. The school bus driver stated that the driver was speeding. Residents in the neighborhood stated that the dealerships treated the neighborhood like "Indy 500 tracks."

Solution: The dealership must constantly reiterate: "All test drives must be safe & within posted speed limits."

Accident 4: A customer on a test drive pulled out of the dealership and took a left turn going beyond the double yellow line. A driver was coming down a hill in the lane closest to the dealership and collided with the dealership vehicle that was on the test drive. While the driver coming down the hill was charged with driving on a high speed, the dealership was questioned regarding the test drive route.

Solution: Draw a test drive route and review with sales staff. Use a route that involves protected rights, if possible. Always ask the salesperson to take the car out of the dealership and exchange the seat with the customer (with keys removed from ignition) at a safe stop.

Summary: Test drive training of sales staff should include a review of Safe Demo Drive Procedures from CSI. Additionally, it must always incorporate: (1) A test drive route developed with neighborhood compatibility; and (2) a reminder to obtain and copy/scan each driver's license prior to each test drive. Last and not the least, training should be conducted at the time of hiring and documentation maintained in safety/HR files.

Since 1987, Sam has been helping automobile dealers comply with EPA & OSHA regulations in California, Nevada, Arizona, Hawaii, & Idaho. Your comments/questions are always welcome. Please send them to sam@cellyservices.com.