



Commercial Motor Vehicle Driver Mobile Phone Restrictions



In January 2012 the Federal Motor Carrier Safety Administration's (FMCSA) cell phone ban for all drivers of commercial motor vehicles (CMV) took effect.

See the attached FMCSA fliers on the Mobile Phone and Texting Restrictions for details.

Fines and Penalties – Using a hand-held mobile phone while driving a CMV can result in driver disqualification. Penalties can be up to \$2,750 for drivers and up to \$11,000 for employers who allow or require drivers to use a hand-held communications device while driving.

Companies should make every effort to ensure their drivers know the law and should consider having a company policy on the use/nonuse of mobile devices. The FMCSA rule states, "... **employers who allow or require drivers to use** a hand-held communications device while driving." Make sure anyone that operates one of your commercial vehicles area aware you do not condone the use of such devices in violation of FMCSA regulations.

Some steps you can do to make sure your employees know about this:

- Adopt a written policy on mobile restrictions
- Have employees sign an acknowledgement of the policy and keep originals on file (sample below)
- Install signs at workplace and in vehicles to remind employees.

There are numerous vendors of signs and stickers for reminding employees, some examples are listed below. You may also check your local truck stop too.

SafetySign.com
ComplianceSigns.com
HHHincorporated.com
SmartSign.com



You can read more about the Federal Motor Carriers rule at:

<https://www.fmcsa.dot.gov/regulations/rulemaking/2010-23861>

FMCSA Distracted Driving page: <https://cms.fmcsa.dot.gov/driver-safety/distracted-driving>

Mobile Phone Restrictions Fact Sheet: <https://cms.fmcsa.dot.gov/driver-safety/distracted-driving/mobile-phone-restrictions-fact-sheet>

No Texting Rule Fact Sheet: <https://cms.fmcsa.dot.gov/driver-safety/distracted-driving/no-texting-rule-fact-sheet>

Disclaimer: The [sample policy](#) on the next page is from the [Maine Motor Transport Association](#). It is intended to be an example only, all legal documents should be reviewed by your attorney. Virginia Farm Bureau does not offer legal advice.

(INSERT COMPANY NAME) Cell Phone Policy

In order to ensure the safety of our company drivers and to comply with state and federal regulations regarding hand held cell phone usage by commercial motor vehicle drivers. (INSERT COMPANY NAME) has adopted the following policy while operating company vehicles in interstate and intrastate commerce.

1. All employees while driving a commercial motor vehicle (CMV), as defined in 49 CFR Part 390.5, are prohibited from holding, dialing, or reaching for a hand held cellular phone. This includes all push-to-talk type phones, such as Nextel.
2. A driver of a CMV is allowed to initiate, answer, or terminate a call by touching a single button on a mobile phone or headset provided it can be done while seated in a normal manner and seat-belted as required by law. Any such movement must be accomplished without removing the driver's eyes from the roadway. Thus hands-free technology is permissible provide the use does not cause distraction.
3. All employees, operating *any* type of vehicle, are prohibited from texting at all times while operating a company or personal vehicle while engaged in any activity on behalf of the company.
4. All drivers must minimize other distractions which take away from concentrating on driving, as driving while distracted constitutes a hazard, and could be a traffic infraction in some states such as Maine. Distractions include, but are not limited to, eating, reading, talking to passengers, and performing other activities which tend to cause the driver to remove their eyes from the road or divert their attention from the task of driving.

Driving is defined as: operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, traffic control device, or other temporary delays. Driving would not include operating a CMV when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can remain stationary.

Exemption: The regulations and this policy do not prevent drivers of commercial motor vehicles from using a hand held mobile phone to communicate with law enforcement or other emergency services if necessary.

Acknowledgement

I acknowledge that I have received a written copy of the cell phone and distracted driving policy. I fully understand the policy and agree to abide by the terms, and that I am willing to accept the consequences of failing to follow the policy.

Employee Signature

Date

NOTE: *Maintaining a safe and compliant workplace in accordance with all laws is your responsibility. The following sample policy is in response to federal regulations changes on January 3, 2012 and does not constitute an assumption by us of your obligations to provide a safe workplace nor compliance with any law or regulation. We make no representation or warranty that our activities or information will place you in compliance with the law or that your premises or operations are safe. We exercise no control over your premises or operations and have no responsibility or authority to implement any recommendations. You are not required to rely upon any guidance provided by us, and you may not delegate any of your legal responsibilities to us.*



No **Call**,
No **Text**,
No **Ticket**



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MOBILE PHONE RESTRICTIONS FACT SHEET

New Mobile Phone Restriction Rule For Commercial Motor Vehicle Drivers

Overview and Background

A new FMCSA rule restricts the use of all hand-held mobile devices by drivers of commercial motor vehicles (CMVs). This rulemaking restricts a CMV driver from holding a mobile device to make a call, or dialing by pressing more than a single button. CMV drivers who use a mobile phone while driving can only use a hands-free phone located in close proximity.

