

4th Quarter, 2012

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Regulations Impose New Penalties for Mobile Phone Use and Expand Limitations on Use

About SCM's Transportation Practice Group

Lawyers at Snow, Christensen & Martineau are familiar with federal and state statutes and regulations regarding the trucking and transportation industry. We have given seminars and presentations to in-house counsel, safety managers, transportation groups, and other company executives and people in management positions. We are knowledgeable and dedicated when dealing with the reduction and prevention of accidents, as well as handling pre-suit issues.

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Regulations Impose New Penalties for Mobile Phone Use and Expand Limitations on Use

New federal regulations impose tough penalties on truckers and trucking companies for mobile phone use. These regulations prohibit using a mobile phone while operating a vehicle on a highway and broadly define "using" a mobile phone. The following are prohibited:

- Using at least one hand to hold a mobile telephone to conduct a voice communication;
- Dialing or answering a mobile telephone by pressing more than a single button; or
- Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seating belt in accordance with regulations and vehicle manufacturer's instructions.

Truckers should note that the regulations apply even if the vehicle is temporarily stationary because of momentary delays or traffic control devices. Companies violate the rule by either allowing or requiring a driver to use a mobile phone while driving a commercial motor vehicle. However, the following exceptions are permissible under federal regulations:

- Using a mobile telephone when necessary to communicate with law enforcement or emergency services;
- Using a hands-free device that does not require pushing more than a single button or reaching in a manner prohibited by the rules;
- Using a mobile telephone after halting the vehicle off or to the side of the highway;
- Conducting voice communication via two-way or Citizen Band radio services.

Despite these exceptions, truckers and companies should take care when using mobile devices and keep up-to-date on local, state, and federal law. Failure to observe federal guidelines could result in a civil penalty of up to \$2,750 for drivers and \$11,000 for trucking companies. Multiple violations of state or federal law could result in disqualification from operating a motor vehicle or suspension of a driver's commercial driver's license. Visit www.distraction.gov for more information on state and federal laws.

This transportation law newsletter is prepared by the Transportation Practice Group at Snow, Christensen & Martineau. Our intent is to provide you with current information on the law and other events that impact the trucking and transportation industry. If you know of others who would like to receive these updates, please let us know at kr@scmlaw.com.