

# COMPLIANCE OVERVIEW

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## Mobile Phone Restrictions for CMV Drivers

The Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) restricts the use of all hand-held mobile devices by drivers of commercial motor vehicles (CMVs).

Under FMCSA rules, CMV drivers may not hold a mobile device to make a call, dial a mobile device by pressing more than a single button or reach for a mobile device in a way that puts the driver in an unsafe position. CMV drivers who use a mobile phone while driving can only use a hands-free phone located in close proximity.

The FMCSA restrictions are based on research showing that the odds of being involved in a safety-critical event, such as a crash, near-crash or unintentional lane deviation, are six 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.

### LINKS AND RESOURCES

- FMCSA mobile phone restrictions [website](#)
- FMCSA mobile phone restrictions [fact sheet](#)
- FMCSA "no texting" [final rule](#)

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

### HIGHLIGHTS

#### USING A MOBILE PHONE INCLUDES:

- 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.

#### PENALTIES AND FINES

Failing to comply with the FMCSA restrictions can result in:

- Driver disqualification by the FMCSA
- Fines up to **\$2,750** for drivers
- Fines up to **\$11,000** for employers who allow or require drivers to use a hand-held communications device while driving



## 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?

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.

**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 the 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 driver's license.

**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 because this action takes the driver's eyes off the roadway.

**Impact on Safety Measurement System (SMS) results** - Violations negatively impact SMS results, and they carry the maximum severity weight.

## COMPLIANCE RECOMMENDATIONS

- 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.

*Source: Federal Motor Carrier Safety Administration*