

DISTRACTED DRIVING LAWS IN BRITISH COLUMBIA



A Presentation to the BC Real Estate Association

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DISTRACTED DRIVING LAWS

214.1 In this Part:

"electronic device" means

- (a) a hand-held cellular telephone or another hand-held electronic device that includes a telephone function,
- (b) a hand-held electronic device that is capable of transmitting or receiving electronic mail or other text-based messages, or
- (c) a prescribed class or type of electronic device;

"use", in relation to an electronic device, means one or more of the following actions:

- (a) holding the device in a position in which it may be used;
- (b) operating one or more of the device's functions;
- (c) communicating orally by means of the device with another person or another device;
- (d) taking another action that is set out in the regulations by means of, with or in relation to an electronic device.

WHAT IS PRESCRIBED BY REGULATION

3 (1) The following electronic devices are prescribed for the purposes of paragraph (c) of the definition of "electronic device" in section 214.1 of the Act:

- (a) electronic devices that include a hands-free telephone function;
- (b) global positioning systems;
- (c) hand-held electronic devices, one of the purposes of which is to process or compute data;
- (d) hand-held audio players;
- (e) hand microphones;
- (f) televisions.

(2) In subsection (1), "hand microphone" means a communication device consisting of a hand-held unit that

- (a) is both receiver and microphone,
- (b) is operated by a push and hold-to-talk function, and
- (c) allows for oral communication, but not for the transmission and receipt of oral communication at the same time.

