

*August 25, 2011*

## **Alberta's distracted driving law comes into effect Sept. 1**

*Edmonton* ... Albertans are reminded that our province's new distracted driving law will come into effect September 1. Under the new law, drivers will be prohibited from talking, texting or emailing on a hand-held cellphone, using hand-held radio communication devices, using other electronic devices, reading, writing or personal grooming while behind the wheel.

"Alberta's new distracted driving law is a good addition to our overall strategy to keep Albertans safer while on the road," said Minister of Transportation Luke Ouellette. "We want all drivers to practice safe driving habits to ensure we all return home safely at the end of each day."

Drivers who break the law will be fined \$172. They can face additional charges if they commit other traffic violations such as running a red light or making an improper lane change. Drivers can also be charged under the existing driving without due care and attention law, a more serious offence with a fine of \$402 and six demerit points.

Signs informing drivers of Alberta's distracted driving law will be posted at major entrances to Alberta and along major provincial highways at exits from municipalities and at other high traffic volume locations.

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### **Backgrounders:**

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### **Editor's note:**

**An example of the new highway sign is available on the Alberta Transportation website:  
[www.transportation.alberta.ca/distracteddriving.htm](http://www.transportation.alberta.ca/distracteddriving.htm) under Resources.**

### **Media inquiries may be directed to:**

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To call toll-free within Alberta dial 310-0000.

## Albertans' most frequently asked questions about the distracted driving law

### Q: Are pets addressed by the new law?

A: Pets are still permitted to travel in vehicles. However, the general distracted driving provision is discretionary to allow flexibility for law enforcement. In situations where a driver becomes too involved with their pet, police could reasonably argue that the distraction is comparable to the specifically banned activities of reading, writing and grooming and lay a charge.

The existing *Traffic Safety Act* allows police to charge a driver who permits anything, including a pet, to occupy the front seat of the vehicle such that it interferes with the driver's access to the vehicle controls and the safe operation of the vehicle. The *Traffic Safety Act* also allows police to charge a driver who permits anything, including a pet, to cause any obstruction to the driver's clear vision in any direction.

If a driver violates a new distracted driving provision and an existing provision in the *Traffic Safety Act*, it would be up to the discretion of the officer whether one or both charges apply.

For the safety of both pets and road users, it is best if pets are secured in an appropriate pet carrier and do not interfere with the driver's ability to drive safely.

### Q: Can I park on the shoulder of a highway to make a call?

A: On provincial highways, outside of an urban area, vehicles are not permitted to park on the shoulder of a provincial highway except in an emergency. This regulation is in place for safety. If you have to make a phone call, do so at a rest area or when you stop for gas. Alternately, have your passenger make the call. Provincial highways are typically numbered roadways (e.g., Highway 2), but they may also be known by other names (e.g., Queen Elizabeth II or the Trans-Canada Highway).

Municipal parking bylaws vary from place to place. You will need to consider the parking bylaws for that area before pulling over.

### Q: What is the fine if you break the law?

A: The fine is \$172 for this offence, with no demerits. This amount includes a fine of \$150 plus

the 15 percent victims' surcharge. There are no demerits and this fine is in keeping with the fines for other traffic violations. The new law is meant to be an additional tool in our traffic safety strategy and will complement existing legislation.

Drivers who exhibit what is **deemed to be** more serious or risky behaviour could be charged with driving carelessly under the *Traffic Safety Act*. The current penalty for the driving carelessly offence is six demerit points and a fine of \$402. Drivers who commit another traffic violation while driving distracted could receive two tickets - one for distracted driving and one for the traffic violation.

### Q: Why are some activities not allowed under the law, yet seemingly similar activities are allowed?

A: The law is intended to be practical, effective and enforceable, and it takes a common sense approach, recognizing that not all activities can be prohibited. As an example, having a simple snack is allowed, but eating a meal from a plate with a knife and fork is not allowed. Glancing at a map is allowed, but reading a book or newspaper is not allowed. Using a tissue is allowed, but brushing your teeth is not allowed.

Changing driving behaviours and ensuring that distractions are minimized and drivers stay focused on driving is a primary goal of the new law.

**Q: Why aren't hands-free cellphones prohibited under the new law?**

A: No jurisdiction in Canada bans all drivers from using hands-free cellphones. Also, law enforcement partners expressed concern about the enforceability of a hands-free ban as it is hard to identify someone who is using a hands-free device.

**Q: Are there any exemptions to this law?**

A: Yes, the law does provide some exceptions. The Act specifically exempts the following:

- Drivers of emergency vehicles, including police service vehicles, fire response units and ambulances, may use electronic devices while performing their duties.
- Drivers who need to contact emergency services, such as 911, may use a hand-held cellphone for that purpose.
- Drivers who must remain in contact with their employers, because it is necessary to perform their job duties and it is essential to the business's operation and continued economic viability, may use hand-held citizen's band or two-way radios.
- Drivers who are escorting oversized vehicles and need to remain in contact with the driver of the oversized vehicle and drivers of other escort vehicles may use a hand-held citizen's band or two-way radio.
- Drivers who are participating in search, rescue and emergency management situations may use hand-held citizen's band or two-way radios.

Frequently asked questions and answers, a poster, a fact sheet and more are available on the Alberta Transportation website: [www.transportation.alberta.ca/distracteddriving.htm](http://www.transportation.alberta.ca/distracteddriving.htm)

The *Traffic Safety (Distracted Driving) Amendment Act 2010* and accompanying distracted driving regulation are available on the Alberta Queen's Printer website: [www.qp.alberta.ca](http://www.qp.alberta.ca)

## **What's allowed and what's not allowed under the distracted driving law?**

### **What activities are not allowed while driving?**

- talking on a hand-held cellphone
- texting and/or e-mailing
- using electronic devices like laptop computers, video games, cameras, video entertainment displays and programming portable audio players (e.g., mp3 players)
- manually entering information on GPS units
- reading printed material like a book or a magazine
- writing, printing or sketching
- personal grooming like combing your hair, applying makeup or brushing your teeth
- using a citizen's band (CB) or two-way radio (some exemptions apply)

### **What activities are allowed while driving?**

- using a cellphone in hands-free mode - this means the device is not held in the driver's hand and is activated by voice or a single touch to the device
- using an earphone - if it is used in a hands-free or voice-activated manner
- drinking beverages, such as coffee, water or pop
- eating a snack
- talking with passengers
- listening to a portable audio player - as long as it is set up before you begin driving
- glancing at - but not interacting with - the display screen of the following:
  - a GPS navigation system - as long as the system is affixed to the vehicle and

programmed before you begin driving or the system is voice activated. You cannot hold the unit or manually enter information while driving.

- a collision avoidance system
- a gauge, instrument, device or system that provides information about the vehicle's systems or the vehicle's location
- a dispatch system for transporting passengers
- a logistical transportation tracking system that tracks vehicle location, driver status or the delivery of goods for commercial purposes
- calling emergency services, such as 911, with a hand-held cellphone
- using a hand-held citizen's band (CB) or two-way radio when escorting oversized vehicles, to contact one's employer, or when participating in search, rescue and emergency management situations.

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