FEDERAL AND STATE CELL PHONE LAW CHANGES: WHAT YOU NEED TO KNOW

In January 2012, several new state and federal laws took effect to specifically address which categories of wireless devices can be legally used by commercial drivers (or for that matter, drivers of any type).

These laws specified that cell phone and cell phone-like products (including the push-to-talk feature on a cell phone-like device) are illegal for drivers who are operating a vehicle on any type of road. This clarification is the culmination of clarified state laws, and completely new federal laws.

What do the changes mean for truckers and other commercial drivers?

Until January 2012, laws for cell phone use were imprecise, and enforcement was difficult. Now, with the revisions, there is no doubt that cell phones may not be used and that enforcement will be pursued.

Without cell phones, how will drivers, dispatch and others communicate?

Both federal and state laws allow operation of “vehicle-mounted” radio, two-way radio equipment, CB radios, and telemetry devices. Essentially, the difference between these items and cell phones is in the details of operation. Any device that allows for touch-of-a-button operation is likely to fall into the allowable category.

The distinguishing factors in identifying permissibility of a particular device revolve around the fixed nature of the device, and how it is operated. Compliant devices are fixed in place and operated as simply as normal vehicle systems like headlights, wipers and so on. There should be no fumbling involved in the operation.

How hard will the new regulations hit pocketbooks?

This depends on the systems you are using now, and how many units need to be replaced. If you are using mobile (mounted) two-way radios you are probably in compliance (be sure to confirm this, as systems vary). If you are using cell phones, the cost depends on the technology you select. Mounted two-way radios remain a reliable, affordable and enduring choice.

How seriously are these changes being taken by law enforcement, and what are the fees associated with cell phone use?

Fees range by state and jurisdiction, but are set in order to make it worthwhile for fleet operators to eliminate the use of cell phones. The federal legislation defines the maximum federal fines for driver and motor carriers at $2,750 and $11,000 (respectively) and allows each state to set its own fines up to that level.
Considerations for selecting replacement equipment, if it's necessary
There are many replacement options available. Selecting the category of system should take a number of items into consideration:

- **Perception by law enforcement**: Keep in mind how the device is perceived by law enforcement. For instance, a two-way radio microphone leaves little or no interpretation by law enforcement as they also utilize these devices.

- **Ease of use**: Remember the “normal systems” guideline. One-button push is best.

- **Fixed nature**: Your chosen system must be fixed in place. Look for “mobile” not “portable.”

- **Clarity**: You’ll want the same level of sound quality.

- **Coverage**: Don’t give up coverage when you give up your cellular. If you go with two-way radio, be sure to ask us about our FleetNet™ systems.

- **Cost**: Look at equipment costs as well as monthly subscription rates and maintenance projections.

Other resources for your review
The US Department of Transportation is the very best resource for information about the rulings.

- **Federal laws** are at [www.dot.gov](http://www.dot.gov).

- **Oregon House Bill 3186** defines the laws as they apply within the state. You can get that language at [www.oregon.gov](http://www.oregon.gov) or see the Silke website for a link. [http://www.oregon.gov/ODOT/MCT/SAFETY.shtml#What_s_New](http://www.oregon.gov/ODOT/MCT/SAFETY.shtml#What_s_New)

- **Washington State’s laws** are at [www.dol.wa.gov/about/2010cellphone.html](http://www.dol.wa.gov/about/2010cellphone.html)

You can also visit [www.silkecom.com/resources](http://www.silkecom.com/resources) to access the exact language of the new laws. We have posted the following articles for your review.

- **Summary of the Federal Restriction on Hand-held use of Cellular Phones by CMV Drivers**, by the American Trucking Associations

- **Final Rules by the Department of Transportation**, reflects all the language for the new laws. Pay attention to the entire document, but note the discussion of fees on page 27, and the directions for small entities to obtain assistance on page 51. Page 59 details the disqualification of drivers that could result from multiple offenses.

Let us help!
Remember, Silke has been equipping and servicing professional fleets and drivers with communications equipment for more than 45 years. We certainly have the experience it takes to help you navigate these regulation changes. Email or give us a call if you’d like us to follow up with you on this issue.

Please note: This information is general in nature and may or may not apply to your situation. The content of this article should not be considered the final word or specific recommendation in your consideration of compliance.