

Legislation and Regulations on Driver Distraction, Cell Phone Use and Texting

	Cell phone/Hand Held Electronic Communication Device Legislation and Regulation	Exemptions and/or Exemptions by Legislation and Regulation	Other Specific Distracted Driving Legislation / Regulation	General legislation / regulation concerning the fact that the driver has to always concentrate on his/her driving
British Columbia	Yes Legislation, hand-held prohibited	Exceptions: Drivers in GDL program are prohibited from hands-free functions as well as hand-held as well as all prescribed devices listed in Bill 15 and OIC 712 including:	Television set (screen cannot be visible to the driver); Motor Vehicle Act Regulations 7.18 (1) (2) (3)	Yes, there is a general due care and attention law however in reality it only gets used for very serious offences/crashes and it has does not appear to have been used in relation to use of a cell phone.
		Hand held cellular phones		
	Began January 1, 2010.	Hand held electronic devices used for email	Note: This section was repealed and is now within the new legislation in Bill 15 and OIC 712	That section is as follows:
		Electronic devices with a hands free function;		
	Part 3.1 of MVA:	GPS		Careless driving prohibited
	Prohibition against use of electronic device while driving	Hand held micro computers		144 (1) A person must not drive a motor vehicle on a highway
	214.2 (1) A person must not use an electronic device while driving or operating a motor vehicle on a highway.	Hand held audio players		(a) without due care and attention,
	(2) Without limiting subsection (1), a person must not communicate by means of an electronic device with another person or another device by electronic mail or other text-based message.	Televisions.		(b) without reasonable consideration for other persons using the highway, or
	214.3 Section 214.2 does not apply to the following persons who use an electronic device while carrying out their powers, duties or functions:			(c) at a speed that is excessive relative to the road, traffic, visibility or weather conditions.
	(a) a peace officer;	(Note: not sure that the above additional restrictions are best captured under the category "exceptions."		(2) A person who contravenes subsection (1) (a) or (b) is liable on conviction to a fine of not less than \$100 and, subject to this minimum fine, section 4 of the Offence Act applies.
(b) a person driving or operating an ambulance as defined in the <i>Emergency and Health Services Act</i> ;				
(c) fire services personnel as defined in the <i>Fire Services Act</i> .				

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	Exceptions to prohibition — certain permitted activities	Exceptions to prohibition — emergency personnel		
	214.4 Section 214.2 does not apply to a person who uses an electronic device			
	(a) while operating a motor vehicle that is safely parked off the roadway or lawfully parked on the roadway and is not impeding traffic,	Handheld cell phones permitted in specific situations (see section 214.3 below)		
	(b) to call or send a message to a police force, fire department or ambulance service about an emergency, or			
	(c) that is configured and equipped to allow hands-free use in a telephone function, is used in a hands-free manner and is used in accordance with the regulations, if any.	214.3 Section 214.2 does not apply to the following persons who use an electronic device while carrying out their powers, duties or functions:		
	Exceptions to prohibition — by regulation	(a) a peace officer;		
	214.5 Section 214.2 does not apply to	(b) a person driving or operating an ambulance as defined in the <i>Emergency and Health Services Act</i> ;		
	(a) a prescribed class of persons who, while carrying out their powers, duties or functions and	(c) fire services personnel as defined in the <i>Fire Services Act</i> .		
	driving or operating a motor vehicle or a prescribed class of motor vehicle, use an electronic	Exceptions to prohibition — certain permitted activities		
	device or a prescribed class or type of electronic device,			
	(b) a person who uses an electronic device while engaged in a prescribed activity or in circumstances or under conditions set out in the regulations, or	214.4 Section 214.2 does not apply to a person who uses an electronic device		
	(c) a person who uses a prescribed class or type of electronic device.	(a) while operating a motor vehicle that is safely parked off the roadway or lawfully parked on the roadway and is not impeding traffic,		
		(b) to call or send a message to a police force, fire department or ambulance service about an emergency, or		