SO WHAT CAN YOU DO ANYWAY

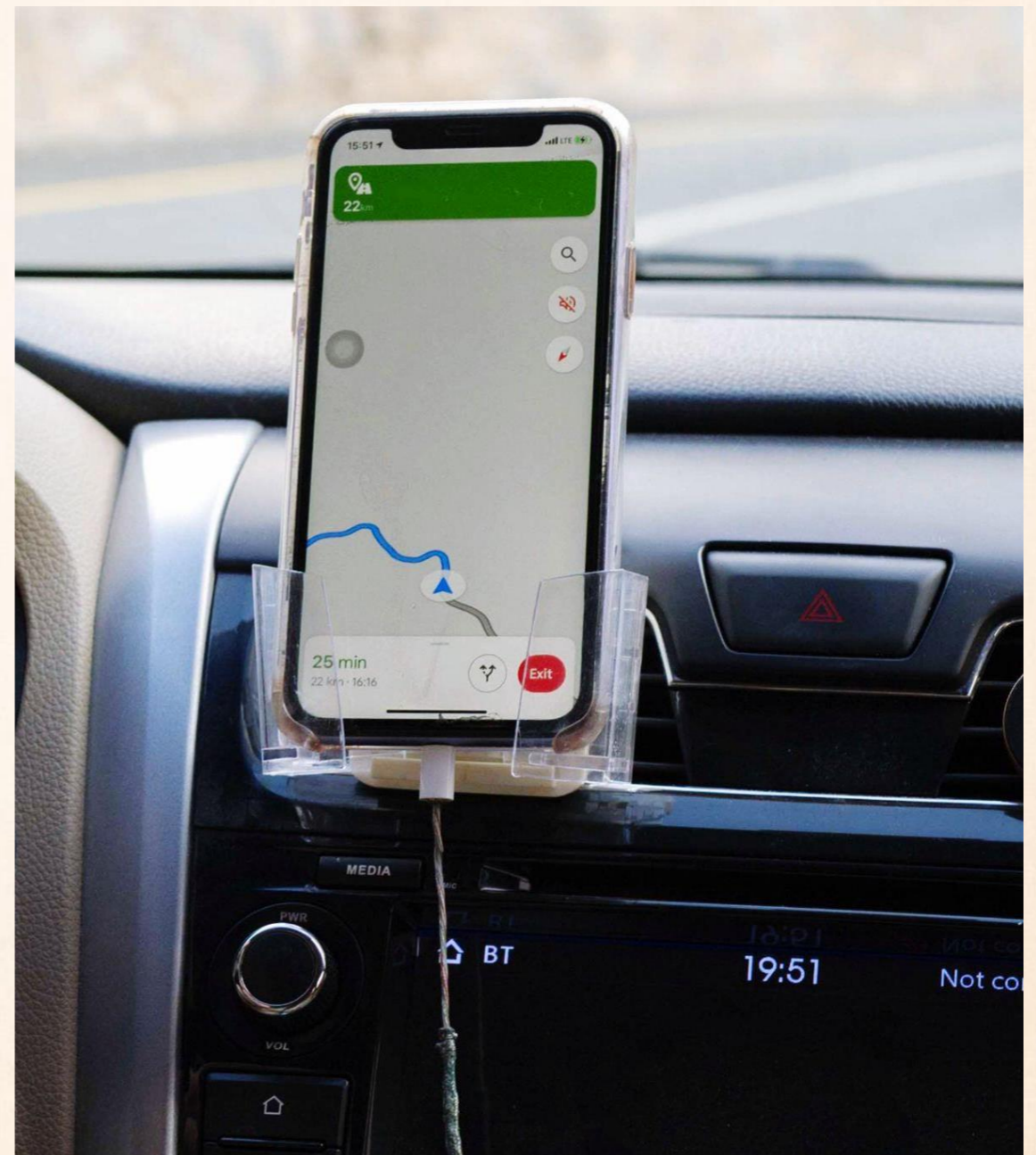


The Dos and Don'ts of
Distracted Driving
Laws are Confusing and
Contradictory



WHAT IS USING A DEVICE?

- Communicating by text message or email
- Receiving directions or listening to music
- Talking on the phone
- Watching the screen of an electronic device
- Holding a device in a position in which it must be used



