

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 January 27, 2010. The new policy does not apply to talking on cellular phones or affects 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.

The National Limousine Association was founded in 1985 as a voluntary, non-profit, tax-exempt organization responsible for and dedicated to representing and furthering the worldwide, national, state and local interests of the luxury chauffeured ground transportation industry. Our membership includes limousine owners and operators, suppliers, manufacturers, and regional and state limousine associations. NLA membership unites peers in a powerful way. By pooling the resources and knowledge of thousands of operators from around the world, the National Limousine Association is able to accomplish goals far beyond the scope of any single limousine company. The inclusion of suppliers and manufacturers who support operator interests as associate members provides additional expertise and greater empowerment. Working together, NLA members continue to redefine professionalism and improve the industry every day.

NLA will continue to update its members as events warrant.