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	Sanctions:	(c) that is configured and equipped to allow hands-free use in a telephone function, is used in a hands-free manner and is used in accordance with the regulations, if any.		
	\$167 begin after Feb. 1. Drivers caught texting or e-mailing will also have three penalty points added to their licences. New drivers who violate any part of the rules will receive three points. To continue driving, people who accumulate more than three points must pay a penalty points premium to ICBC	Exceptions to prohibition — by regulation		
		214.5 Section 214.2 does not apply to		
		(a) a prescribed class of persons who, while carrying out their powers, duties or functions and		
		driving or operating a motor vehicle or a prescribed class of motor vehicle, use an electronic		
		device or a prescribed class or type of electronic device,		
		(b) a person who uses an electronic device while engaged in a prescribed activity or in circumstances or under conditions set out in the regulations, or		
		(c) a person who uses a prescribed class or type of electronic device.		
Alberta	Legislation was implemented on September 1, 2011 banning hand-held cell phone usage, hand-held electronic devices, screens visible to the driver, reading, writing, and personal grooming.	Exceptions include the use of two-way radios, emergency personnel during the course of their duties and calls contacting emergency response units, and calls to a emergency response unit	Video entertainment	Traffic Safety Act
			system	
				115(1) For the purposes of this section, a driver of a vehicle is driving carelessly if that driver drives the vehicle
			Vehicle	(a) without due care and attention, or

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			Equipment	(b) without reasonable consideration for persons using the highway.
			Regulation 78	115(2) A person shall not do any of the following:
				(e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway;
				f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway;
				(i) where that person is the driver of a vehicle, permit any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle;
				a) (j) where that person is the driver of a vehicle, permit any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction;
				(k) ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction;
Saskatchewan	Yes Legislation, hand-held prohibited	As described in 241(2), drivers in the GDL program are prohibited from using hands-free communication devices.	241(1) No person shall operate or cause to be operated on a highway a vehicle equipped with a television set, video screen or computer screen unless:	
			(a) the equipment is securely and safely mounted in the vehicle;	
	Began January 1, 2010.	Sub section 241.1(2) of the Act does not apply to the following classes of persons:	(b) the equipment is located so that it does not obstruct the view of the	
		(a) peace officers acting in the course of their duties;	driver; and	

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Traffic Safety Act	(b) persons who drive emergency vehicles described in section 238 of the Act.	(c) except as provided in subsection (2), any image that is displayed by the equipment is not visible to the driver.	
241(2) No driver shall use electronic communications equipment while driving a motor vehicle on a highway.	Section 238 describes emergency vehicles as:	(2) An image displayed on a television set, video screen or computer screen may be located so that it is visible to the driver if the image only displays information that is solely designed to assist the driver:	
(3) Subsection (2) does not apply to:	Used for the transportation of a peace officer in the performance of the officer's duties;	(a) in the safe operation of the vehicle, or in ensuring the safety and security of its load or its passengers;	
(a) a driver who is not a new driver and who, while driving a motor vehicle on a highway:	Used for the transportation of a member of a fire department in response to an emergency;	(b) to navigate;	
(i) activates the electronic communications equipment to make a phone	An ambulance used in response to an emergency; or	(c) by displaying the time;	
call by pressing a button once on the electronic communications equipment, or on a device that is linked to electronic communications equipment, and does not hold the electronic communications equipment; or	A vehicle or one of a class of vehicles designated by the board as an emergency vehicle which is used in response to an emergency.	(d) if that driver is a peace officer, to carry out his or her duties as a peace	
(ii) utilizes his or her voice to activate electronic communications equipment to make a phone call and does not hold the electronic communications equipment;		officer; or	
(b) a driver if the driver is using electronic communications equipment to report an emergency to a police service, a fire department or emergency medical services or to request an ambulance;		(e) to assess fees or charges payable by passengers or users of the vehicle	
(c) a prescribed person or prescribed class of persons; or			
(d) a prescribed vehicle or prescribed class of vehicles.			
Sanctions:			

