

This document contains downloaded copies of these 4 pieces of Ontario Legislation related to distracted driving and ham radio operators:

1) Bill 118, Countering Distracted Driving and Promoting Green Transportation Act, 2009

-legal text: <https://www.ontario.ca/laws/statute/S09004>

-basically says it's illegal to drive while distracted by a hand held device. no mention of ham radio

2) Ontario Regulation 366/09, DISPLAY SCREENS AND HAND-HELD DEVICES

-legal text: <https://www.ontario.ca/laws/regulation/r09366>

-defines handhelds, and provides several exceptions, including licensed hams:

Time-limited exemption for amateur radio operators

13. (1) Until January 1, 2013, drivers who hold a valid radio operator certificate issued under the *Radiocommunication Act* (Canada) may drive a motor vehicle on a highway while holding or using a two-way radio.

3) Ontario Regulation 253/12: DISPLAY SCREENS AND HAND-HELD DEVICES

-legal text: <https://www.ontario.ca/laws/regulation/r12253>

-it's really minimal, just saying certain unnamed sections of previous regulation have expirations changed:

3. (1) Subsection 13 (1) of the Regulation is amended by striking out "Until January 1, 2013" at the beginning.

(2) Subsection 13 (2) of the Regulation is amended by striking out "January 1, 2013" at the end and substituting "January 1, 2018".

-Extends the exemption for licensed Hams (and some others) in Regulation 366/09 to January 1, 2018.

-doesn't mean much by itself, unless the reader is familiar with the other 2 laws.

4) Ontario Regulation 475/17: DISPLAY SCREENS AND HAND-HELD DEVICES

-legal text: <https://www.ontario.ca/laws/regulation/r17475>

-it's really minimal, just saying certain unnamed sections of previous regulation have expirations changed:

-new expiry date is January 1, 2021

CHAPTER 4

An Act to amend the Highway Traffic Act to prohibit the use of devices with display screens and hand-held communication and entertainment devices and to amend the Public Vehicles Act with respect to car pool vehicles

Assented to April 23, 2009

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

HIGHWAY TRAFFIC ACT

1. Section 78 of the *Highway Traffic Act* is repealed and the following substituted:

Display screen visible to driver prohibited

78. (1) No person shall drive a motor vehicle on a highway if the display screen of a television, computer or other device in the motor vehicle is visible to the driver.

Exceptions

- (2) Subsection (1) does not apply in respect of the display screen of,
- (a) a global positioning system navigation device while being used to provide navigation information;
 - (b) a hand-held wireless communication device or a device that is prescribed for the purpose of subsection 78.1 (1);
 - (c) a logistical transportation tracking system device used for commercial purposes to track vehicle location, driver status or the delivery of packages or other goods;
 - (d) a collision avoidance system device that has no other function than to deliver a collision avoidance system; or
 - (e) an instrument, gauge or system that is used to provide information to the driver regarding the status of various systems of the motor vehicle.

Same

- (3) Subsection (1) does not apply to the driver of an ambulance, fire department vehicle or police department vehicle.

Exemption by regulation

(4) The Minister may make regulations exempting any class of persons or vehicles or any device from this section and prescribing conditions and circumstances for any such exemption.

2. Part VI of the Act is amended by adding the following section:

Hand-held devices prohibited

Wireless communication devices

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.

Entertainment devices

(2) No person shall drive a motor vehicle on a highway while holding or using a hand-held electronic entertainment device or other prescribed device the primary use of which is unrelated to the safe operation of the motor vehicle.

Hands-free mode allowed

(3) Despite subsections (1) and (2), a person may drive a motor vehicle on a highway while using a device described in those subsections in hands-free mode.

Exceptions

- (4) Subsection (1) does not apply to,
- (a) the driver of an ambulance, fire department vehicle or police department vehicle;
 - (b) any other prescribed person or class of persons;
 - (c) a person holding or using a device prescribed for the purpose of this subsection; or
 - (d) a person engaged in a prescribed activity or in prescribed conditions or circumstances.

