

FEDERAL TEXTING BAN

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The USDOT and the FMSCA have made curbing distracted driving a top priority. The McNees Wallace & Nurick Transportation, Distribution and Logistics Group has been advising clients that some prohibition on texting while driving was imminent. On Tuesday, January 26, 2010, the USDOT announced a federal ban on texting while driving for commercial truck drivers.

U.S. Secretary Ray LaHood announced that the federal ban prohibiting texting by drivers applies to inter-state truck drivers and to commercial bus or van drivers transporting more than eight passengers. The ban is a result of the USDOT's interpretation of standing rules and regulations. The FMSCA will use its existing authority to prohibit commercial drivers from texting while driving, using any handheld cell phone, or using any other device that takes a driver's attention off the road. The prohibition is effective immediately and subjects offenders to civil or criminal penalties of up to \$2,750. Unfortunately, neither the USDOT nor the FMSCA offered specifics on how the prohibition will be enforced.

It is unlikely that this ban will be the last step in the effort of the USDOT and the FMSCA to prevent distracted driving. The USDOT has promised that additional legal remedies and tools to combat distracted driving are expected in the coming months. The McNees Transportation, Distribution and Logistics Group will continue to monitor the situation and is available to guide you through the maze of rules and regulations.

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