

Rural Lifestyle Dealer

Safety Strategies Volume 1: Loaders & Attachments

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Do All You Can to Avoid Litigation

It's in your best interest to keep your customers safe.

Mike Wiles, Contributing Writer

Selling equipment to a first-time customer who doesn't have operation experience could be a recipe for disaster. As dealers, we have a responsibility to ensure the safety of our customers, while keeping in mind the dangers of liability and litigation.

Let's first acknowledge one of the difficulties of our business: customer knowledge. A lot of us deal with two different customer bases, farmers and hobby farmers. It can be difficult to change focus when dealing with one group and then shifting to the other.

Farmers know and understand machinery, some of them better than we do. Some could be offended if we require training.

Rural lifestyle customers are on the other end of the spectrum and there has been a gradual shift in their exposure to machinery. In 1993, when I started in the business, most potential small tractor customers seemed to have some experience with equipment. For instance, their parents owned a farm or they spent time on a grandparent's agricultural operation. Today, those connections have mostly ended. Today's rural lifestyle customer generally has had no experience with equipment and they may even be purchasing a product they've never driven. They may be too embarrassed to admit that they don't understand how to operate machinery.

Get Signatures

We're accustomed to dealing with customers who understand our product. We may wrongly assume our new customers have some knowledge of the equipment or would ask questions if they didn't. If we deliver them a product with no training and they end up injuring themselves with it, could they claim negligence on our part for not providing them with warnings about dangers?

So what should we be doing? At the very least, on every single piece of equipment we sell, it is critical that the customer receives an owner's manual. My tractor has a manual that's 58 pages long and over a quarter of it is devoted to safety information.

Second, make sure to tell tractor customers that the equipment has inherent dangers and that the thorough reading of the owner's manual can help keep them safe.

Third, many manuals have a section where customers sign, acknowledging that they've received the

manual and had safety information and the warranty explained to them. They sign it, a dealership representative signs it, and copies are made for their respective files. If there is no such document, consult your attorney to have a generic one drafted and make customer signatures mandatory on every major transaction.

These first three items are basic initial steps to help protect your dealership. Having documentation in the customer's file proving your due diligence should be a mandatory responsibility for your sales department. It requires time, a precious commodity, but prioritizing the process is well worth the effort.

Offering Training

Take this concept to the next level by offering training on major equipment purchases. You may provide this training yourself, but there are so many areas to cover that omitting a topic could negate the effort. In other words, if you spent time explaining all of the dangers of tractor rollover and PTO entanglement, but omitted advice for operating on the open road and the customer had an accident there, could you still be held liable?

Consider augmenting your efforts with that of an outside resource. In Missouri, for example, Show-Me Farm Safety training, is sponsored by the University of Missouri; American Farm Bureau Federation; the Missouri Highway Patrol, Department of Labor and Department of Transportation; and the Missouri Cattlemen's Assn. Here's a link: <https://FarmSafety.Mo.gov/Farm-Equipment>.

Video safety training is also available at my website: asktractormike.com/tractor-safety. This type of training is comprehensive and could remove part of your liability responsibility. Add a provision in the customer documentation that they were told about such training prior to delivery.

In the end, there's nothing that can eliminate the risk of liability. However, covering the basics at the time of sale, especially with inexperienced operators, can minimize exposure. Future columns will deal with other types of liability and discuss how blurred the lines can be when assessing safety and litigation risks.

Mike Wiles has been in the retail and wholesale equipment business for over 20 years. He co-owns EDMforSales.com, which develops websites for dealers and hosts AskTractorMike.com to educate new tractor customers.

Educating Customers on Safe Operation of Loaders & Attachments

Lynn Marcinkowski Woolf

Real-life scenario: Reno County (Kan.) authorities said a 12-year-old boy died and 3 others were injured on September 5, 2010, at the scene of an accident northeast of Partridge, Kan., where community members were holding a hayrack ride. Reno County Undersheriff Sheldon Stewart says the 4 children were riding in a loader attached to the front of the tractor when they fell off and were run over by the tractor. *Excerpt from the Hutchinson (Kan.) News*

Tractor loaders and attachments are invaluable tools for rural landowners. Unsafe use, however, can have tragic, even fatal consequences. Educating customers about safe operation are critical dealer responsibilities, and failing to heed those responsibilities could put dealers in jeopardy, as well as their customers.

“Safety has to be ‘job 1,’ no matter what we do,” says Steven Johnson, Ph.D., with the University of Maine Cooperative Extension.

Part of this safety mantra is record keeping. Selling new and used equipment to an inexperienced or untrained customer, and selling used/refurbished inventory are both serious liability risks for today’s dealerships, says Dave Hartman, Sentry Insurance business segment executive for dealer operations.

Dealerships can’t be too diligent in educating customers and ensuring only fit equipment is sold or rented.

“Retaining clear records of your efforts to inspect equipment, making appropriate repairs and upgrades, and properly educating customers may help to successfully defend your dealership from insured and uninsured damages if a customer is injured,” says Hartman.

