



The Federal Motor Carrier Safety Regulations (FMCSRs) are being amended to restrict the use of hand-held mobile telephones by commercial drivers. . The final rule was published on November 22, 2011, and will be effective beginning January 3, 2012. The rule prohibits texting, dialing, and any hand-held use of cell phones by anyone operating a Commercial Motor Vehicle (CMV)

What Do I Need to Know?

- Companies operating Commercial Motor Vehicles (CMVs) are prohibited from requiring or allowing drivers to use hand-held mobile telephones, and are responsible for drivers' conduct, and could be subject to civil penalties up to \$11,000 per violation
- Any CMV driver who violates this Federal regulation may be subject to a penalty up to \$2,750 and may be disqualified from driving by the DOT.
- Devices considered "hands free" that allow single button answering or calling are allowed. However, dialing numbers or entering text while driving is specifically banned.
- Hands free devices must be set up prior to driving, such as when the driver has moved the vehicle to the side of, or off, a highway and has halted the vehicle in a location where it can safely remain stationary. This does not include temporary stops (stop lights or halted in traffic).
- Push-to-talk functions of any cell phones are prohibited. Two-way or CB radios **are not** restricted by the ban.

Does this Apply to My Drivers?

- The rule covers both drivers of Commercial Motor Vehicle (CMVs) in interstate commerce and intrastate drivers who operate CMVs transporting a quantity of hazardous materials requiring placarding.
- Drivers with a Commercial Drivers License (CDL) are only subject to the ban when driving a CMV, and are not subject when in a personal vehicle not licensed as a CMV.
- CMVs are specifically defined by the DOT and required to have a DOT number listed on the vehicle.

Commercial motor vehicle means any self propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

What Do I Need to Do?

- Evaluate your dispatching to see if it encourages cell phone use and change your policies if needed.
- Educate your drivers on the changes and inform them that citations can be issued directly to them.
- Your company is not required to have a specific policy prohibiting cell phone use or to provide training specific to the ban. However, you can be cited for requiring or allowing cell phone use.
- **Contact WFL Safety Services for further assistance in eliminating driver distractions**

Where Can I Find out More?

- Federal Motor Carrier Safety Administration website, <http://www.fmcsa.dot.gov>
- Official US Government Website for Distracted Driving, <http://www.distracted.gov>
- Fast Lane Blog of the DOT, <http://fastlane.dot.gov/>