



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.