



## **DOT Prohibits the Use of Hand-Held Cellular Devices for CMVs Drivers**

January 5, 2012

Dear Client:

The Department of Transportation (DOT) published a Final Rule restricting the use of hand-held mobile phones for drivers of Commercial Motor Vehicles (CMVs). **Effective January 2012**, drivers of CMV's (as defined in Part 390) - are prohibited from using hand-held mobile devices while driving. This rule prohibits all push-to-talk functional phones but hand-free devices such as mobile phones with a speaker phone option and one-touch dialing are permissible.

Additionally, the rule also prohibits Motor Carriers (employers) from allowing or requiring drivers to use a hand-held mobile device while driving. The employer is held responsible for employee violations if the employee is acting on behalf of the employer and/or under the employer's direction.

The Federal Motor Carrier Safety Administration (FMCSA) and Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) proposed this rule to reduce accidents on national highways caused by distracted CMVs drivers. Prior to the creation of the Final Rule, the FMCSA banned the use of text messaging by commercial truck and bus drivers in September 2010. The PHMSA followed with its own ruling in February 2011 to ban the use of text messaging by intrastate hazardous materials drivers. The agencies developed a joint-initiative to ban hand-held mobile devices based on research from the FMCSA indicating commercial drivers using hand-held cell phones are more at risk for crashes than those who use hand-free mobile phone.

The research indicated commercial drivers reaching for objects such as cellular devices are three times more likely to be involved in a crash or other accidental event; and commercial drivers using the dialing feature on cell phone are six times more likely to be involved in a crash or other safety critical event.

**Penalties:** Commercial drivers found using hand-held cellular devices are subject to federal civil penalties of up \$2,750 for each offense and disqualification from operating a motor vehicle for multiple offenses. Motor Carriers who violate cell phone restrictions laws can face civil penalty totaling up to \$11,000.

Exceptions to the rule include usage of hand-held phones in case of emergencies and contacting law enforcements. Drivers may also use a hand-held device when the vehicle is moved to the side or off the highway and halted in a location where it can remain stationary.

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### **SCI's Best Practices Recommendations**

SCI is committed to providing timely and critical information about how this rule can impact your business. SCI recommends Clients Companies to review the *Driver Safety Policy* in the SCI Member Guidebook at Client Self-Service (CSS) → Reporting Services/Reports-On Demand → Human Resources → Guidebooks to ensure the compliance with the current guidelines.

Other recommendations include:

- Develop policies prohibiting the use of hand-held cellular devices or texting while operating a CMV.
- Develop policies requiring the use of hands-free mobile device only.
- Devise an organizational communication system that utilizes hands free mobile devices
- Train CMVs drivers on the appropriate times to use hand-mobile devices.

### **Additional Support and Resources**

SCI can assist you in gaining a better understanding of the new policy and help to identify additional strategies to maintain compliance with regulations.

Access these websites for further training tips and information about the law:

- DMV News Release: <http://www.fmcsa.dot.gov/about/news/news-releases/2011/Secretary-LaHood-Announces-Step-towards-Safer-Highways.aspx>
- Regulatory Guidance from the DOT: [http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/Mobile\\_phone\\_NFRM.pdf](http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/Mobile_phone_NFRM.pdf)
- Final Rule in the Federal Register: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/pdf/2011-30749.pdf>

All content in this notice is based on current information and supersedes previous communications regarding this topic. If you have any questions or concerns, please contact your assigned SCI Professional.

Sincerely,

SCI Companies