



Virginia Workplace Law

Feds Hang Up On Commercial Drivers

By: Karen Elliott. Tuesday, December 20th, 2011

In a continued effort to reduce accidents from **distracted driving**, the federal government has banned as of January 3, 2012, all **commercial motor vehicle drivers from using hand-held mobile phones while driving**.



The **new rule from the Department of Transportation prohibits** commercial motor vehicle (CMV) drivers from holding, dialing, or reaching for a hand-held mobile phone while driving, except for emergency purposes. This rule applies to buses and trucks on interstate routes.

Commercial motor vehicle (CMV) means a motor vehicle or combination of **motor vehicles** used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
2. Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of hazardous materials as defined in the law. <http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=383.5>

Hands-free use of cellular phones is allowed. This new regulation does not affect Citizen Band Radio, GPS or fleet management system use.

Drivers can be fined \$2,750 per violation and carriers may be fined \$11,000.

It is recommended that employers institute new employee guidelines and training in order to be in compliance.

If you should need any assistance with developing a policy, the **employment law lawyers** at Sands Anderson PC would be pleased to assist.

<http://virginiaworkplacelaw.com/>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.