Dealer Takeaways

- Don’t assume a customer is an expert with loaders, even if they appear to be.
- Have customers operate their tractor with a loader attached so they understand how the tractor’s center of gravity changes.
- Dealers **MUST** keep accurate records of loader inspections, maintenance and upgrades to minimize liability risks.

Know the Equipment

Experts say dealers must stress the importance of reading the operator's manual. "Even if someone looks like an expert, don't assume they are," says Johnson.

Refer to the operator's manual during an equipment "walk around," says Scott Marshall, Alo North America product manager.

Point out the warning labels, shields and guards. Demonstrate how to safely hitch and unhitch loader attachments or implements, discussing the hydraulics, a 3-point hitch or power take-off shaft, depending on the attachment. Put downward pressure on the attachment before moving or raising it to ensure it is securely attached.

Teaching Safety

Rob Gilles, marketing manager, Doosan Infracore Construction Equipment (Bobcat brand), says there is a "learning curve" with attachments.

He recommends dealers advise customers to test drive the tractor with the attachment, then test the attachment with smaller loads or jobs and watch how the tractor's center of gravity is affected.

Marshall says dealers should discuss maximum load specifications and the use of counterweights to avoid accidental rollovers. Experts also stress the importance of being aware.

"People tend to have a forward mentality," says Gilles. Remind customers to look behind, beside, above and ahead.

Other 'Musts'

Experts say dealers need to offer after-the-job safety advice, as well. For example, lower the loader to the ground after use and shut off the tractor engine and wait for implement motion to stop before performing maintenance. Remind customers about safe maintenance practices, too. A hydraulic leak, for example, could lead to a life-threatening illness if fluid enters the skin.

There's much to remember regarding safe operation of loaders and attachments – which is why dealer involvement is so critical.

"The dealer is often the best source of information for many customers," says Gilles.

"Some people will absorb the information and some won't," adds Marshall, "but at least you can say 'I took the time to do my job professionally and will always be there to further support the customer.'"

Dealer Checklist for Loader & Attachments Hand-Off to Customers

By Rural Lifestyle Dealer Staff

Tractor loaders and attachments are invaluable tools for rural landowners. Unsafe use, however, can have tragic, even fatal consequences. Encourage your team to use this checklist to ensure they cover critical safety topics with customers. Keeping them safe is your responsibility. Then, keep a copy as part of their customer record, also giving the customer a copy.

Item	Discussed with Customer
Operator's manual provided	<input type="checkbox"/>
Other owner information provided, including warranty card	<input type="checkbox"/>
Loader, attachment specifications	<input type="checkbox"/>
Key loader or attachment parts, including (complete discussion in the operator's manual):	<input type="checkbox"/>
– Controls	<input type="checkbox"/>
– Hook-up mechanism (quick hitch, 3-point, fixed hitch; power take-off and/or hydraulics)	<input type="checkbox"/>
– Counterweight, model specific	<input type="checkbox"/>
– Guards and shields	<input type="checkbox"/>
– Lights	<input type="checkbox"/>
Safety decal information regarding danger areas	<input type="checkbox"/>
Lubrication and fueling; see operator's manual	<input type="checkbox"/>
Safety risk discussion; see operator's manual	<input type="checkbox"/>
Safe operation practices, guidelines for operating loader, other attachment; see operator's manual	<input type="checkbox"/>
Trouble-shooting guide; see operator's manual	<input type="checkbox"/>
Maintenance guide; see operator's manual	<input type="checkbox"/>

Representative / Date

I have been instructed on the paragraphs above, received and have been instructed in the contents of the Operator's Manual including safety signs, safety equipment, safe operation, maintenance, and the potential hazards of unauthorized alteration or modification of the product. I have been informed of the warranty provisions and requirements. I understand the statements above and the potential hazards of operating without such guards or safety features. I understand that the operator is responsible for the safety of others in the area. I have examined the product and accept it as being complete and in satisfactory condition with all required guards.

Purchaser / Date

Loader Safety Tips From Kubota

Never walk or work under a raised loader.
Raise and lower loader arms slowly and steadily.
Always carry loads as low to the ground as possible and watch for obstructions.
Before raising the loader to full height, make sure the tractor is on level ground; if not, it may tip over — even if the tractor is not moving.
Allow for the extra length of the loader when making turns.
Be careful when handling loose or shiftable loads.
Never move or swing a load with people in the work area.
Be extremely careful when backfilling. The total weight of the material plus that of the tractor and loader could cause the trench wall to collapse.
Avoid undercutting high banks. If you must do it, watch for such hazards as falling rocks and cave-ins.
Stay away from the edges when working along banks and slopes.
Watch for overhead or underground wires and obstacles when you use the loader.
Never lift or carry people in the bucket.
Safe operation practices, guidelines for operating loader, other attachment; see operator's manual
Trouble-shooting guide; see operator's manual
Maintenance guide; see operator's manual

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