

Hand-Held Mobile Telephone Policy

Prepared by: Andreini & Company

Location:
Effective Date:
Revision Number: 1

Purpose

This policy establishes how will comply with the Department of Transportation and the Federal Motor Carrier Safety Administration's restrictions of cell phone use for drivers of commercial motor vehicles (CMVs), established in 49 CFR Part 177.

Scope

This policy applies to all employees who are involved in the operation of CMVs for business.

Definitions

- **Hand-held mobile telephone** (also known as **cell phone, mobile phone, smart phone, handheld cell, handset**) - Any mobile communication device that falls under or uses any commercial mobile radio service, as defined in the Federal Communications Commission (FCC) 47 CFR 20.3. Wireless communication devices such as satellite telephones and broadband radio service are also included in this definition. Two-way radios, walkie-talkies, Citizens Band radios and compliant mobile phones (i.e. hands-free headsets) are not considered hand-held mobile telephones.

Driving - Driving refers to operating a motor vehicle on the highway, including while temporarily stationary because of traffic, a traffic control device or other momentary delay. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

General Procedures

- Use of hand-held mobile phones while driving is strictly prohibited. This includes all functions of the device including, but not limited to, phone calls, text messaging/SMS, email, MMS, Internet use, camera use, etc.
- Passengers making or taking calls for the driver is permissible provided the interaction does not affect the driver's performance.
- Regular callers must be informed that the driver will not be available while driving and should be notified beforehand of the best times to call based on driving schedule.
- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker to call back at a more appropriate time.
- Drivers who violate the restriction will face federal civil penalties of up to \$2,750 for each offense and disqualification from operating a commercial motor vehicle for multiple offenses. Additionally, states will suspend a driver's CDL after two or more serious traffic violations.

Headset/Hands-Free Use

The use of headsets or hands-free devices while driving is permissible IF:

- The device is pre-approved by for use
- Use of the device does not cause distraction (e.g., fiddling with the device or taking eyes off road to get it to function properly)
- Any dialing or use of the handset is handled while stopped or pulled to the side of the road, unless the dialing of said device requires the use of no more than one button

This Hand-Held Mobile Telephone policy is a guideline only. It is not meant to be exhaustive or construed as legal advice. Consult your legal counsel to address possible compliance requirements. You should customize a policy for your own company use.

- Conversations do not interfere with the driver's ability to drive safely
- Road conditions are generally good and do not threaten your safety

Exception in Cases of Emergency

Drivers are permitted to use a hand-held mobile telephone if necessary to communicate with law enforcement or other emergency services.

State Laws

The company is not responsible for any traffic violations or parking tickets acquired by violation of city ordinance, state or federal laws regarding your driving habits and operation of your motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for .

Note that cell phone driving laws vary greatly by state, and it is the employee's responsibility to be familiar with and abide by such laws. This is especially important for employees who travel on company business. Some states have laws banning all drivers from talking on handsets but permit the use of headsets.

All employees must comply with the company Hand-Held Mobile Telephone Policy on top of abiding by any state or local regulations addressing the same matter.

Acknowledgment

If you have any uncertainty or questions regarding the content of this policy, you are required to consult your supervisor. This should be done prior to signing and agreeing to the Hand-Held Mobile Telephone Policy.

I have read and understand 's Hand-Held Mobile Telephone Policy, and I understand the requirements and expectations of me as an employee. I agree to adhere to all provisions and procedures outlined in the policy, and I understand that failure to do so will result in discipline up to and including termination.

Employee Signature

Date