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	\$280 (which includes a victims' surcharge of \$60) and four demerit points under the Safe Driver Recognition and Driver Improvement programs.			
Manitoba	Yes Legislation, hand-held electronic devices prohibited	Exception	T.V. sets in vehicles prohibited	The set fine for violating Manitoba's cellphone prohibition is \$199.80
		215.1(3) As an exception to subsection (2), a person may use a hand-operated electronic device by hand to call or send a message to a police force, fire department or ambulance service about an emergency.	214(3) No person shall drive upon a highway a motor vehicle equipped with a television set unless the television set	
	Began July 15, 2010.		(a) is mounted or positioned behind the seat occupied by the driver; and	Currently, under Manitoba's <i>Highway Traffic Act</i> (HTA) a charge of Imprudent
	This legislation was passed by the government of Manitoba in 2009 but the Province of Manitoba and Manitoba Public Insurance undertook a wide-scale public education campaign on cell phone use and texting while driving prior to the legislation being proclaimed.	Exception – police, fire and ambulance personnel	(b) the screen thereof is not visible directly or indirectly from the driver's seat.	Driving [HTA s.95(3)] can be laid if a police officer is of the opinion that the use of a cell phone affected a driver's ability to safely operate a motor vehicle. This offence carries a set fine of \$190.80 and two demerit points on the driver's record. A fine of up to \$2,000 can be imposed as well as a licence suspension of up to one year at the
	An amendment to the <i>Highway Traffic Act</i> called <i>The Highway Traffic Amendment Act (Promoting Safer and Healthier Conditions in Motor Vehicles)</i>	215.1(4) Subsection (2) does not apply to any of the following persons in relation to the use of a hand-operated electronic device in carrying out his or her duties:	Operation of T.V. sets in vehicles	discretion of a judge. To address more serious cases of driver inattention, a charge of Careless Driving [HTA s.188(2)] may be imposed. A person found guilty of this offence may be fined up to \$5,000.00 and suspended for up to a one year by a judge. A conviction will also result in eight demerit points on the driver's record, possible insurance surcharges and driver improvement action.

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	(a) a member of the Royal Canadian Mounted Police Force or another police officer, police constable or constable;	214(4) No person shall operate a television set in a motor vehicle, other than a television set mounted or positioned in accordance with the requirements of subsection (3), while the motor vehicle is travelling upon a highway	
	(b) a firefighter employed by a fire department;	Use of radio headphones prohibited	
Definitions regarding hand-operated electronic devices	(c) an ambulance operator as defined in section 1 of <i>The Emergency Medical Response and Stretcher Transportation Act</i>	215 No driver of a motor vehicle or operator of a bicycle shall, while operating the motor vehicle or bicycle on a highway, wear, on both ears, headphones which are used for the purpose of listening to a radio or a recording.	
<u>215.1(1)</u> The following definitions apply in this section			
“hand-operated electronic device” means	Exception — certain radios and other equipment		
(a) cellular telephone	<u>215.1(5)</u> Subsection (2) does not apply to the use of		
(b) another electronic device that			
(i) includes a telephone function and	(a) a radio apparatus, as defined in section 2 of the <i>Radio communication Act</i> (Canada), that		
(ii) normally held in the user’s hand during use or requires the user to use his or her hand to operate any of its functions;	(i) is operated under the authority of a radio operator certificate issued under that Act,		
(c) an electronic device that is not otherwise described in clause (a) or (b) but that	(ii) must, in order for its operator to communicate with another person, transmit radio signals to another radio apparatus that is operated under the authority of a radio licence issued under that Act, other than a radio licence issued to a cellular telephone network provider, or		
a. is capable of transmitting or receiving e-mail or other text-based messages , and	(iii) is the type of radio apparatus commonly known as citizen's band radio or family band radio; or		
b. normally is held in the user’s hand during use or requires the user to use his or her hand to operate any of its functions; or	(b) a mobile data terminal that		