Same

(5) Subsection (1) does not apply in respect of the use of a device to contact ambulance, police or fire department emergency services.

Same

- (6) Subsections (1) and (2) do not apply if all of the following conditions are met:
- 1. The motor vehicle is off the roadway or is lawfully parked on the roadway.
 - 2. The motor vehicle is not in motion.
 - 3. The motor vehicle is not impeding traffic.

Regulations

- (7) The Minister may make regulations,
- (a) prescribing devices for the purpose of subsections (1) and (2);
 - (b) prescribing persons, classes of persons, devices, activities, conditions and circumstances for the purpose of subsection (4).

Definition

(8) In this section,

“motor vehicle” includes a street car, motorized snow vehicle, farm tractor, self-propelled implement of husbandry and road-building machine.

PUBLIC VEHICLES ACT

- 3. (1) The definition of “car pool vehicle” in section 1 of the *Public Vehicles Act* is repealed.**
- (2) The definition of “public vehicle” in section 1 of the Act is amended by striking out “car pool vehicles”.**
- (3) The definition of “taxicab” in section 1 of the Act is amended by striking out “other than a car pool vehicle”.**
- (4) Section 1 of the Act is amended by adding the following subsections:**

Car pool vehicles

(2) Subject to subsection (4), a public vehicle and a taxicab do not include a motor vehicle, as defined in the *Highway Traffic Act*, with a seating capacity of not more than 10 persons, while it is transporting not more than 10 persons including the driver on a one-way or round trip where the taking of passengers is incidental to the driver’s purpose for the trip.

Same

(3) For greater certainty, a trip described in subsection (2) includes a round trip between the residences, or places reasonably convenient to the residences, of any or all of the driver and passengers and a common destination, including the driver’s and passengers’ place of employment or education, or a place reasonably convenient to the driver’s and passengers’ various places of employment or education.

Same

(4) In order to be excluded from the definitions of public vehicle and taxicab, the use of a motor vehicle as described in subsection (2) must also meet the following conditions:

- 1. No fee is charged or paid to the driver, owner or lessee of the motor vehicle for the passengers’ transportation, except an amount to reimburse the expenses of operating the motor vehicle as described in subsection (2) on a non-profit basis.
- 2. The driver does not take passengers on more than one one-way or round trip in a day.

3. The owner of the motor vehicle, or the lessee of the motor vehicle if it is leased, does not own or lease more than one motor vehicle used as described in subsection (2) unless the owner or lessee is the employer of a majority of the persons transported in the motor vehicles.

Same

(5) A motor vehicle described in subsection (2) does not include a motor vehicle while being operated by or under contract with a school board or other authority in charge of a school for the transportation of children to or from a school.

COMMENCEMENT AND SHORT TITLE

Commencement

4. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Same

- (2) Sections 1 and 2 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Countering Distracted Driving and Promoting Green Transportation Act, 2009*.

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ONTARIO REGULATION 366/09

made under the

HIGHWAY TRAFFIC ACT

Made: September 28, 2009

Filed: September 29, 2009

Published on e-Laws: September 30, 2009

Printed in *The Ontario Gazette*: October 17, 2009**DISPLAY SCREENS AND HAND-HELD DEVICES**

DEFINITIONS

Definitions

1. In this Regulation,

“hand microphone or portable radio” means a wireless communication device, consisting of a hand-held unit that is both receiver and microphone, that is operated by a push-to-talk function on a set frequency and that allows for voice communication but not for the transmission and receipt of voice communication at the same time; (“microphone à main ou radio portative”)

“mobile data terminal” means a computerized device that is used exclusively to communicate with a dispatcher or control centre; (“terminal mobile”)

“two-way radio” means a wireless communication device, consisting of a main receiver unit and a separate hand-held microphone, that is operated by a push-to-talk function on a set frequency and that allows for voice communication but not for the transmission and receipt of voice communication at the same time. (“radio bidirectionnelle”)

