

Commercial truckers and cell phone use behind the wheel in Arizona

Written by Australian Business

September 20, 2013 /**24-7PressRelease**/ -- In 2011, 3,331 people in the U.S. died and around 387,000 were injured in motor vehicle accidents involving at least one distracted driver, according to the U.S. Department of Transportation on its [website](#) devoted entirely to distracted driving.

As a matter of common sense, a crash involving a large commercial truck has the potential to be more dangerous and of having a higher risk of [catastrophic injuries](#) than a collision in which the vehicles do not weigh the thousands of tons that semis do.

Accordingly, federal law forbids commercial motor vehicle or CMV drivers of large trucks and buses from texting or talking on cellular telephones while driving in interstate commerce. The law says that such a driver is still "driving" when stopped in traffic or at a stop light, but that it is okay to text or talk on a mobile phone when the CMV is stationary on the side of a highway or off the road in a safe location. Drivers may also use their cell phones for emergencies.

The Federal Motor Carrier Safety Administration or FMCSA, part of the DOT, describes "driver distraction" as the "voluntary or involuntary diversion of attention from primary driving tasks due to an object, event, or person." Driving distractions may be visual, manual, cognitive and auditory; cell phone use while driving is particularly dangerous because it potentially involves all four types at once.

Drivers who violate these prohibitions may be disqualified from operating CMVs. The severity of this punishment depends on how many violations and how close together they are, and also on violations of comparable state laws. In addition, such drivers are subject to civil fines and their employers can also be fined if they did not require their employee drivers to comply with federal regulations.

The federal bans on cell phone use and texting by commercial drivers in interstate commerce (on trips that cross state lines) would not apply to commercial trucks that operate entirely intrastate or within only one state. In response, Florida, for example, has a new law adopting the federal bans into state law so that semi and bus drivers who drive only within Florida will be in violation of state law if they text or talk on cell phones while driving professionally.

The DOT reports that 11 states plus the District of Columbia and the Virgin Islands ban all cell phone use (including talking) by all drivers. Texting while driving, however, is banned by 41

Commercial truckers and cell phone use behind the wheel in Arizona

Written by Australian Business

states, D.C. and Guam.

In Arizona, however, state law only forbids school bus drivers from using cell phones. However, a CMV driver may operate in Arizona as part of interstate commerce so the federal cell phone ban may still apply to that vehicle.

In addition to the high potential for severe injuries and fatalities, [truck accidents](#) can present complex legal questions in personal injury lawsuits. For example, if at the time of the accident, the driver was texting or talking on a cell phone in violation of federal law, that violation may be strong evidence of negligent behavior that contributed to the crash, or other trucker behavior may have been negligent or reckless in contributing to the incident.

For that reason and for many others, anyone injured in an Arizona collision with an 18 wheeler or other large CMV should consult with an experienced Arizona personal injury attorney who can launch an investigation on behalf of the victim. The scene should be carefully scrutinized; the trucker's required trip logs inspected; the physical evidence examined and much more.

Article provided by Harris, Powers & Cunningham Visit us at www.hpc-lawyers.com