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(d) any other electronic device that is prescribed as a hand-operated electronic device by the regulations.	(i) is used for dispatch or other business-related communications in a vehicle used for business purposes, and		
	(ii) is not held in the driver's hand when the vehicle is moving.		
"use" in relation to a hand-operated electronic device, means any of the following actions:			
(a) holding the device in a position in which it may be used;			
(b) operating any of the device's functions;			
(c) communicating by means of the device with another person or another device, by spoken word or otherwise;			
(d) looking at the device's display; and			
(e) taking any other action with or in relation to the device that is prescribed by the regulations			
<u>215.1(2)</u> No person shall use a hand-operated electronic device while driving a vehicle on a highway unless,			
(a) before using the device by hand, the person safely drives the vehicle off the roadway and keeps the vehicle stationary while using the device; or			
(b) the device			
a. is a cellular telephone or another electronic device that includes a telephone function, and			
b. is configured and equipped to allow hands-free use as a telephone and is used in a hands-free manner.			
Regulations			
<u>215.1(6)</u> The Lieutenant Governor in Council may make regulations			

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	a. for the purposes of the definition "hand-operated electronic device" in subsection (1), prescribing other devices as hand-operated electronic devices;			
	b. for the purposes of the definition "use" in subsection (1), prescribing other actions that, when done with or in relation to a hand-operated electronic device, constitute using it;			
	c. respecting the exemption, with or without conditions, of certain classes or types of devices or vehicles, or certain classes of persons, from the operation of a provision of this section;			
	d. respecting any matter the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this section.			
	<p>Sanctions: \$199.80 fine</p>			
Ontario	Yes legislation, hand-held communication and entertainment devices and display screens unrelated to driving prohibited	Exceptions covered in 78.1(4), (5), and (6) – includes drivers of police, fire and ambulance emergency vehicles while in performance of their duties	s. 78 (1) prohibits display screen of a television, computer or other device visible to the driver	Police officers may choose to lay a more serious charge of Careless Driving (Highway Traffic Act, s.130) or Dangerous Driving (Criminal Code of Canada, s.249(1)). In these cases, drivers distracted by prohibited devices or for any other reason can face more severe penalties.
	Began October 26, 2009. The following is prohibited:	Exemptions for display screens and hand-held communication devices outlined in supporting regulation 366/09	78.1(2) prohibits hand-held entertainment devices	Careless Driving under the HTA carries a fine of up to \$2000 on conviction, six demerit points, possible jail time and a driver's licence suspension.

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	<p>s.78.1(1) No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, mail or text messages.</p> <p>Sanctions: 3-month "education period" ended Jan. 31, 2010 (69 charges and over 3,300 warnings issued by the OPP)</p> <p>No ticketing during that time, but a court summons could be issued at officer's discretion.</p> <p>Part I ticketing began February 1, 2010. Set fine of \$125, total payable \$155 including \$25 victim surcharge and \$5 in court fees</p> <p>No demerits</p>	<p>3-year exemption for use of two-way radios for commercial drivers, municipal fleet vehicles, public transit, courier, tow truck, taxi/limo drivers, federally-licensed Amateur Radio Operators</p>	<p>Exceptions in 78 (2) and (3)</p>	<p>If charged under the Criminal Code of Canada for dangerous operation of a motor vehicle, they could face jail terms of up to five years. The penalties are even more serious in cases involving injury or death.</p>
Quebec	<p>Yes legislation, handheld prohibited</p> <p>Began: April 1, 2008</p> <p>Hand-held telephones.</p> <p>439.1. No person may, while driving a road vehicle, use a hand-held device that includes a telephone function.</p>	<p>Exception</p> <p>This prohibition does not apply to drivers of emergency vehicles in the performance of their duties.</p> <p>2007, c. 40, s. 58.</p>	<p>439. No person may drive a road vehicle in which a television set or a display screen is so placed that the image broadcast on the screen is directly or indirectly visible to the driver, except in the cases or on the conditions determined by regulation.</p> <p>Sanctions :</p> <p>\$80 to \$100 plus costs</p>	

