



# REGULATORY ALERT

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

**Federal Register December 2, 2011**

**Rule takes effect January 3, 2012**

## *Action Item*

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 published in the Federal Register on December 2, 2011.

The rule which is 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. The ban will apply to intrastate drivers hauling hazardous materials for now, but the states are expected to apply the ban to all in-state commercial drivers in the future.

### **Specifically, the rule prohibits drivers from:**

- ✓ Using at least one hand to hold a mobile phone to conduct a voice communication;
- ✓ 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, position and
- ✓ Dialing or answering a mobile phone by pressing more than a single button.

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.

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.

### **Penalties**

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.

[Click here to view Hand-Held Cell-Phone Ban Final Rule](#)

**NORTH AMERICAN TRANSPORTATION CONSULTANTS, INC.**

*YOUR TOTAL TRANSPORTATION AND SAFETY CONSULTANTS*

P.O. BOX 1404 - HIGHTSTOWN, NJ - 08520

609-426-0555 - [WWW.49CFR.COM](http://WWW.49CFR.COM)