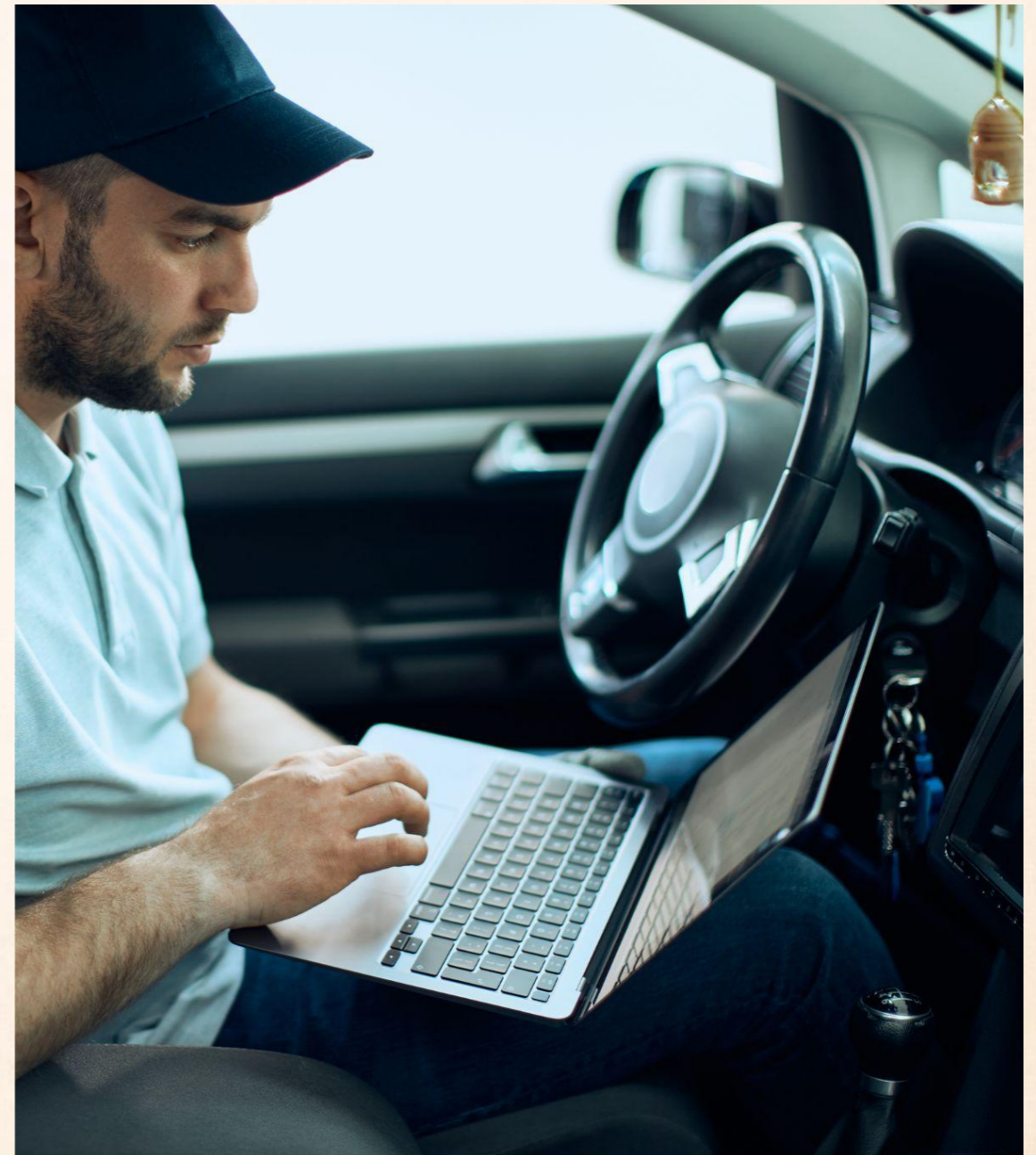
TOUCHING A CELL PHONE

- The phone must be mounted
- You are only permitted one touch
- One touch is ONLY allowed to do any of the following:
 - Ending a call
 - Accepting a call
 - Declining a call
- There are NO other circumstances in which you can touch a cell phone

DEVICES YOU CANNOT TOUCH

You are not permitted to touch any of the following while the vehicle is in motion:

- GPS
- Music player
- Calculator
- Laptop
- Even if these are features of a cell phone



WHERE CAN THE DEVICE BE?



- Securely affixed to your person or the vehicle
- In your pocket, bag, purse, glovebox, or trunk
- In your cup holder, console, or passenger seat

