

Legislation and Regulation in Canada

with respect to driver distraction

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In Canada, there are 3 levels of government that can legislate or regulate:

- Federal Government
- Provincial and Territorial Governments
- Municipal Governments

- The federal government has responsibility for original equipment in new or imported vehicles
- There are currently no federal regulations that prescribe or specify the types of telematic devices that may be installed as original equipment in vehicles.

- The provinces and territories are responsible for the conduct of drivers on roadways, and the installation or transport of equipment in vehicles after purchase.

- Municipalities may impose by-laws with respect to vehicle and pedestrian traffic on municipal roads, as specified under provincial highway or motor vehicle acts

Focus of presentation:

Provincial/Territorial
Regulations and Legislation

- Information to be presented was gathered from a brief survey sent to members of the Standing Committee on Road Safety Research and Policies of the Canadian Council of Motor Transport Administrators (CCMTA)

- Most provinces and territories have regulations restricting the use of entertainment devices in vehicles

Television screens

9 jurisdictions prohibit or restrict the use of television screens in vehicles

(BC, SK, MB, ON, QC, PE, NL, YT, NT)

- 8 of these jurisdictions have restrictions on the placement of the screen
- PE states that the set cannot be operative while in the vehicle

Differences in definition

- Television set
- Television screen
- Display screen
- Television set, video screen or computer screen
- Cathode ray tube display screen or similar viewing screen

Differences in exemptions

- Safe operation of vehicle, load or passengers
- To navigate
- To improve timeliness
- To assess fees
- By peace officers
- By ambulance drivers
- Closed circuit system to operate vehicle

Cellular telephones

- Newfoundland and Labrador is the only jurisdiction in Canada to ban the use of hand-held cellular telephones while driving

Cellular telephones

- Restricting the use of cellular telephones by new drivers as part of a graduated driver licensing (GDL) program has been considered, or discussed by a few jurisdictions

Headphones

- Only MB prohibits the use of headphones for listening to a radio or recording while operating a motor vehicle or bicycle (1 ear OK)
- Some municipalities prohibit use of headphones by bicyclists

Conclusion

Re: Vehicle Regulations

- The presence of existing regulations demonstrates that provinces and territories are able to authorize the permitted use of after-market devices in vehicles

Driver Behaviour

- Most jurisdictions have legislation that prohibits certain types of behaviour to do with crowding or interfering with the driver or performing stunts

Driver Behaviour

- In some cases, the laws are aimed at passengers or persons outside the vehicle

Examples

“No person shall:

- engage in a stunt or activity on the highway that is likely to distract or startle a driver using the highway.”

(AB and NT)

Examples

- “drive a vehicle so as to perform or engage in a stunt or activity on a highway that is likely to distract or startle other users of the highway”

Alberta Traffic Safety Act, S. 115(2)

Careless Driving

- All provinces and territories have a general offence to address:

“driving without due care and attention”

Careless Driving

- Penalties tend to be quite severe relative to other MVA/HTA offences
- Most jurisdictions mandate a court appearance where a judge hands out the penalties

Careless Driving

- Those without mandatory court have automatic fines \$270-\$400
- highest court-imposed fine is \$2000
- Court can impose jail term up to 6-months

Careless Driving

- Demerit points range from 4-6
- 6 is the norm
- compares to 2-3 points for most other MVA/HTA offences

Conclusion

Re: Driving Behaviour

- There are no offences that prohibit a driver engaging in specific types of self-distracting behaviours
(with exception of NL hand-held cell phone legislation)

Conclusion

Re: Driving Behaviour

- Burden of proof may be quite demanding to prosecute cases of distracted driving under driving without due care and attention

Need for balance

- Should not look to legislation and regulation to as sole solution
- We live in an era of deregulation
- Adding sections to our Acts to cover all possible sources of distraction is neither realistic nor acceptable

National Strategy

- Sub-group on Driver Distraction
- Members from Government, Industry and Safety organizations
- Developing a strategy to address driver distraction, as part of Road Safety Vision 2010
- Strategy to be completed by May 2006

