

April 14, 2010

Alberta introduces unique distracted driving legislation

Comprehensive legislation goes beyond cell phones

Edmonton... The Alberta government has introduced some of the most comprehensive distracted driving legislation in Canada. Bill 16, the Traffic Safety (Distracted Driving) Amendment Act, 2010, proposes a ban on the use of hand-held cell phones and activities like texting, reading, writing, personal grooming, and puts restrictions on using other electronic devices while driving.

"This legislation is a practical, effective and enforceable approach to the issue of distracted driving," said Minister of Transportation Luke Ouellette. "We are sending a strong safety message to all Albertans: When you're in your vehicle, your focus must be on driving."

The bill proposes a fine of \$172 with no demerit points. Drivers engaged in any of the identified activities can be charged under this amendment. A distracted driver could face additional charges if they commit other violations such as running a red light or making an improper lane change. Bill 16 will also complement the current *driving without due care and attention* law—a serious offence with a fine of \$402 and six demerit points—by giving law enforcement agencies more flexibility in dealing with a wider range of behaviours.

"I am pleased with the efforts that have been made on bringing forward a piece of legislation that strives to make our roads safer," said Art Johnston, Calgary-Hays MLA who introduced the legislation. "I appreciate the great input of law enforcement and traffic safety stakeholders that has led to the introduction of this legislation. This is a complex issue and I believe we have found a good balance between enforcement and safety."

Bill 16 would allow the use of hands-free phones. Also, radio communications such as CB radios would be allowed for commercial purposes and search and rescue services. Drivers could use hand-held devices to contact emergency services and this legislation would not affect the official duties of emergency service personnel including enforcement, fire and medical services.

"This is a great step forward for traffic safety in our province," said Frank Oberle, Solicitor General and Minister of Public Security. "Bill 16 is part of a comprehensive law enforcement strategy to help continue reducing fatalities and injuries on our road ways."

The proposed legislation is expected to be debated in the legislature this fall. This will give the public and traffic safety stakeholders an opportunity to view Bill 16 and provide comments and

feedback. Go to www.transportation.alberta.ca for more information.

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Backgrounder: Proposed distracted driving legislation - Bill 16

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Proposed distracted driving legislation - Bill 16

Highlights:

- Bans drivers from holding/using hand-held/portable communication/entertainment devices such as cell phones, laptops or MP3 players while driving;
- Bans drivers from reading, writing or attending to personal hygiene or grooming while driving;
- Allows enforcement officers, at their discretion, to charge distracted drivers;
- Complements the current *driving without due care and attention* legislation;
- Applies to all vehicles as defined by the Traffic Safety Act.

Activity	Legislation
Cell phone	<ul style="list-style-type: none">• A driver must not hold, view or manipulate an electronic communication device that can send or receive phone calls, electronic data, electronic mail or text messages.• A driver may use a cell phone in hands-free mode.
Personal digital assistant-PDA devices	<ul style="list-style-type: none">• A driver must not hold, view or manipulate an electronic communication device that can send or receive phone calls, electronic data, electronic mail or text messages.• A driver may use the cell phone function of a PDA in hands-free mode.
Hand-held wireless or electronic devices	<ul style="list-style-type: none">• A driver must not hold, view or manipulate an electronic device.
Two-way(CB) radios	<ul style="list-style-type: none">• Drivers may not use CB radios unless they are for commercial purposes or search and rescue services.
Contacting emergency response units	<ul style="list-style-type: none">• Drivers may use hand held phones to contact emergency response units.
Portable audio players (e.g., MP3 and other Music/Audio Players)	<ul style="list-style-type: none">• A person may use a music/audio player but it must be programmed or set up in advance of driving so that drivers are not manually typing or inputting information while driving.• If the music player is connected to the vehicle sound system drivers may use the vehicle controls to operate the MP3 player.

GPS navigation systems	<ul style="list-style-type: none"> ● A person may use a GPS system but it must be programmed or set up in advance of driving so that drivers are not manually typing or inputting information while driving. ● GPS units must be secured to the vehicle and may only be used in a voice-activated manner while driving.
Video display screens	<ul style="list-style-type: none"> ● A driver may not permit a video display screen to be activated and within view of that driver unless the screen is: <ul style="list-style-type: none"> ● a GPS navigation device being used to obtain navigation information, ● a cellular telephone being used in hands-free mode, ● a logistical transportation tracking system device used to track vehicle location, driver status or the delivery of packages or other goods for commercial purposes, ● a dispatch system used for the transportation of passengers, ● a collision avoidance system device when used to provide collision avoidance information, or ● an instrument, gauge, device or system that is used to provide information to the individual regarding the status of various systems and position of the vehicle.
Logistical Transportation Tracking Systems and Dispatch Systems	<ul style="list-style-type: none"> ● Drivers are restricted from holding, viewing or manipulating these systems while driving. ● However, these systems are permitted in vehicles that require them for commercial purposes. Drivers must program them before they begin driving.
Reading	<ul style="list-style-type: none"> ● Drivers are restricted from reading printed materials while driving.
Writing	<ul style="list-style-type: none"> ● Drivers are restricted from writing, drawing or sketching while driving.
Grooming	<ul style="list-style-type: none"> ● Drivers are restricted from attending to personal hygiene or grooming while driving.

Fines and penalties:

Driver Group	Proposed Penalty
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This would apply to all drivers of all vehicles as defined by the Traffic Safety Act. This includes vehicles like cars, minivans, trucks, motorcycles, motor homes, truck tractors as well as bicycles.

- \$172 fine, no demerits.

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