

Using Your Mobile Phone At The Wheel



Since 2003 it has been illegal for a driver of any vehicle - including a commercial vehicle - to use a handheld mobile device at the wheel.

But from 1 March 2017 the penalties for mobile phone use will double. Drivers will automatically receive six points on their licence instead of three, and the on-the-spot fixed penalty notice will increase from £100 to £200.

Drivers who commit a mobile phone offence in an HGV or PSV may also face a fine of up to £2,500 if they are taken to court.

After an HGV driver commits their first endorsable offence, the **DVLA** will send them a warning letter that may inform them that they could be required to attend a hearing before a traffic commissioner (TC) to consider their fitness to hold a vocational licence.

Drivers committing a second or third offence will be automatically referred to the TC for a driver conduct hearing, where they may have their vocational licence suspended or be disqualified from driving HGVs.

According to the **senior TC's statutory document on vocational driver conduct**, the starting points for the action TCs can take against HGV drivers are as follows:

- first mobile phone offence in a commercial vehicle – four-week suspension or eight-week suspension if they have an adverse compliance history;
- second mobile phone offence in a commercial vehicle – 12-week suspension or 16-week suspension with an adverse compliance history;
- third mobile phone offence in a commercial vehicle – 16-week suspension for third offence or 26-week suspension for third offence with an adverse compliance history.

Drivers could face longer suspensions if they commit further offences. Operators could also be called in front of the TC should their driver commit a mobile phone offence.

The senior TC's statutory document on vocational driver conduct states that the TC will be keen to ascertain the reason the driver is using a handheld device, and in cases where drivers are speaking to their employers or their customers, they may look at the effect this might have on their reputations.



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