

2010 Bill 16

Third Session, 27th Legislature, 59 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 16

**TRAFFIC SAFETY (DISTRACTED
DRIVING) AMENDMENT ACT, 2010**

MR. JOHNSTON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 16
Mr. Johnston

BILL 16

2010

TRAFFIC SAFETY (DISTRACTED DRIVING) AMENDMENT ACT, 2010

(Assented to , 2010)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cT-6

1 The *Traffic Safety Act* is amended by this Act.

2 The following is added after section 115:

Cellular telephones, electronic devices, etc.

115.1(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while at the same time

- (a) holding, viewing or manipulating a cellular telephone or other communication device that is capable of receiving or transmitting telephone communication, electronic data, electronic mail or text messages, or
- (b) holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.

(2) An individual may drive or operate a vehicle on a highway while using a cellular telephone in hands-free mode.

(3) Subsection (1)(a) does not apply to

Explanatory Notes

- 1** Amends chapter T-6 of the Revised Statutes of Alberta 2000.
- 2** Cellular telephones, electronic devices, etc.; Distracted drivers.

- (a) an individual driving or operating an escort, pilot or trail vehicle who is required by regulation under this Act to maintain 2-way radio communication,
- (b) an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication while the individual is acting within the scope of the individual's employment,
- (c) an individual driving or operating a vehicle who is using 2-way radio communication while participating in a search, rescue or emergency management situation, or
- (d) an individual driving or operating a vehicle who is using a cellular telephone or other communication device to contact an emergency response unit.

(4) Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

(5) Subsection (1) does not apply in respect of a vehicle that

- (a) is not on a highway, or
- (b) is parked in a manner specified in a regulation under this Act.

Display screen visible to driver prohibited

115.2(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway if the display screen of a television, computer or other device in the vehicle is activated and is visible to the individual.

(2) Subsection (1) does not apply in respect of the display screen of

- (a) a global positioning system navigation device while it is being used to obtain navigation information in accordance with section 115.3,
- (b) a cellular telephone being used in hands-free mode,

- (c) a logistical transportation tracking system device that is used to track vehicle location, driver status or the delivery of packages or other goods for commercial purposes,
- (d) a dispatch system used for the transportation of passengers,
- (e) a collision avoidance system device while it is being used to provide collision avoidance information, or
- (f) an instrument, gauge, device or system that is used to provide information to the individual regarding the status of various systems or the location of the vehicle.

(3) Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

Global positioning system

115.3(1) Subject to this section and the regulations made under section 115.5, no individual shall use a global positioning system navigation device for navigation purposes while driving or operating a vehicle on a highway.

(2) An individual may use a global positioning system navigation device while driving or operating a vehicle on a highway if the system

- (a) is programmed before the individual begins to drive or operate the vehicle, or
- (b) is used in a voice-activated manner.

(3) If a global positioning system navigation device is portable, an individual may use the system while driving or operating a vehicle on a highway if, in addition to the requirements of subsection (2), the system

- (a) is not held in the individual's hand, and
- (b) is securely affixed to the vehicle in a manner that does not interfere with the safe operation of the vehicle.

Prohibited activities

115.4(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while engaged in an activity that distracts the individual from the operation of the vehicle, including but not limited to

- (a) reading or viewing printed material,
- (b) writing, printing or sketching,
- (c) engaging in personal grooming or hygiene, and
- (d) any other activity that may be prescribed in the regulations.

(2) Subsection (1) does not apply in respect of a vehicle that

- (a) is not on a highway, or
- (b) is parked in a manner specified in a regulation made under this Act.

Regulations

115.5 The Minister may make regulations

- (a) exempting any individual or class of individuals, vehicles or devices from section 115.1, 115.2, 115.3 or 115.4 and prescribing conditions and circumstances for any such exemption;
- (b) prescribing prohibited activities for the purposes of section 115.4;
- (c) respecting the manner in which a cellular telephone or electronic device may be used in hands-free mode.

3 Section 157(1)(a) is amended by adding “115.1, 115.2, 115.3, 115.4,” after “115(2),”.

3 Section 157(1)(a) presently reads:

157(1) A person is guilty of an offence who contravenes or fails to comply with one or more of the following:

- (a) *section 51, 52(1), 53, 54(1), 61(2), 65, 66(5), 68(2), 69(1), 69(2), 69(3), 69(4), 69(5), 69(6), 70, 71, 76(1), 80, 90(3), 94(2), 111, 115(2), 119(1), 120(2), 120(3), 121, 123(2),*

4 This Act comes into force on Proclamation.

*123(3), 126, 131(1), 137, 138, 140(1), 145, 147, 166(2),
166(3), 166(4), 173(5), 176(2), 183 or 188;*

4 Coming into force.

