

CONFUSION FOR PUBLIC ENTITIES CONCERNING MOBILE PHONE USE

A new rule restricts the use of hand-held mobile telephones and devices by drivers of commercial motor vehicles (CMV). This rule, which went into effect on January 3, 2012, was adopted by the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Material Safety Administration, which is part of the U.S. Department of Transportation. The rule restricts CMV drivers from reaching for or holding mobile telephones while operating their vehicles, or pushing more than one button to operate the device. Commercial motor vehicle drivers are still permitted to use mobile telephones and other mobile devices as long as their use complies with the new regulation. Essentially, drivers may initiate, answer or terminate a call if they can do so 1) with the push of a single button, 2) on a device within their reach, and 3) without holding it in their hand.

FINAL RULE

[Click here](#) to access the final ruling details.

MOBILE PHONE BAN FAQ'S

[Click here](#) to access Frequently Asked Questions (FAQs).

The confusion concerning the new rule is does it apply to public entities? If the commercial motor vehicle driver is employed by a state or political subdivision of a state (e.g. county, city, township, etc.), Federal Motor Carrier Safety Administration safety regulations do not apply, even if the driver is engaged in interstate transportation. But if a commercial motor vehicle driver employed by a state or a political subdivision of a state is operating a vehicle that requires a CDL, the applicable state traffic laws would govern.

While no state has completely banned mobile telephone use, some states have gone further than this rule for certain categories of drivers. For example, 19 states and the District of Columbia prohibit the use of all mobile phones while driving a school bus. Additionally, nine states and the District of Columbia have traffic laws prohibiting all motor vehicle drivers from using hand-held mobile telephone while driving.



[Click here](#) to view a table concerning laws restricting mobile telephone use and texting, state-by-state.

Public entities should prepare and implement a policy consistent with the new regulation and train their commercial motor vehicle drivers on the policy. The policy should set forth what is prohibited, what is still permitted, consequences for failure to follow the rule, and a contact person for questions about the rule.

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