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Final Rule Published - U.S. DOT Bans Hand-Held Cell Phone Use in CMVs

On November 23rd, 2011, U.S. Transportation Secretary LaHood announced a final rule prohibiting Commercial Motor Vehicle (CMV) drivers from using hand-held cellular phones while operating their vehicles. On December 2nd, 2011, the rule was published in the Federal Register, which means **the rule becomes effective on January 3rd, 2012.**

Use of a hand-held cellular phone means:

- Using at least one hand to hold a cellular phone to conduct a voice communication
- Dialing a cellular phone by pressing more than a single button
- Or reaching for a cellular phone in an unacceptable and unsafe manner
 - Reaching is defined as reaching for any cellular phone on the passenger seat, under the driver's seat, or into the sleeper berth

Compliant cellular phone use is defined as:

- A hands-free cellular phone with a speaker phone function or a wired or wireless earphone
- The cellular phone must be located in close proximity to the driver
- The driver must also be ready to conduct a voice communication on a compliant cellular phone, before driving the vehicle

Driving, for the purpose of this disqualification, is defined as:

- Operating a CMV on a highway, including temporarily stationary because traffic, a traffic control device, or other momentary delays. Driving does not include operating a CMV when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

A Commercial Motor Vehicle is defined as:

- Any vehicle weighing more than 10,000 pounds,
- Or any vehicle weighing less than 10,000 pounds that is used in the transportation of materials found to be hazardous which require the motor vehicle to be placarded.

The rule also prohibits motor carriers and employers from requiring or allowing a CMV driver to use a hand-held cellular phone while operating their vehicle. Any violation by an employer would subject the employer to civil penalties in an amount up to \$11,000. Additionally, a driver in violation of using a hand-held cellular phone while driving can subject that driver to civil penalties up to \$2,750 and result in that CDL driver being disqualified.

There is **one exception** to the hand-held cellular phone restriction. The exception allows CMV drivers to use their hand-held cellular phones to communicate with law enforcement officials or other emergency services if necessary.

The published final rule can be found [here](#).