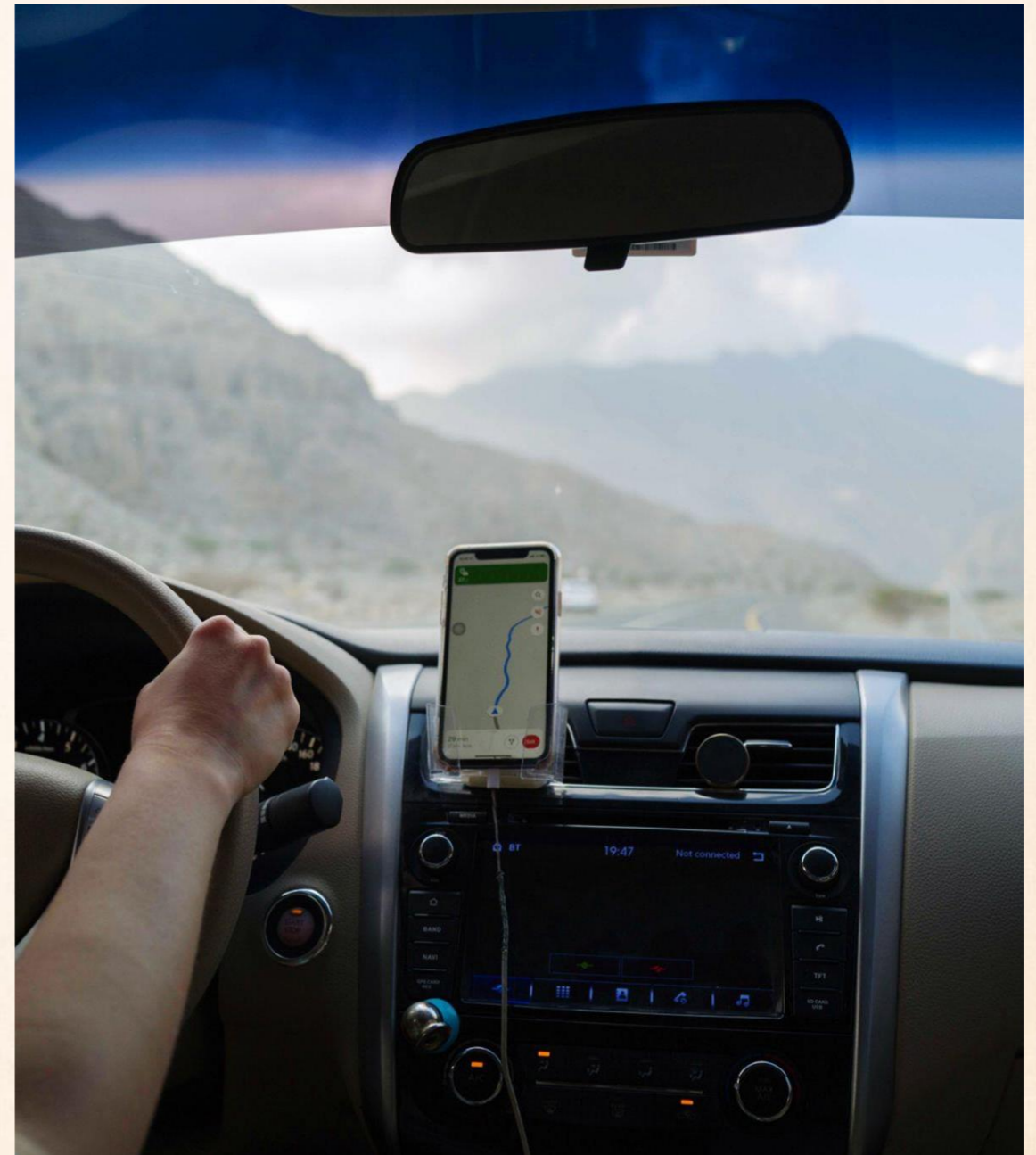
WHERE DEVICES CANNOT BE

- Tucked under your leg
- Resting on your lap
- Tucked into your hat or clothing, not in a pocket
- In your hand



MOUNTING YOUR DEVICE

- Must be securely affixed to the vehicle or your person
- Mount must be in a place that does not interfere with operation of the vehicle
- Not on the windshield