Research commissioned by FMCSA shows that the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are 6 times greater for CMV drivers who engage in dialing a mobile phone while driving than for those who do not. Dialing drivers took their eyes off the forward roadway for an average of 3.8 seconds. At 55 mph (or 80.7 feet per second), this equates to a driver traveling 306 feet, the approximate length of a football field, without looking at the roadway!

What is the definition of using a mobile telephone?

- The use of a hand-held mobile telephone means:
 - Using at least one hand to hold a mobile phone to make a call;
 - Dialing a mobile phone by pressing more than a single button; or
 - Reaching for a mobile phone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt.

What does this rule mean to drivers and carriers?

- **Fines and Penalties** – Using a hand-held mobile phone while driving a CMV can result in driver disqualification. Penalties can be up to \$2,750 for drivers and up to \$11,000 for employers who allow or require drivers to use a hand-held communications device while driving.
- **Disqualification** - Multiple violations of the prohibition of using a hand-held mobile phone while driving a CMV can result in a driver disqualification by FMCSA. Multiple violations of State laws prohibiting use of a mobile phone while driving a CMV is a serious traffic violation that could result in a disqualification by a State of drivers required to have a Commercial Drivers License.



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- **What are the risks?** - Using a hand-held mobile phone is risky because it requires the driver to reach for and dial the phone to make a call. Reaching for a phone out of the driver's immediate area is risky as well as dialing because these actions take the driver's eyes off the roadway.
- The rule applies to drivers operating a commercial motor vehicle on a roadway, including moving forward or temporarily stationary because of traffic, traffic control devices, or other momentary delays.
- A mounted phone is acceptable as long as it is mounted close to the driver.
- **Impact on Safety Measurement System (SMS) Results** – Violations negatively impact SMS results, and they carry the maximum severity weight.

**It's very easy to
comply with the**

new rules:

No

REACHING

No

HOLDING

No

DIALING

No

TEXTING

No

READING

Compliance

- Make sure the mobile telephone is within close enough proximity that it is operable while the driver is restrained by properly installed and adjusted seat belts.
- Use an earpiece or the speaker phone function.
- Use voice-activated dialing.
- Use the hands-free feature. To comply, a driver *must* have his or her mobile telephone located where he or she is able to initiate, answer, or terminate a call by touching a single button. The driver must be in the seated driving position and properly restrained by a seat belt. Drivers are **not** in compliance if they unsafely reach for a mobile phone, even if they intend to use the hands-free function.

No Call, No Text, No Ticket!



NO TEXTING RULE FACT SHEET

New rule: No texting while operating a CMV

Overview and Background

FMCSA has published new rules that restrict texting and the use of hand-held mobile phones by truck and bus drivers while operating a commercial motor vehicle (CMV).

Research commissioned by FMCSA shows the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are 23.2 times greater for CMV drivers who text while driving than for those who do not. Texting drivers took their eyes off the forward roadway for an average of 4.6 seconds. At 55 mph, this equates to a driver traveling 371 feet, or the approximate length of a football field (including the end zones)—*without looking at the roadway!*

What exactly is “Texting”?

- Texting means manually entering text into, or reading text from, an electronic device.
- Texting includes (but is not limited to), short message services, e-mailing, instant messaging, a command or request to access a Web page, pressing more than a single button to initiate or terminate a call using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication.

What does this rule mean to you?

- **Fines and Penalties** – Texting while driving can result in driver disqualification. Penalties can be up to \$2,750 for drivers and up to \$11,000 for employers who allow or require drivers to use a hand-held communications device for texting while driving.



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- **Disqualification** – Multiple convictions for texting while driving a CMV can result in a driver disqualification by FMCSA. Multiple violations of State law prohibiting texting while driving a CMV that requires a CDL is a serious traffic violation that could result in a CDL driver being disqualified for up to 120 days.
- **What are the risks?** –Texting is risky because it causes the driver to take his/her eyes off the roadway. Dispatching devices that are part of a fleet management system can be used for other purposes, but texting on a dispatching device is indistinguishable from texting on another text-capable device, and is therefore prohibited.
- **Impact on Safety Measurement System (SMS) Results** – Violations negatively impact SMS results, and they carry the maximum severity weight.

It's very easy to
comply with the
new rules:

No
REACHING
No
HOLDING
No
DIALING
No
TEXTING
No
READING

Compliance

- *Simply do not type or read a text message while driving a CMV!*

No Call, No Text, No Ticket!