



FMCSA officially publishes rule on hand-held cell-phone ban

Rule takes effect January 3, 2012

Posted December 2, 2011

Commercial drivers “ringing in the New Year” could be in trouble if they answer a ringing cell phone while driving.

The U.S. Department of Transportation (DOT) has set January 3, 2012, as the effective date of the new hand-held cell-phone ban that was announced in late November and published in the Federal Register on December 2, 2011.

The rule — issued jointly by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) — prohibits interstate commercial motor vehicle (CMV) drivers from using hand-held cell phones while driving. For intrastate drivers, the ban only applies to those hauling hazardous materials for now, but the states are expected to apply the ban to all in-state commercial drivers in coming years.

Under the new rule, CMV drivers will not be able to hold, dial, or reach for a hand-held cell phone, including those with push-to-talk capability. Hands-free phone use is allowed, as is the use of CB radios and two-way radios.

Specifically, the rule prohibits drivers from:

- Using at least one hand to hold a mobile phone to conduct a voice communication;
- Dialing or answering a mobile phone by pressing more than a single button, and
- Reaching for a mobile phone in a manner that requires the driver to maneuver so that he or she is no longer in a seated, belted, driving position.

Drivers will not be able to use hand-held phones while temporarily stopped due to traffic, a traffic control device, or other momentary delays, but they will be able to use them after moving the vehicle to the side of, or off, the highway and stopping in a safe location.

Drivers who violate the new ban will face federal civil penalties of up to \$2,750 for each offense and disqualification for multiple offenses. Companies that allow their drivers to use hand-held cell phones while driving will face a maximum penalty of \$11,000.

In September 2010, the FMCSA issued a regulation banning text messaging while driving a CMV and PHMSA followed with a companion regulation in February 2011, banning texting by intrastate hazardous materials drivers.