DISPLAY SCREENS

Exemption for law enforcement officers

2. The following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway with a display screen of a computer or other device in the motor vehicle visible to the driver:

1. Police officers, within the meaning of the *Police Services Act*.
2. Special constables appointed under section 53 of the *Police Services Act*.
3. Auxiliary members of a police force.
4. First Nations Constables appointed under subsection 54 (1) of the *Police Services Act*.
5. Persons appointed under a statute of the Parliament of Canada and who are peace officers within the meaning of section 2 of the *Criminal Code* (Canada).
6. Persons appointed as police constables under section 44 of the *Railway Safety Act* (Canada).
7. Persons designated as park wardens by the Minister of Natural Resources or under the *Canada National Parks Act* (Canada).
8. Park wardens under the *Provincial Parks and Conservation Reserves Act, 2006*.
9. Conservation officers under section 87 of the *Fish and Wildlife Conservation Act, 1997*.

Exemption for other enforcement officers

3. The following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway with a computer display screen in the motor vehicle visible to the driver:

1. Provincial offences officers designated under subsection 1 (3) of the *Provincial Offences Act*.
2. Municipal law enforcement officers appointed under section 15 of the *Police Services Act*.
3. The Fire Marshal and Deputy Fire Marshal appointed under the *Fire Protection and Prevention Act, 1997*.
4. Municipal fire chiefs and deputy fire chiefs.
5. Guards appointed under the *Public Works Protection Act*.

Exemption for certain evaluation and monitoring functions

4. (1) Drivers employed by or on contract to a road authority and engaged in collecting data and viewing pavement evaluation indices may drive a motor vehicle equipped with an automatic road analyser on a highway with a computer display screen in the motor vehicle visible to the driver.

(2) Persons appointed as spectrum management officers under the *Radiocommunication Act* (Canada) and engaged in frequency spectrum management may drive a motor vehicle on a highway with a computer display screen in the motor vehicle that is connected to equipment used to monitor radio frequencies and is visible to the driver.

(3) Persons employed by or on contract to a telecommunication enterprise and engaged in monitoring service levels may drive a motor vehicle on a highway with a computer display screen in the motor vehicle that is connected to equipment used to monitor service levels and disruptions and is visible to the driver.

(4) Persons employed as automobile technicians or mechanics may test drive a motor vehicle on a highway with a computer display screen that provides diagnostic information about the vehicle's performance in the motor vehicle visible to the driver.

Exemption for other public functions

5. (1) The following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway with a mobile data terminal display screen in the motor vehicle visible to the driver:

1. Employees of and persons contracted to a public utility within the meaning of the *Public Utilities Act*, the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.
2. Employees of and persons contracted to a transmitter or distributor within the meaning of the *Electricity Act, 1998*.

(2) Employees of or persons contracted to a road authority, while they are engaged in road patrol, repair, maintenance or construction activities, may drive a motor vehicle on a highway with a mobile data terminal display screen in the motor vehicle visible to the driver.

Exemption for certain commercial activities

6. (1) Drivers of commercial motor vehicles, within the meaning of subsection 16 (1) of the Act, may drive a commercial motor vehicle on a highway with a mobile data terminal display screen in the vehicle visible to the driver.

(2) The following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway with a mobile data terminal display screen in the motor vehicle visible to the driver:

1. Drivers of motor vehicles clearly identified as courier delivery vehicles.
2. Drivers of tow trucks or roadside assistance service vehicles.
3. Drivers of taxicabs and limousines licensed by a municipality or airport authority to provide passenger service.

Exempt devices

7. The display screens of the following devices may be visible to any driver in a motor vehicle driven on a highway:

1. A device that displays,
 - i. information on the conditions, use and immediate environment of the vehicle, or
 - ii. information on road or weather conditions.
2. An ignition interlock device.
3. A car audio control that displays only text or static images.
4. A hand-held device that displays only text or static images and is connected directly into and operates using the audio system controls of the motor vehicle.

