

According to Inspector Randy Coplin of the Michigan State Police Traffic Safety Division:

The ban on hand held cellular phones prohibits all operators of large trucks and commercial buses from using a cell phone regardless if the transportation being provided is intra or interstate. Hands-free use of a mobile telephone is allowed using either a wired or wireless earpiece, or the speaker phone function of the mobile telephone. Wireless connection of the mobile telephone to the vehicle for hands-free operation of the telephone, which would allow the use of single-button controls on the steering wheel or dashboard, would also be allowed.

A driver's use of the Push-to-Talk function on a mobile telephone violates the prohibition against holding the phone. This includes the continuous holding of a button that is necessary to use a Push-to-Talk feature through a mobile telephone, even when the driver is using a connected microphone or wireless earphone.

Dialing a mobile telephone while operating a CMV in intra or interstate commerce is prohibited by the rule. A driver can initiate, answer, or terminate a call by touching a single button on a mobile telephone, earpiece, steering wheel, or instrument panel comparable to using vehicle controls or instrument panel functions, such as the radio or climate control system.

In order to comply with this rule, a driver must have his or her mobile telephone located where the driver is able to initiate, answer, or terminate a call by touching a single button while the driver is in the seated driving position and properly restrained by a seat belt. If the mobile telephone is not close to the driver and operable while the driver is restrained by properly installed and adjusted seat belts, then the driver is considered to be reaching for the mobile phone, which is prohibited by the rule.

The law covers both drivers of CMVs in interstate and intrastate commerce (vehicles with a GVWR or CGVWR greater than 10,000 pounds). Also drivers who operate a vehicle transporting a quantity of hazardous materials requiring placarding under 49 CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73. If a CMV driver is employed by the State or a political subdivision of the State (e.g. county, city, township, etc.), FMCSA safety regulations (part 382, 391, 392, 393) apply, even if the driver is only engaged in intrastate transportation.

FMCSA has clarified that the use of CB and two-way radios and other electronic devices by CMV drivers for other functions is outside the scope of consideration in this rulemaking.