



The Federal Motor Carrier Safety Administration passed the final rule on cellular phone use for drivers of commercial motor vehicles (CMV) effective January 3, 2012. This rule restricts the use of hand-held mobile cellular phones or communications devices for interstate CMV drivers, and intrastate hazmat drivers. This law also restricts the use of push to talk (Nextel type) phones. This rule does not restrict the use of hands free mobile phones, CB's, GPS or fleet management systems.

The following Mobile Cellular Communications Device Policy is intended to provide an example of a document or policy that can be adopted by a company or entity as a method to help minimizing the risk of liability to the operator of a scrap related facility utilizing CMV drivers and/or intrastate hazmat drivers. The Mobile Cellular Communications Device Policy should not be deemed to be legal advice. It is highly recommended that facility owners or operators consult with their local legal counsel to assure that the Mobile Cellular Communications Device Policy conforms to local law as well as federal law and that it provides the most protection in light of the this new legislation.

Sample Draft Mobile Cellular Communications Device Use Policy

_____ (Member company name) (the "Company") neither requires nor allows its drivers to use or operate a hand-held mobile cellular communications device (i.e., any device that makes or receives phone calls, leaves or receives voice messages, sends or receives text messages, is connected to the Internet, and/or downloads and allows for the reading of and responding to e-mails) while driving a commercial motor vehicle (CMV). Reaching, holding, dialing, or texting from a hand-held mobile cellular communications device whether on Company related business or personal business is prohibited at all times while operating a CMV; this includes all push to talk functions. Notwithstanding the prohibition above, a mobile cellular communications device may be used to receive or place calls by utilizing a hands-free device, which includes, speaker phones, earpieces, wired handsets, and "Blue-Tooth" technology, so long as the use of the hands free device can be completed with a single button touch and complies with the laws of the state in which activity is being conducted. Employees

must be aware of and comply with the state's laws with respect to where the activity is conducted. However, regardless of this hands-free exception, the Company strongly discourages employees from utilizing any mobile cellular communications device for any purpose while driving or operating a CMV.

Texting is forbidden while driving a CMV. Texting includes phone texting, PDA use, satellite communications or any other texting communication device. This policy applies to anyone operating a Company-owned or leased vehicle, or a personal vehicle used while conducting Company or personal business. (Driving includes: operating a vehicle on the road with the motor running, even when stopped in traffic, or momentarily stopped for a traffic control device. Driving does not include: operating a vehicle when the driver has moved the vehicle off the road, and has parked in a location where the vehicle will remain stationary).

The undersigned acknowledges and fully understands this policy and agrees to comply with this directive as of the date hereof going forward. The Company reserves the right to amend or revise this policy set forth herein at any time. FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS POLICY MAY RESULT IN DISCIPLINARY ACTIONS BY THE COMPANY INCLUDING, BUT NOT LIMITED TO, TERMINATION OF EMPLOYMENT FROM THE COMPANY.

Driver's Signature

Date

Manager's Signature

Date