

NEW RULE RESTRICTING CELL PHONE USE BY CMV DRIVERS

Beginning January 3, 2012, Commercial Motor Vehicle (CMV) drivers in interstate commerce will be prohibited from using hand-held cell phones while operating their vehicles by the Federal Motor Carrier Safety Administration (FMCSA). CMV drivers hauling hazardous materials within a state are also included in the new rule by the Pipeline and Hazardous Materials Safety Administration (PHSA).

Drivers who violate the rule will face civil penalties of up to \$2,750 for each offense. The rule also provides that the employers are liable for violations by their employees. Civil penalties for employers can be up to \$11,000 for each violation.

The rule specifically prohibits a CMV driver from 1) holding a cell phone, 2) dialing a cell phone by using more than a single button, or 3) reaching for a phone in an unsafe manner. Therefore, a hands free phone, whether wired, wireless earpiece, or on speaker function, can only be used if the call can be initiated by the use of a single button control.

Under the new rule, driving includes not only operating a CMV on the highway, but also includes operating a CMV while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include when the driver has moved the CMV to the side of or off a highway and is stationary.

Texting while driving is completely banned by this new rule.

For more information on this topic, please contact:

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