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	<p>Presumption: For the purposes of this section, a driver who is holding a hand-held device that includes a telephone function is presumed to be using the device.</p> <p>Sanctions: \$80 to \$100 plus costs and 3 demerit points</p>			
New Brunswick	<p>Yes, legislation became effective June 2011 and prohibits drivers from using hand-held cell phones, texting, using any hand-held communications or entertainment device, programming a GPS unit</p>	<p>Legislation provides exemptions for police, fire and ambulance personnel during the performance of their duties; 9-1-1 calls; two way radios for commercial purposes and search and rescue (including ham radio emergency use); telecommunications service providers in the performance of their duties to monitor service levels.</p>	<p>NB Motor Vehicle Acts states: 238(1) No person shall operate on a highway a motor vehicle b) having on the exterior or in the interior thereof, any ornament or other thing that obstructs or is liable to obstruct the driver's clear view of the highway or any intersecting highway. 265.04(1) No person shall operate a motor vehicle on a highway if a display screen in the motor vehicle is visible to the driver.</p>	<p>NB Motor vehicle Act states: 346(1)Every person who drives a motor vehicle on a highway (a)without due care and attention, (b)without reasonable consideration for any other person using the highway, or (c)in a race, commits an offence.</p>
Prince Edward Island	<p>Yes legislation, handheld prohibited</p> <p>Began January 23, 2010</p> <p>291.1 (1) No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email or text messages.</p> <p>Sanctions: fines ranging from \$250 to \$400 and three demerit points.</p>	<p>Calls to 911 are exempt as are calls from the driver of an ambulance, fire department vehicle or police vehicle in the course of their duties.</p>	<p>No TV sets in any position of the vehicle when television is operational</p> <p>Highway Traffic Act (133)</p>	<p>Highway Traffic Act (176)</p> <p>(a) at a speed that is greater than is reasonable and prudent under the conditions</p> <p>(b) without due care and attention or without reasonable consideration for other persons</p> <p>(c) that person suffers from a disease or physical or mental disability that might cause his/her driving of a vehicle to be a source of danger to other persons.</p>

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Nova Scotia	Yes legislation, handheld prohibited	100D (2) This Section does not apply to a person who uses a hand-held cellular telephone or other communications device to report an immediate emergency situation.	184 (5) No person shall drive on a highway a motor vehicle having attached therein or thereon any ornament, decoration, novelty or other thing that is so located that it obstructs or is likely to obstruct the vision or distract the attention of the driver of the vehicle	100 (1) Every person driving or operating a motor vehicle on a highway or any place ordinarily accessible to the public shall drive or operate the same in a careful and prudent manner having regard to all the circumstances.
			(7) No person shall drive on a highway a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast that is located in the vehicle at a point forward of the back of the driver's seat or that is visible to the driver while he is operating the vehicle. <i>R.S., c. 293, s. 184</i>	
	Began: April 1, 2008			(2) Any person who fails to comply with this Section shall be guilty of an offence.
	Chapter 293 100D (1) It is an offence for a person to use a hand-held cellular telephone or engage in text messaging on any communications device while operating a vehicle on a highway.			
				(3) The court or judge by whom a person is convicted of a violation of this Section may, in addition to any other penalty that may be imposed, make an order suspending the driver's license or the privilege of having a driver's license of the person convicted for such period, not exceeding one year, as the court or judge thinks proper.
	Sanctions:			
	Fine of \$164.5 (first infraction initial) to \$337 (third infraction)			Sanctions:
				6 demerit points
Newfoundland and Labrador	Yes legislation, handheld prohibited	Notwithstanding subsection, (1), a person may drive a motor vehicle on a highway while using a device described in that subsection in hands-free		Imprudent driving