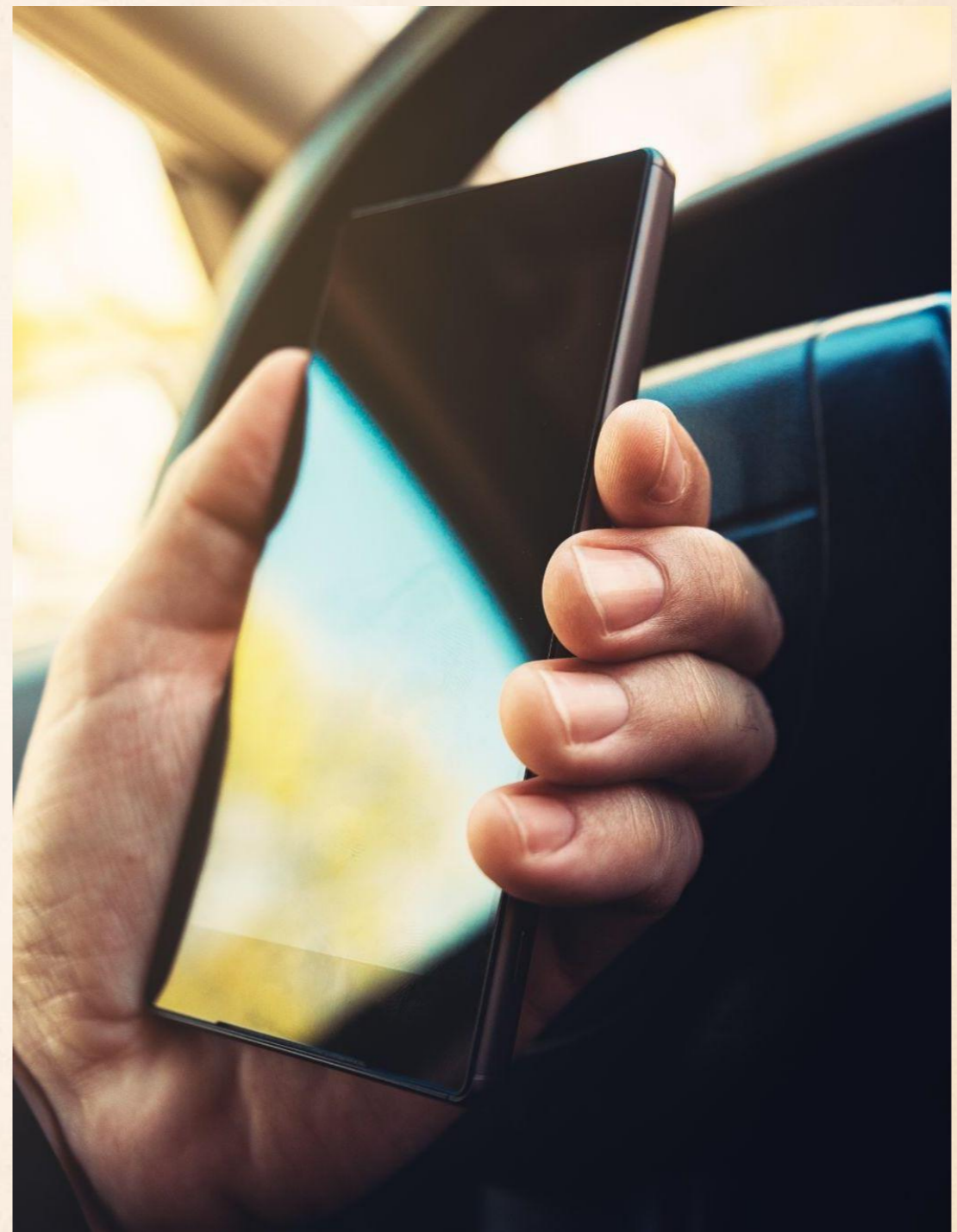


WHAT IS HOLDING A DEVICE



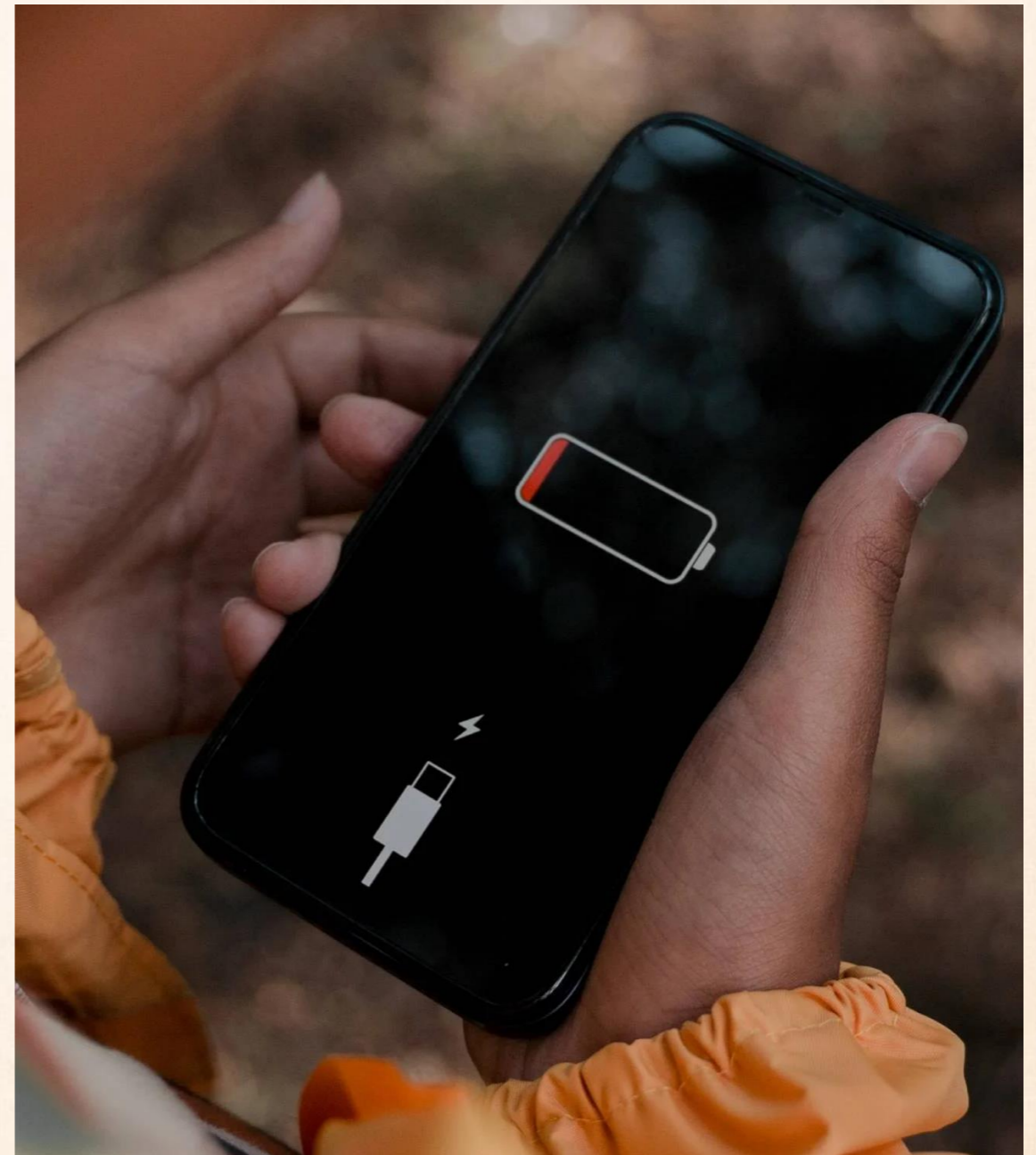
Holding a device includes anything that is “in a position in which it may be used.” This can include simply picking up the device or resting it against part of your body.

Best practice: NO PHYSICAL CONTACT



WHAT IF....

- The device is immobilized?
- The device battery is dead?
- It is an urgent work matter?
- I am stopped at a stop sign, red light, train crossing, or backed up traffic?



YOU STILL MAY
NOT USE YOUR
DEVICE

HOW TO USE THE DEVICE

- Pull to a parking spot lawfully off the roadway;
- Put the vehicle in park;
- Pull into a private parking lot.



WHAT ABOUT SMARTWATCHES

- MVA definition relies on the use of “handheld” devices.
- This does not include devices that are designed to be worn on the body.



WHAT ABOUT USING THE FEATURES OF THE DEVICE



How to Tell
Whether You
Are Offside on
How You Are
Using The
Device Features



PERMISSIBLE VS. IMPERMISSIBLE

- Charging while loose in the vehicle
- Playing music through the speakers
- Playing GPS directions
- Using voice commands to change directions or switch songs
- Tapping the device to change directions
- Tapping the device to shuffle songs
- Using voice commands to send text messages or emails
- Picking up the phone to check the time

AH, CRAP YOU GOT A TICKET

- 30 days to dispute the ticket
- Dispute the allegation, not the fine
- Hire a lawyer before filing dispute
- Rehabilitate yourself:
www.bcdistracteddriving.com
www.bcsafedrivingcourse.com

QUESTIONS?

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