Requirement that display screens be secure

8. The exemptions in sections 2, 3, 4, 5, 6 and 7 apply only if the display screen of the computer, mobile data terminal or other device is placed securely in or mounted to the motor vehicle so that it does not move while the vehicle is in motion.

HAND-HELD DEVICES

Exemption for law enforcement officers

9. The following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway while holding or using a hand-held wireless communication device:

1. Police officers, within the meaning of the *Police Services Act*.
2. Special constables appointed under section 53 of the *Police Services Act*.
3. Auxiliary members of a police force.

4. First Nations Constables appointed under subsection 54 (1) of the *Police Services Act*.
5. Persons appointed under a statute of the Parliament of Canada and who are peace officers within the meaning of section 2 of the *Criminal Code* (Canada).
6. Persons appointed as police constables under section 44 of the *Railway Safety Act* (Canada).
7. Persons designated as park wardens by the Minister of Natural Resources or under the *Canada National Parks Act* (Canada).
8. Park wardens under the *Provincial Parks and Conservation Reserves Act, 2006*.
9. Conservation officers under section 87 of the *Fish and Wildlife Conservation Act, 1997*.

Exemption for other enforcement officers

10. The following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway while holding or using a two-way radio:

1. Provincial offences officers designated under subsection 1 (3) of the *Provincial Offences Act*.
2. Municipal law enforcement officers appointed under section 15 of the *Police Services Act*.
3. The Fire Marshal and Deputy Fire Marshal appointed under the *Fire Protection and Prevention Act, 1997*.
4. Municipal fire chiefs and deputy fire chiefs.
5. Guards appointed under the *Public Works Protection Act*.

Time-limited exemption for other public functions

11. (1) Until January 1, 2013, the following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway while holding or using a two-way radio:

1. Employees of and persons contracted to a public utility within the meaning of the *Public Utilities Act*, the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.
2. Employees of and persons contracted to a transmitter or distributor within the meaning of the *Electricity Act, 1998*.

(2) Until January 1, 2013, employees of or persons contracted to a road authority, while they are engaged in road patrol, repair, maintenance or construction activities, may drive a motor vehicle on a highway while holding or using a two-way radio.

(3) This section is revoked on January 1, 2013.

Time-limited exemption for certain commercial activities

12. (1) Until January 1, 2013, drivers of commercial motor vehicles, within the meaning of subsection 16 (1) of the Act, may drive a commercial motor vehicle on a highway while holding or using a two-way radio.

(2) Until January 1, 2013, the following persons, while engaged in the performance of their duties, may drive a motor vehicle on a highway while holding or using a two-way radio:

1. Drivers of motor vehicles clearly identified as courier delivery vehicles.
2. Drivers of tow trucks or roadside assistance service vehicles.
3. Drivers of taxicabs and limousines licensed by a municipality or airport authority to provide passenger service.
4. Drivers of street cars.
5. Drivers of road-building machines.

(3) Subsection (1) does not apply if the driver is using the commercial motor vehicle for personal purposes without compensation.

(4) This section is revoked on January 1, 2013.

Time-limited exemption for amateur radio operators

13. (1) Until January 1, 2013, drivers who hold a valid radio operator certificate issued under the *Radiocommunication Act* (Canada) may drive a motor vehicle on a highway while holding or using a two-way radio.

(2) This section is revoked on January 1, 2013.

Exemption for pressing buttons

14. (1) A person may drive a motor vehicle on a highway while pressing a button on a hand-held wireless communication device to make, answer or end a cell phone call or to transmit or receive voice communication on a two-way radio if the

device is placed securely in or mounted to the motor vehicle so that it does not move while the vehicle is in motion and the driver can see it at a quick glance and easily reach it without adjusting his or her driving position.

