

ALL ABOUT TRUCKS

Cell Phone Use Restriction Policy

COMPANY NAME

COMPANY DOT

The use of cellular phones by hired drives, lease drivers, contract drivers, owner/operators and any employees of _____ holding a commercial driver’s license and operating commercial motor vehicles shall be restricted according to new regulations under FMCSA 49 CFR 383, 384, 390, 391, 392.

COMPANY NAME

_____ (company name) has therefore put into immediate effect as of January 3, 2012 the following regulations concerning cell phone use:

1. All drivers are prohibited from using cell phone devices requiring more than one button to make a call.
2. Phones which are capable of dialing a number using only one button and/or voice command are permitted for use under the following restrictions:
 - a. Drivers must be able to dial a number using one touch of a button and/or voice command (touch free). If the phone has a capability enabling this feature but the driver is unable to use the phone in such a way as to dial a number using one touch of a button and/or voice command (touch free), the driver is prohibited from using the device until he has learned to operate the device in manner as outlined above (1 & 2a(i))
 - b. Drivers must complete a phone call (dial a number) per 2a(i) above and maintain contact with the road and truck instruments per normal driving procedures. If the driver can make a call (dial a number) per 2a(i) but is unable to refrain from visual or physical (hand) contact with the device (that is needs to hold the device to continue talking and/or make adjustments) the driver is NOT permitted to use the device.
 - c. If the driver is using a hand-free system (such as Bluetooth device, loudspeaker, radio transmitter, etc) and pairing and/or any connection must be established between the hands-free device and the cell phone, the driver must establish such connection while the vehicle is stationary (hereby defined by “parked” not simply driving but temporarily stopped).
 - d. When dialing a number, the driver must be able to perform the operation with a single touch of a button and/or voice command, in such a way, as not to engage looking up names/numbers in the directory that would require gestures beyond one touch. Should the driver need to dial a number and/or engage phone directory/contacts to dial a number, the driver must pull off the commercial road and completely stop the truck in order to perform such operation. It is therefore recommended and advised that drivers store numbers in speed dial and/or have access to voice-command dialing.
3. In case of an emergency and/or need to contact company owner/dispatch, the drivers must follow the same one-touch rule. It is therefore IMPORTANT to store these numbers in speed dial.

_____ (company name) has implemented the following penalties for non-compliance with the above stated rules. These are as follows:

Failure to obey the rules as outlined above resulting in citation of violation (ticket) shall, in addition to any penalties by the DOT and local/state/government agencies, include:

- a. \$100 penalty paid to the Company
- b. Full restriction of cell phone use for up to thirty (30) days with the exception of dialing number to the Company, dispatch, and/or emergency personnel/units/911
- c. The right for the Company to terminate the driver while withholding any pay for the trip during which the violation has occurred and any prior trips that have not yet been paid to the driver
- d. If the Company has suffered any financial loss with respect to the contracted trip/hire during which the violation happened, the driver may be held responsible for parts of the financial loss should the Company establish that loads were late, not delivered at all, or expired due to the consequence of this violation.

This concludes the official Cell Phone Use Restriction Policy of _____ (company name). On the next page are summarized excerpts taken from the FMCSA. All drivers are required to read these excerpts and indicate that they have done so by providing their initials on the last page of the policy.



ALL ABOUT TRUCKS Cell Phone Use Restriction Policy

FMCSA: Drivers of CMVs: Restricting the Use of Cellular Phones

A driver can initiate, answer, or terminate a call by touching a single button on a mobile telephone or on a headset. This action does not require the driver to take his or her eyes off of the forward roadway for an extended period—comparable to using vehicle controls or instrument panel functions, such as the radio or climate control system.

The pairing of mobile telephones with in-vehicle technologies may be a violation of other restrictions or regulations. Regardless, the Agency believes a responsible driver would pair or link a mobile telephone to other technologies when the vehicle is stationary and not while he or she is operating a CMV on our Nation's highways.

FMCSA and PHMSA are amending the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMR) to restrict the use of hand-held mobile telephones by drivers of commercial motor vehicles (CMVs). This rule making will improve safety on the Nation's highways by reducing the prevalence of distracted driving-related crashes, fatalities, and injuries involving drivers of CMVs. The Agencies also amend their regulations to implement new driver disqualification sanctions for drivers of CMVs who fail to comply with this Federal restriction and new driver disqualification sanctions for commercial driver's license (CDL) holders who have multiple convictions for violating a State or local law or ordinance on motor vehicle traffic control that restricts the use of hand-held mobile telephones. Additionally, motor carriers are prohibited from requiring or allowing drivers of CMVs to use hand-held mobile telephones.

Any violation of this restriction may result in a civil penalty imposed on drivers in an amount up to \$2,750; a civil penalty may be imposed on employers, who fail to require their drivers to comply with FMCSRs, in an amount up to \$11,000 (49 U.S.C. 521(b)(2)(A), 49 CFR 386.81 and Appendix B, paragraphs (a)(3) and (4)).

INITIAL HERE AFTER
READING THE EXCERPTS

Acknowledgment of Cell Phone Policy

COMPANY NAME

I hereby acknowledge that I have read the Company Cell Phone Restriction Policy. I have understood all parts of it and agree to comply with all rules and regulations herein stated. I also agree to comply with all penalties that might be due to violation of this policy.

I also understand that I cannot drive/remain hired by the Company if I fail to agree to this policy hereby my providing my signature.

DRIVER NAME

DRIVER SIGNATURE

DATE