

## **Use of Electronic Devices While Driving**

In British Columbia, the Motor Vehicle Act (MVA) defines British Columbia road laws and delegates authority to the Superintendent of Motor Vehicles to regulate driver behaviour. Since January 1, 2010, amendments to the MVA have prohibited the use of hand-held electronic devices while driving.

This document provides examples of permitted and non-permitted electronic devices and uses while driving in accordance with [Part 3.1](#) of the MVA and the [Use of Electronic Devices While Driving Regulation](#).

### **COMPLETE BAN – ALL DRIVERS**



- A driver must not hold, operate, communicate or watch the screen of a hand-held electronic communication device.



- A driver must not send or receive text messages or email on any type of electronic device.



- A driver must not hold, operate, communicate or watch the screen of a hand-held electronic computing device, one of the purposes of which is to process or compute data.

**Note 1:** These devices cannot be used unless a driver is safely parked off the roadway or is making an emergency call to 9-1-1.

### **COMPLETE BAN ON ALL ELECTRONIC DEVICES FOR GLP DRIVERS**

Drivers in the Graduated Licensing Program Class 7 (New Driver 'N') and 7L (Learner 'L') are prohibited from using any electronic device while driving - including navigation devices, hands-free units, and "permitted devices" included in the section below. These prohibitions do not apply, however, if the GLP driver is safely parked and off the roadway or is making an emergency call to 9-1-1.

## **PERMITTED USES – ALL DRIVERS EXCEPT FOR CLASS 7 (GLP) DRIVERS**

### ***Hands-free communication***



A person may use an electronic device in a hands-free telephone function while driving if:

- The electronic device, as well as any part or extension of it, is not held or operated by the hand;
- It is voice-activated or requires only one touch in order to initiate, accept or end a call;
- If the device includes an earpiece, that earpiece can be worn in one ear only and must be placed in the ear prior to driving\*;
- The electronic device is securely fixed to the vehicle or worn securely on the person's body, and is within easy reach of the driver's seat; and
- The device is installed in a manner that does not obstruct the driver's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

\*Motorcyclists are exempt from the one ear requirement and may have an earpiece in both ears.

**Note 1:** Manual dialing is prohibited and is treated as texting.

**Note 2:** Any type of electronic device with a hands-free telephone function may be used for oral communications if used in a completely hands-free manner as described above.

### ***Hand-held audio players***



A person may listen to sound from a hand-held audio player if:

- The device is not held in the person's hand;
- The device is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle; and
- The sound is emitted through the speakers of the sound system of the motor vehicle

**Note 1:** The driver may pre-program or set the device to play while the vehicle is safely parked and off the roadway.

### **Navigation systems**



A person may use a Global Positioning System (GPS) for navigation purposes while driving if:

- It is programmed before the person begins to drive or operate the vehicle;
- It can be programmed in a voice-activated manner;
- If it is a hand-held GPS device, it must not be held in the hand; and
- It is securely fixed to the motor vehicle in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the vehicle.

### **Hand Microphones**



A "hand microphone" is a ½ duplex communication device used principally for commercial purposes (e.g., delivery business). The device consists of a hand-held unit that:

- Is both receiver and microphone.
- Is operated by a push and hold-to-talk function.
- Allows for oral communication, but not for the transmission and receipt of oral communication at the same time.



A person may use a hand microphone while driving if:

- The device is within easy reach of the driver's seat.
- The device is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

### Two-way Radios



Two-way radios are ½ duplex VHF, UHF and HF communication devices that permit the transmission of sound over a radio frequency. Two-way radios have been used by drivers for decades, most commonly by search and rescue, commercial drivers, long-haul truck drivers, citizen band (CB) and amateur radio operators.

A two-way radio consists of a hand-held microphone connected to a transceiver unit that is operated by a push and hold-to-talk function and allows for oral communication, but not for the transmission and receipt of oral communication at the same time.



A person may use a two-way radio while driving if the transceiver:

- Is within easy reach of the driver's seat; and
- Is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

**Note:** Hand microphones, including two-way radios, may only be used in the push and hold-to-talk function while driving. Other functions on these devices cannot be operated by a driver while driving.

### Television Screens



- A person may not have a television image displayed within view of the driver unless the image displays pictures, information or data solely designed to assist the driver in the safe operation of the vehicle or the safety and security of its load or its passengers.



- The device must be installed so that it is securely fixed to the motor vehicle and in a manner that does not obstruct the driver's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

## **DEVICES ALLOWED FOR USE BY INDUSTRY OR BY LICENSED AMATEUR RADIO OPERATORS**

### ***Mobile Data Terminals***



Mobile data terminals are non-hand-held computerized devices without a telephone function that are licensed through Industry Canada under the *Radiocommunication Act* (Canada). These devices are used exclusively to communicate with a dispatcher or control centre and where pre-packaged data are transmitted, point in time, over a set radio frequency.



## **FINES AND PENALTIES**

### ***Graduated Licensing Program (GLP) Drivers***

**GLP drivers are not permitted to use any electronic device.** The use of any prescribed electronic device within the meaning of the legislation, including use of a hands-free communication device or other electronic device.

**\$368 fine and 4 penalty points**

### ***All Drivers***

The use of an electronic device that is not allowed for in legislation but that does not involve texting, emailing or dialing, e.g., talking on a hand held cell phone.

**\$368 fine and 4 penalty points**

The use of an electronic device for communicating with another person or another device by email or other text-based message, e.g., texting, emailing or dialing.

**\$368 fine and 4 penalty points**

For more information on ICBC's Driver Penalty Point Premium visit:

<http://www.icbc.com/driver-licensing/tickets/Pages/Driver-Penalty-Points.aspx>

**Note:** Offences carrying penalty points can lead to a driving prohibition, for any driver, under the authority and discretion of the Superintendent of Motor Vehicles. If the driver is in the Novice stage, the 24 month Novice period starts again from the beginning once the prohibition is complete and the driver's licence is returned to the driver.

**As of March 1, 2018, drivers who have two or more distracted driving tickets in a three year period will pay a Driver Risk Premium (DRP) and could see their total financial penalties rise to as much as \$2,000 – an increase of \$740 over the existing penalties. This is in addition to their regular insurance premium.**

For more information on ICBC's Driver Risk Premium visit:

<http://www.icbc.com/driver-licensing/tickets/Pages/Driver-Risk-Premium.aspx>

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