

# Hand-held Mobile Device Policy

Location: [insert location]

Effective Date: [insert effective date]

Revision Number: [insert revision number]

**IMPORTANT INFORMATION CONCERNING POLICY: This policy has two versions that an employer must choose from.**

- 1. Allowing mobile device use in company vehicles by way of using a headset/hands-free option; or**
- 2. Not allowing mobile device use in company vehicles at all to limit liability concerns.**

**Each section that has a difference will be written with Option 1 or Option 2. Employers should review and adjust the policy according to the preference they choose that best reflects their policies and procedures.**

## Purpose

This policy establishes how will comply with the [state for which this policy applies] Department of Transportation restrictions of mobile device use when operating a motor vehicle.

## Scope

This policy applies to all employees who use company vehicles, rented vehicles on the company's behalf or personal vehicles used for company purposes (other than those that operate CMVs, which would refer to the CMV Hand-held Mobile Device Policy).

## Definitions

- **Hand-held mobile device** (also known as **cellphone, mobile phone, smart phone, hand-held cell, handset**): Any mobile communication device that falls under or uses any commercial mobile radio service, as defined in the Federal Communications Commission (FCC) 47 CFR § 20.3. Wireless communication devices such as satellite phones and broadband radio service are also included in this definition. Two-way radios, walkie-talkies, citizens band radios and compliant mobile devices (i.e. hands-free headsets) are not considered hand-held mobile devices.
- **Driving**: Operating a motor vehicle on the highway—including while temporarily stationary because of traffic, a traffic control device or other momentary delay. Driving does not include operating a 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.

## General Procedures

**[Note: If your company does not follow these provisions, please remove/add any procedures to comply with your company policies or procedures. This policy does not prevent employers from allowing employees' use of hand-held mobile devices while operating company vehicles. Employers must make changes to this policy to accurately reflect their company's policies].**

- Use of hand-held mobile devices while driving is strictly prohibited under [insert state here] state laws and company policy. This includes all functions of the device, including phone calls, text messaging/SMS, email, MMS, internet use and camera use.
- Passengers making or taking calls for the driver is permissible, provided the interaction does not affect the driver's performance.
- Regular callers must be informed that the driver will not be available while driving and should be notified beforehand of the best times to call based on driving schedule.

- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker to call back at a more appropriate time.

## Headset/Hands-free Use

**[Note: If your company does not follow these provisions, please remove/add any permissions to comply with your company policies and procedures. This policy is based on federal law, so employers should customize this policy to accurately reflect specific company practices.]**

### OPTION 1

The use of headsets or hands-free devices while driving is permissible under the following circumstances:

- The company preapproves the device for use.
- Use of the device does not cause a distraction (e.g., fiddling with the device or taking eyes off the road to get it to function properly).
- Any dialing or use of the handset is handled while stopped or pulled to the side of the road, unless voice-activated dialing is utilized or the dialing of said device requires the use of no more than one button.
- Conversations do not interfere with the driver's ability to drive safely.
- Road conditions are clear and safe.
- Drivers must be in the seated driving position and properly restrained by a seat belt. Drivers are not in compliance if they unsafely reach for a mobile device, even if they intend to use the hands-free function.

### OPTION 2

Our company prohibits employees from making calls regardless of the use of hands-free devices or headsets. Due to the increased risk of injury from distracted driving, **[insert company name]** prohibits the use of mobile devices in company vehicles to keep those on the road safe and reduce the liabilities of our drivers and the company, as a whole.

- If the need arises for the use of a mobile device, employees must pull over and find a safe place to park their vehicle prior to making the phone call. This can include parking lots, gas stations or, if necessary, the side of the road. The vehicle must not be in motion at any point of time that a phone call is being made.

## Exception in Cases of Emergency

Drivers are permitted to use a hand-held mobile device if necessary to communicate with law enforcement or other emergency services.

## State Laws

**[Note: Employer must check state laws to update the hand-held mobile device policy to make sure that it is applicable under the laws of the state the company is domiciled.]**

is not responsible for any traffic violations or parking tickets acquired by a violation of city ordinance, state or federal laws regarding your driving habits and during your operation of a company motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for our company. Drivers must report any traffic violations or parking tickets to their supervisor by the end of the shift during which they received the violation.

**[Note: Please choose the option that complies with your company's policies and procedures.]**

### OPTION 1

Note that cellphone driving laws vary greatly by state, and it is the employee's responsibility to be familiar with and abide by such laws. This is especially important for employees who travel on company business. Some states have laws banning all drivers from talking on handsets but permit the use of headsets.

All company employees must comply with the Hand-held Mobile Device Policy on top of abiding by any state or local regulations addressing the same matter.

**OPTION 2**

Although [insert company name] is located in a state that allows for hands-free/headset use of a mobile device while driving, it is our company's policy that employees are prohibited from using a mobile device during the operation of a company vehicle, a company leased vehicle or a personal vehicle being used for company purposes.

All company employees must comply with this Hand-held Mobile Device policy, and failure to follow the policy will result in discipline and/or termination. It is [insert company name]'s mission to reduce the risk of traffic-related fatalities due to distracted driving caused by using a mobile device.

**Acknowledgment**

If you have any uncertainty or questions regarding the content of this policy, you are required to contact your supervisor. This should be done prior to signing and agreeing to the [insert company name] Hand-held Mobile Device Policy.

I have read and understand [insert company name]'s Hand-held Mobile Device Policy, and I understand the requirements and expectations of me as an employee. I agree to adhere to all provisions and procedures outlined in the policy, and I understand that failure to do so will result in discipline up to and including termination.

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Employee signature

Date