

# DANNEMILLER BULLETIN

(FEBRUARY 3, 2012)

Below is more information on the recently enacted cell phone regulations, including how violations will actually be coded and scored on the Safety Measurement System (SMS) that applies to all carriers.

1/27/2012 - The Federal Motor Carrier Safety Administration (FMCSA) has enhanced the Safety Measurement System (SMS) Methodology so that it includes violations based on new cell phone use regulations. In February, when the January snapshot is released, motor carriers may notice the following changes:

1. The addition of five texting and cell phone use violations in the Unsafe Driving Behavior Analysis and Safety Improvement Category (BASIC) as outlined below. The violations reflect FMCSA's decision on January 3, 2012 to ban commercial drivers from using mobile telephones while driving, which includes a ban on texting. Motor carriers should discuss the new violations with their drivers to ensure that they are aware of these requirements.

Added Carrier SMS Unsafe Driving BASIC Violations			
Section	Violation Description Shown on Driver/Vehicle Examination Report Given to Commercial Motor Vehicle (CMV) Driver after Roadside Inspection	Violation Group Description	Violation Severity Weight
177.804 (b)	Failure to comply with 49 CFR 392.80 - Texting while Oper a CMV - Placardable HM	Texting	10
177.804 (c)	Fail to comply with 392.82 - Using Mobile Phone while Oper a CMV -	Phone Call	10

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	HM		
392.80 (a)	Driving a commercial motor vehicle while texting	Texting	10
392.82 (a)(1)	Using a hand-held mobile telephone while operating a CMV	Phone Call	10
392.82 (a)(2)	Allowing or requiring driver to use a hand-held mobile tel while operating a CMV	Phone Call	10

FMCSA is revising Appendix A of the SMS Methodology document to take these changes into account. The agency will re-post the document to the Compliance, Safety, Accountability (CSA) Website at the same time the January SMS snapshot is released.

The severity scoring weight applied for these violations (10), is the highest score for any type violation. This is an indication of the importance the DOT is viewing the cell phone issue. If you have not already, I recommend you give your drivers a written instruction on this issue with a place to acknowledge receipt and sign. We can prepare this upon request. Contact myself or Margie.

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