

Hand-held cell-phone ban raises questions

A ban on the use of hand-held cell-phones by commercial motor vehicle (CMV) drivers that took effect on January 3, 2012, is prompting questions about the types of devices and activities that are still allowed. The following information attempts to address some of those questions.

What does it prohibit?

The new rules say that CMV drivers cannot "use a hand-held mobile telephone while driving a CMV." This is what those terms mean:

- To "use a hand-held mobile telephone" means (1) to talk on a mobile phone while holding it in your hand, (2) to dial or answer a mobile phone by pressing more than one button, or (3) to reach for a phone in a way that makes you leave your normal seated driving position.
- A "mobile telephone" is a mobile communication device that falls under or uses any "commercial mobile radio service" as defined in 47 CFR 20.3. It does NOT include two-way or CB radio services.
- "Driving," for purposes of the ban, means operating

a CMV on a highway, including while temporarily stopped due to traffic, a traffic control device, or other momentary delays, but NOT including when a driver has moved the vehicle off the road and has stopped in a safe location.

Keep in mind that many states (and company policies) have their own restrictions that may go beyond the new federal rules.

Who's affected?

The new ban applies to:

- All interstate CMV drivers, including vehicles over 10,000 pounds, whether a CDL license is required or not; AND
 - All intrastate CMV drivers hauling a placarded amount of hazardous materials.
- Under Appendix A to Part 355, states are given three years to adopt rules that are similar or identical to new federal standards, so it is expected that the states will adopt a similar provision for all other in-state CMV drivers (with variances based on how each state defines "CMV").

Are wireless devices allowed?

Yes, any type of device that allows a driver to talk on a cell phone without having to hold it or press multiple buttons would be allowed, including bluetooth and other hands-free technology. The federal rules allow drivers to use both wired and wireless headsets, earphones, etc., to conduct hands-free calling, although those devices may be restricted under state or local laws or company policy.

Are push-to-talk phones allowed?

Most push-to-talk devices are "mobile telephones," so they are subject to the ban when hand-held or when the driver has to hold or repeatedly press a button.

When can a hand-held phone be used?

- Hand-held cell-phone use is allowed:
- If the driver moves the vehicle to the side of, or off, the highway and stops in a safe location; or
 - When necessary to communicate with law enforcement
- See Cell, pg. 6

BMI, from pg. 2

- Have an ~~apnea-hypopnea index (AHI)~~ of more than 20;
- Have had surgery for sleep apnea and are waiting for the results of a ~~post-operative~~ examination; or

• Have been found to be effectively non-compliant with their sleep-apnea treatment.

~~Additional recommendations were to be worked out at meetings scheduled for January and February this year.~~

The recommendations are not included in any new stan-

~~dards from the FMCSA at this time, but may be reviewed by individual medical examiners and incorporated into their driver medical exams. The FMCSA will need to issue a proposed rule for public comment before changing the medical standards. ♦~~

Cell, from pg. 4

officials or other emergency services.

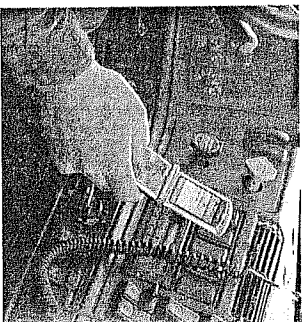
Can phones be mounted within reach?

Yes, the rules do not prohibit that, and it may be advantageous. Reaching for any

mobile phone on the passenger seat, under the driver's seat, or into the sleeper berth are not acceptable.

Can officers review a call history?

According to the DOT, "Nothing in the rule authorizes enforcement officers to require a driver to make a mobile telephone available so that the officer



can review call history for purposes of enforcing this rule." Enforcement will be handled at the state and local level, so the methods used to enforce the rule will vary.

What are the penalties?

- Drivers who violate the ban can face disqualification for multiple offenses. Violating a state law on hand-held cell-phone use is now considered a "serious traffic violation," and a second conviction of any serious traffic violation in three years will result in disqualification for 60 days, or 120 days after three convictions, for both CDL and non-CDL drivers.

Crashes, from pg. 2
 "The initial 2010 data on fatal truck crashes indicate that the downward trend reversed in the second half of the year as the economy

improved. Recent crash reports provide a painful reminder of the need to continue doing everything we can to improve truck safety," said FMCSA head Anne Ferro, speaking before a House sub-

committee investigating the impact of the hours-of-service changes.

The preliminary fatality data is available online at <http://bit.ly/ueABvm>. ♦



NTSB calls for ban on use of electronics while driving

The new hand-held cell-phone ban may be just the start.

The federal agency in charge of figuring out why we have vehicle accidents is now asking *everyone* to stop using cell phones and other electronic devices while driving any type of vehicle.

It's the first time the National Transportation Safety Board (NTSB) has called for a nationwide ban on driver use of personal electronic devices.

The NTSB is asking all 50 states and the District of Columbia to ban the non-emergency use of portable electronic devices (other than those designed to support the driving task) for all drivers. The Board also wants to see high-visibility enforcement to support these bans.

According to the National Highway Traffic Safety Administration, more than 3,000 people lost their lives

last year in distraction-related accidents.

"It is time for all of us to stand up for safety by turning off electronic devices when driving," said NTSB Chairman Deborah Hersman.

The recommendation stems from an NTSB investigation of a 2010 multi-vehicle highway accident in Gray Summit, Missouri, when a pickup truck ran into the back of a tractor that had slowed in a construction zone. The pickup