(2) A person may drive a motor vehicle on a highway while pressing a button on a device that is worn on his or her head or hung over or placed inside his or her ear or is attached to his or her clothing and is linked to a hand-held wireless communication device to make, answer or end a cell phone call or to transmit or receive voice communication on a two-way radio or a hand microphone or portable radio.

COMMENCEMENT

Commencement

- 15. (1) Subject to subsections (2), (3) and (4), this Regulation comes into force on the day it is filed.**
- (2) Section 1 comes into force on the later of,**
- (a) the earlier of,**
- (i) the day section 1 of the *Countering Distracted Driving and Promoting Green Transportation Act, 2009* comes into force, and**
 - (ii) the day section 2 of the *Countering Distracted Driving and Promoting Green Transportation Act, 2009* comes into force; and**
- (b) the day this Regulation is filed.**
- (3) Sections 2 to 8 come into force on the later of the day section 1 of the *Countering Distracted Driving and Promoting Green Transportation Act, 2009* comes into force and the day this Regulation is filed.**
- (4) Sections 9 to 14 come into force on the later of the day section 2 of the *Countering Distracted Driving and Promoting Green Transportation Act, 2009* comes into force and the day this Regulation is filed.**

Made by:
Pris par :

Le ministre des Transports,

JIM BRADLEY
Minister of Transportation

Date made: September 28, 2009.
Pris le : le 28 septembre 2009.

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ONTARIO REGULATION 253/12

made under the

HIGHWAY TRAFFIC ACT

Made: September 5, 2012

Filed: September 6, 2012

Published on e-Laws: September 6, 2012

Printed in *The Ontario Gazette*: September 22, 2012

Amending O. Reg. 366/09

(DISPLAY SCREENS AND HAND-HELD DEVICES)

1. (1) Subsection 11 (1) of Ontario Regulation 366/09 is amended by striking out “Until January 1, 2013” at the beginning of the portion before paragraph 1.

(2) Subsection 11 (2) of the Regulation is amended by striking out “Until January 1, 2013” at the beginning.

(3) Subsection 11 (3) of the Regulation is amended by striking out “January 1, 2013” at the end and substituting “January 1, 2018”.

2. (1) Subsection 12 (1) of the Regulation is amended by striking out “Until January 1, 2013” at the beginning.

(2) Subsection 12 (2) of the Regulation is amended by striking out “Until January 1, 2013” at the beginning of the portion before paragraph 1.

(3) Subsection 12 (4) of the Regulation is amended by striking out “January 1, 2013” at the end and substituting “January 1, 2018”.

3. (1) Subsection 13 (1) of the Regulation is amended by striking out “Until January 1, 2013” at the beginning.

(2) Subsection 13 (2) of the Regulation is amended by striking out “January 1, 2013” at the end and substituting “January 1, 2018”.

4. Section 15 of the Regulation is revoked.

Commencement

5. This Regulation comes into force on the later of January 1, 2013 and the day it is filed.

Made by:

Pris par :

Le ministre des Transports,

BOB CHIARELLI
Minister of Transportation

Date made: September 5, 2012.

Pris le : 5 septembre 2012.

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Ontario Regulation 475/17

made under the

Highway Traffic Act

Made: December 12, 2017

Filed: December 12, 2017

Published on e-Laws: December 12, 2017

Printed in The Ontario Gazette: December 30, 2017

Amending O. Reg. 366/09

(DISPLAY SCREENS AND HAND-HELD DEVICES)

1. Subsection 11 (3) of Ontario Regulation 366/09 is amended by striking out “January 1, 2018” and substituting “January 1, 2021”.
2. Subsection 12 (4) of the Regulation is amended by striking out “January 1, 2018” and substituting “January 1, 2021”.
3. Subsection 13 (2) of the Regulation is amended by striking out “January 1, 2018” and substituting “January 1, 2021”.

Commencement

4. This Regulation comes into force on the day it is filed.

Made by:

Pris par :

Le ministre des Transports,

Steven Del Duca

Minister of Transportation

Date made: December 12, 2017

Pris le : 12 décembre 2017