

FMCSR Cell Phone/Texting Bans

§392.80 Prohibition against texting

(a) *Prohibition.* No driver shall engage in texting while driving.

(b) *Motor Carriers.* No motor carrier shall allow or require its drivers to engage in texting while driving.

(c) *Definition.* For the purpose of this section only, *driving* means operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle with or without the motor running when the driver moved the vehicle to the side of, or off, a highway, as defined in 49 CFR [390.5](#), and halted in a location where the vehicle can safely remain stationary.

(d) *Emergency exception.* Texting while driving is permissible by drivers of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

§392.82 Using a hand-held mobile telephone

(a)(1) No driver shall use a hand-held mobile telephone while driving a CMV.

(2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.

(b) *Definitions.* For the purpose of this section only, *driving* means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. 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.

(c) *Emergency exception.* Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.

Penalties: §391.15 and §383.51: CDL drivers can be disqualified for up to 120 days or face fines of up to \$2,750 for each violation.

Driver Certification: I certify that I have read and understood the above requirements.

I further certify I will strictly abide by the provisions of FMCSR §392.80 and §392.82.

I understand that our insurance company considers a cell phone violation on a roadside inspection to be indefensible, which means your contract will immediately be cancelled. Just the act of having a cell phone in your hand, using it or not, will receive a violation. Do not let this be you!

Independent Contractor Signature

Date

Printed Name and Assigned Coldiron #

Coldiron Representative Signature