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	Began: April 1, 2003	mode.		110. (1) Notwithstanding subsection (2), a person shall not drive a vehicle on a highway or in another place
	A person shall not drive a motor vehicle on a highway while holding, or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email or text messages.	(3) Subsection (1) does not apply to (a) the driver of an ambulance, fire department vehicle or police vehicle; (b) a peace officer who is driving a motor vehicle in the discharge of his or her duties; (c) another prescribed person or class of persons; (d) a person holding or using a device prescribed for the purpose of this subsection; or (e) a person engaged in a prescribed activity or in prescribed conditions or circumstances.		(a) at a speed which is greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards existing on the highway or other place;
	(a) "cellular phone" means an apparatus which can send and receive 2 way voice telecommunications without the aid of a wire or cord, except where that wire or cord is used as a power source, and excludes a 2 way radio device; and	(4) Subsection (1) does not apply in respect of the use of (a) a device to contact ambulance, police or fire department emergency services; or (b) a device that is linked to a non-public shortwave radio communication system.		(b) without due care and attention; (c) without reasonable consideration for other persons; or
		(5) Subsection (1) does not apply if (a) the motor vehicle is off the roadway and is not in motion; or (b) the motor vehicle is lawfully parked on the roadway.		(d) where that person suffers from a disease or physical or mental disability which might cause his or her driving of a vehicle to be a source of danger to other persons
	(b) "hand-held cellular phone" means a cellular phone the use of which requires being placed in proximity to the mouth and ear by being held in the hand or by another means that uses one or more parts of the body, but does not include a cellular phone that is equipped with and used with an external speaker or ear phone and microphone that may stand alone, be mounted in the vehicle, or worn on the body.			
	(2) A person shall not use a hand-held cellular phone while driving a motor vehicle on a highway.			
	(3) A person who uses a hand-held cellular phone contrary to subsection (2) is guilty of an offence.			

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	<p>Sanctions:</p> <p>\$100 to \$400 fine plus 4 demerit points</p> <p>NOTE: Changes in fine amounts</p> <p>Originally, fines were \$45 to \$180</p> <p>Now \$100 to \$400</p>			
Yukon	<p>Motor Vehicle Act - Legislation amended to apply on April 1, 2011: Regulations added respecting use of electronic devices to include a cell phone or other device that includes a telephone function, and a device that is capable of transmitting or receiving electronic mail or other text-based messages. "Use" is defined as: holding the device in a position in which it may be used; operating any function of the device; communicating by means of the device; engaging in any prescribed use of the device.</p> <p>Penalties:</p> <p>\$250 fine plus victim surcharge;</p> <p>3 demerit points</p>	<p>Telephone devices with a hands-free function; and if the motor vehicle is lawfully and safely parked and is not impeding traffic are permitted. Users exempt from legislation: a peace officer; a member of the fire dept or fire brigade; an emergency medical responder; and a prescribed permitted user. An electronic device can be used by a permitted user in the course of carrying out their powers, duties or functions; or the use of an electronic device of prescribed class or type by a person who uses it while engaged in a prescribed activity or as otherwise allowed by regulation.</p> <p>Exemption: Drivers in GDL program are prohibited from hands-free functions as well as hand-held.</p>	<p>Television in motor vehicles: a television set may be located and operated in a motor vehicle if the driver cannot by any means see the screen of the television set while the vehicle is in motion.</p>	<p>Careless Driving: Every person who drives a vehicle on a highway (a) without due care and attention; or (b) without reasonable consideration for persons using the highway, is guilty of the offence of driving carelessly.</p>
Northwest Territories	<p>MVA 155 - No driver in the NWT may use a restricted portable electronic device while operating a motor vehicle. Restricted devices include: cellular telephone, device for sending or receiving data, device for playing audio and video recordings, handheld GPS receiver, laptop or other device that captures images. Devices designed to be used in a hands-free manner and used in this way are permitted.</p>	<p>Restricted Electronic Devices Regulations - Exemptions apply to: 1) peace officers when carrying out duties; 2) volunteers assisting officers, firefighters, peace officers or emergency responders carrying out their duties; and 3) persons operating a motor vehicle while engaged in the construction or maintenance of a highway (MVA 155).</p>	<p>Restricted Electronic Devices Regulations restrict the following devices or class of devices: a) a portable electronic device for the recording or capturing of data including audio and visual; b) a device that captures images; and c) a laptop.</p>	<p>Section 154(1) of Motor Vehicles Act makes it an offence to drive without due care and attention.</p> <p>154(2) makes it an offence to drive without reasonable consideration of others using the highway. These offences could be used for someone using a cell phone and driving erratically.</p>
Nunavut				