

# Cell Phone and Texting Policy



**Stover Transportation, Inc.  
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## Cell Phone and Texting Policy

### 1 Cell Phone / Mobile Device and Texting Policy Overview

The Department of Transportation issued a rule (effective 03 January 2012) regarding cell phone use by truck and bus drivers while operating a commercial motor vehicle (CMV). The rule prohibits the use of hand held cell phones and imposes significant penalties on drivers and employers. A summary is below:

- 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.
- Commercial truck and bus companies that allow their drivers to use hand-held cell phones while driving will face a maximum penalty of \$11,000.
- Additionally, states will suspend a driver's commercial driver's license (CDL) after two or more serious traffic violations.

Therefore, Stover Transportation, Inc. has instituted the following policy:

**In accordance with 49 CFR 382.82, employees are not permitted to use a hand-held cell phone / mobile device while operating a motor vehicle on company business and/or on company time unless the device can be used hands-free.**

**In accordance with 49 CFR 392.80, employees are not permitted to use any cell phone / mobile device to text while operating a motor vehicle on company business and/or on company time.**

49 CFR 383.5: Definitions defines "texting" as follows:

**Texting** means manually entering alphanumeric text into, or reading text from, an electronic device.

(1) This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication.

### 2 Prohibited and Allowed Behavior Overview

#### 1. Prohibited:

1. Using a hand to hold a mobile phone to conduct voice communication.
  1. While driving, calls cannot be answered and must be directed to voice mail if your handheld device is not enabled for hands free use. (See custom greeting suggestion in section 3 below.)
2. Answering or dialing a mobile phone by pushing more than one button.
3. Reaching for a mobile phone in a manner that requires the driver to maneuver so that he or she is no longer in a seated, belted driving position.

## Cell Phone and Texting Policy

4. Employees are not permitted to read or respond to SMS texts, emails, instant messages, web pages, mobile applications, or any other form of electronic text retrieval or entry for any present or future communication method.
2. Allowed:
  1. A mobile phone can still be used if it meets the following conditions:
    1. It has a wired or wireless headset (or other hands-free system that is part of the vehicle),
    2. AND can be answered or dialed using one button,
    3. AND the driver does not have to reach for the phone.
  2. Nextel systems are allowed ONLY IF:
    1. the driver does not reach for, dial, or hold the actual mobile telephone in his/her hand while driving
    2. AND the driver is able to touch the button needed to operate the push-to-talk feature from the normal seated position with the safety belt fastened.
  3. 2-way and CB radios are allowed.

### **3 Cell Phone Custom Greeting Suggestions**

1. Suggested custom greeting:
  1. "Hello, this is \_\_\_\_\_ (name, title, company). I am either away from my phone or I may be driving. For safety reasons, I don't use my phone while driving. Please leave your name, number and a brief message. I will return your call as soon as I am able."
2. Optional addition:
  1. "I should be at my destination at approximately \_\_\_\_\_ and will return your call then." *(You can use this if you are recording a greeting at the beginning of your trip to inform callers that you are enroute and provide your estimated time of arrival)*

### **4 Responsibility of Fines / Penalties**

1. Employees are responsible for payment of civil penalties in the event a citation is issued.
  1. An employee will be subject to disciplinary actions up to and including termination, as outlined in the Driver's Orientation Handbook if:
    1. the employee is cited by any enforcement agency for cell phone / mobile device use violations
    2. and/or the employee is observed using a hand held device and the use is confirmed by one or more supervisory or management employees of Stover Transportation, Inc.
2. Correspondingly, any supervisor or management personnel found to allow, encourage, pressure, or threaten adverse action against an employee for

## Cell Phone and Texting Policy

complying with this policy shall be subject to discipline up to and including termination.

### **5 Resources / References**

Resources clarifying the laws surrounding hand-held devices in Commercial Motor Vehicles include the following three handouts retrievable from the Internet, or available in hard copy at the Stover Transportation, Inc. office:

1. Mobile Phone Restrictions Fact Sheet – U.S. Department of Transportation – Federal Motor Carrier Safety Administration:
  1. [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Mobile\\_Phone\\_Rule\\_Fact\\_Sheet.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Mobile_Phone_Rule_Fact_Sheet.pdf) (Link current as of 01 October 2015)
2. No Texting Rule Fact Sheet – U.S. Department of Transportation – Federal Motor Carrier Safety Administration:
  1. [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/No\\_Texting\\_Rule\\_Fact\\_Sheet.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/No_Texting_Rule_Fact_Sheet.pdf) (Link current as of 01 October 2015)
3. CMV (Commercial Motor Vehicle) and CDL (Commercial Driver License) Holder Disqualifying Violations:
  1. [https://www.dmv.de.gov/services/driver\\_services/faqs/cmvcdlholderviolations.pdf](https://www.dmv.de.gov/services/driver_services/faqs/cmvcdlholderviolations.pdf) (Link current as of 01 October 2015)