



MEMORANDUM

TO: DIANE FORGY, PRESIDENT
NATIONAL LIMOUSINE ASSOCIATION

FROM: CORNERSTONE GOVERNMENT AFFAIRS

SUBJECT: TEXTING BAN

DATE: JANUARY 27, 2010

On January 27, 2010, the Department of Transportation (“DOT”) issued guidance barring operators of commercial motor vehicles (“CMVs”) from sending text messages from cellular devices while driving. The ban becomes effective today, when the notice is published in the Federal Register. The new policy does not apply to talking on cellular phones or affect civilian motorists. In the guidance, DOT acknowledged that operators have invested significant resources in electronic dispatching tools and fleet management systems. As such, the January 27 regulatory guidance does not prohibit the use of such technology. The Agency will address the use of other electronic devices while driving in an upcoming notice-and-comment rulemaking proceeding rather than through regulatory guidance. CMV operators that text while driving their commercial vehicles will be subject to civil or criminal penalties up to \$2,750.

CMVs are defined in 49 C.F.R. 390.5 as any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

1. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
2. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

Finally, the DOT guidance does not supplant existing laws, ordinances and regulations in which the CMV is being operated. In other words, if a local/state law, ordinance or regulation imposes a higher standard of care than the DOT regulation, the local/state must be complied with.

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As always, please do not hesitate to contact us with questions or concerns.