




BACKGROUND

BAN ON CELLPHONES AND OTHER ELECTRONIC DEVICES WHILE DRIVING



REFER to Bill 15 – 2009 Motor Vehicle Amendment Act, 2009 regarding the ban on cell phones and other electronic devices while driving. The following link to the electronic version of the act is for informational purposes only. The printed version remains the official version: www.leg.bc.ca/39th1st/3rd_read/gov15-3.htm





COMPLETE BAN – ALL DRIVERS

Example of Type of Electronic Device	Legislation / Regulation
<p>Hand-held cell phone</p> 	<p>A driver must not hold, operate, communicate or watch the screen of a hand-held electronic communication device.</p> <p>A driver must not send or receive text messages or electronic e-mail on any type of electronic device.</p> <p>Note: See section on hands-free communications for non GLP drivers</p>
<p>Personal Digital Assistant (PDA) Devices</p> 	<p>A driver must not hold, operate, communicate or watch the screen of a hand-held electronic communication device.</p> <p>A driver must not send or receive text messages or electronic e-mail on any type of electronic device.</p> <p>Note: See section on hands-free communications for non GLP drivers</p>
<p>Other hand-held electronic devices</p> 	<p>A driver must not hold, operate, communicate or watch the screen of a hand-held electronic computing device, one of the purposes of which is to process or compute data.</p>



PERMITTED USES

NOTE TO GRADUATED LICENSING PROGRAM DRIVERS (GLP): Drivers in the GLP program (Class 7 and 7L) will be restricted from using any prescribed electronic device and these include: hand-held cellphones, hand-held devices capable of transmitting or receiving email or other text based messages, electronic devices that include a hands free telephone function, global positioning systems, hand held devices that can compute data, hand held audio players, hand microphones, and televisions.

Example of type of Electronic Device	Legislation / Regulation
<p>Hands-free communications device</p>  <p>Note: picture directly above is inside of a vehicle</p>	<p>A person may use an electronic device in a hands-free telephone function while driving if:</p> <ul style="list-style-type: none"> • The electronic device, as well as any part or extension of it, is not held or operated by the hand; and • It is voice-activated or requires only one touch in order to initiate, accept or end a call; and • If the device includes an earpiece, that earpiece can be worn in one ear only and must be placed on the ear prior to driving*; and • The electronic device is securely fixed to the vehicle or worn securely on the person's body, and is within easy reach of the driver's seat; and • The device must be installed in a manner that does not obstruct the driver's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle. <p>*Motorcyclists are exempt from the one ear requirement and may have an earpiece in both ears. Note1: Manual dialing is prohibited and is treated as texting. Note2: Any type of electronic device with a hands-free telephone function may be used for oral communications if used in a completely hands-free manner as described above.</p>
<p>Hand-held audio players (e.g., MP3 and other Music/Audio Players)</p> 	<p>A person may listen to sound from a hand-held audio player if:</p> <ul style="list-style-type: none"> • The device is not held in the person's hand; and • The device is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle; and • The sound is emitted through the speakers of the sound system of the motor vehicle. <p>Note1: The driver may pre-program or set the device to play while the vehicle is safely parked and off the roadway. Note2: Graduated Licensing Program (GLP) usage restrictions do not include listening to audio or music through the vehicle's sound system but where the source is a hand-held audio player as long as that audio player is not held or operated.</p>

Example of type of Electronic Device	Legislation / Regulation
<p>GPS Navigation Systems</p>  <p>Note: picture above is inside of a vehicle</p> 	<p>A person may use a Global Positioning System (GPS) for navigation purposes while driving if:</p> <ul style="list-style-type: none"> • It is programmed before the person begins to drive or operate the vehicle; or • It can be programmed in a voice-activated manner, and • If it is a hand-held GPS device, it must not be held in the hand; and • It must be securely fixed to the motor vehicle in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the vehicle. <p>Note: Graduated Licensing Program (GLP) usage restrictions do not include glancing at the screen of a Global Positioning System (GPS) device or listening to verbal voice prompts from a GPS device while driving.</p>
<p>Hand Microphones</p> 	<p>A "hand microphone" is a ½ duplex communication device used principally for commercial purposes (e.g., delivery business). The devices consists of a hand-held unit that:</p> <ul style="list-style-type: none"> • Is both receiver and microphone; • Is operated by a push and hold to talk function; and • Allows for oral communication, but not for the transmission and receipt of oral communication at the same time. <p>A person may use a hand microphone while driving if:</p> <ul style="list-style-type: none"> • The device is within easy reach of the driver's seat; and • The device is not held in the hand; and • Is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.
<p>Television Screens</p> 	<p>A person may not have a television image displayed within view of that driver unless the image displays pictures, information or data solely designed to assist the driver in the safe operation of the vehicle or the safety and security of its load or its passengers.</p> <p>The device must be installed so that it is securely fixed to the motor vehicle and in a manner that does not obstruct the driver's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.</p>

OTHER DEVICES ALLOWED

Type of Electronic Device	Description of Device and How it is Used
<p data-bbox="232 365 397 390">Two-way radios</p> 	<p data-bbox="505 365 1377 514">Two way radios are ½ duplex communication devices used principally for commercial purposes and by amateur radio operators licensed through Industry Canada under the <i>Radiocommunication Act</i> (Canada). The devices consist of a microphone and receiver unit connected by a wire that:</p> <ul data-bbox="560 548 1377 682" style="list-style-type: none"> • Is operated by a push and hold to talk function, and • Allows for oral communication, but not for the transmission and receipt of oral communication at the same time; and • The transmission of sound is over a set radio frequency.
<p data-bbox="232 695 462 720">Mobile Data Terminals</p> 	<p data-bbox="505 695 1377 844">Mobile data terminals are non hand-held computerized devices without a telephone function that are licensed through Industry Canada under the <i>Radiocommunication Act</i> (Canada). These devices are used exclusively to communicate with a dispatcher or control centre and where pre-packaged data are transmitted, point in time, over a set radio frequency.</p>

FINES AND PENALTIES

Driver Group	Offence	Penalty*
GLP drivers	The use of any prescribed electronic device within the meaning of the legislation, including use of a hands-free communication device or other electronic device.	<ul style="list-style-type: none"> - \$167 fine; and - 3 penalty points <p>Note: Offences carrying penalty points can lead to a driving prohibition under the authority and discretion of the Superintendent of Motor Vehicles. If the driver is in the Novice stage, the 24 month Novice period starts again from the beginning once the prohibition is complete and the driver's licence is returned to the driver.</p>
All drivers	The use of an electronic device that is not allowed for in legislation but that does not involve texting, e-mailing or dialing, e.g., talking on a hand held cell phone.	<ul style="list-style-type: none"> - \$167 fine; and - no penalty points <p>Note: Offences not carrying penalty points may still be considered for the purpose of prohibiting a driver should a person's driving record come under review.</p>
	The use of an electronic device for communicating with another person or another device by e-mail or other text based message, e.g., texting, e-mailing or dialing.	<ul style="list-style-type: none"> - \$167 fine; and - 3 penalty points <p>Note: Offences carrying penalty points can lead to a driving prohibition, for any driver, under the authority and discretion of the Superintendent of Motor Vehicles.</p>

*B.C. fine amounts reflect full fine including victim surcharge. An additional reduction, however, is applied to fines paid within 30 days.