



Twenty-Seventh Legislature
First Session

Standing Committee on the Economy

October 2008

Report on Bill 204: *Traffic Safety
(Hand-Held Communication Devices)
Amendment Act, 2008*



Standing Committee on the Economy
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October, 2008

To the Honourable Ken Kowalski
Speaker of the Legislative Assembly of Alberta

The Standing Committee on the Economy has the honour to submit its Report containing recommendations on Bill 204, *Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008*, for consideration by the Legislative Assembly of Alberta.

Ken Allred, MLA
St. Albert
Chair
Standing Committee on the Economy

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**MEMBERS OF THE
STANDING COMMITTEE ON THE ECONOMY**

27th Legislature, First Session

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St. Albert (PC)

Dave Taylor, MLA
Deputy Chair
Calgary-Currie (L)

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Greg Weadick, MLA
Lethbridge-West (PC)

David H. Xiao, MLA
Edmonton-McClung (PC)

**Substitutions pursuant to
Temporary Standing Order 56(2.1-2.4)**

Harry B. Chase, MLA
Calgary-Varsity (L)

Jeff Johnson, MLA
Athabasca-Redwater (PC)

1.0 Introduction

Bill 204, *Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008* was introduced and received first reading on April 24, 2008. On May 26, 2008, the Bill was referred to the Standing Committee on the Economy for review.

2.0 Order of Reference

Excerpt from the *Votes and Proceedings of the Legislative Assembly of Alberta*, Monday, May 26, 2008:

On the motion that the following Bill be now read a Second time:

Bill 204 Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008
— Mr. Johnston

A debate followed.

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs, moved the motion be amended by deleting all the words after “that” and substituting the following:

Bill 204, Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008, be not now read a Second time but that the subject-matter of the Bill be referred to the Standing Committee on the Economy in accordance with temporary Standing Order 74.2.

3.0 Recommendations

Pursuant to Standing Order 74.2(1),

When a Bill is referred to a Policy Field Committee after first reading, the committee may conduct public hearings on the subject matter of the Bill and report its observations, opinions and recommendations with respect to the Bill to the Assembly.

The Standing Committee on the Economy recommends to the Assembly that the Bill not proceed and further recommends that:

The issue be referred to the Ministries of Transportation, Solicitor General and Public Security, and Justice with the recommendation that an offence of distracted driving be created either by legislation or regulation and that the draft legislation or prospective regulation be referred back to the Standing Committee on the Economy at the earliest opportunity prior to the spring 2009 sitting of the Assembly.

Appendix A: Minority Report

Dave Taylor, MLA
Deputy Chair
Calgary-Currie

While I support the general direction this Committee has taken and I agree that creating an offence of distracted driving is the appropriate method of dealing with the problem of cellphone use while driving as well as many other potentially dangerous distractions, I retain concerns with this motion as worded.

This change should take place in the Legislative Assembly of Alberta. The Committee's recommendation proposes to set a precedent in that there is currently no other jurisdiction in Canada with a distracted driving offence on its books. As such, I believe that the creation of the distracted driving offence should be made in legislation. The potential use of regulation by the government, as allowed by this motion, would bypass the Assembly.

This Standing Committee draws its authority from the Legislative Assembly, and a legislative provision against distracted driving would reflect that authority. Regulation, on the other hand, is dependent on the action (and possible inaction) of the government. Establishing the proposed offence of distracted driving through a legislative, rather than regulatory, mechanism is a move that retains the primacy of the people of Alberta through their elected representatives.

Appendix B: List of Submitters and Presenters

The Standing Committee on the Economy invited written submissions on Bill 204, *Traffic Safety (Hand-Held Communication Devices) Amendment Act, 2008*. The Committee received 50 submissions. At the request of the Committee, representatives from the Ministry of Solicitor General and Public Security, the Ministry of Transportation, and police organizations made oral presentations and answered questions at the Committee's July 29, September 10, and September 29 meetings, respectively, in Edmonton, Alberta.

Written Submissions

Name	Organization
1. Catherine Obacz	Private Citizen
2. Michael J. O'Hanlon	Private Citizen
3. Confidential	Private Citizen
4. Rose Balcom	Private Citizen
5. Bill Lundquist	Private Citizen
6. Bob Davey	Private Citizen
7. William Pender	Private Citizen
8. Tanya Brunelle	Private Citizen
9. Bruce Kerr	Private Citizen
10. Jim Gurnett	Private Citizen
11. Donald Bourne	Private Citizen
12. Dean Whitford	Private Citizen
13. Dale A. Danylchuk	City of Lethbridge
14. Neil Korotash	Private Citizen
15. Tim Holder	Private Citizen
16. David Stewart	Private Citizen
17. Bob Lang	Safer Calgary
18. Cindy Christopher	Imperial Oil
19. Don Smitten	Alberta Motor Association (AMA)
20. Nigel Shrive	Private Citizen
21. Douglas McDowell	Northern Alberta Institute of Technology (NAIT)
22. Ginny Bannerman	Insurance Brokers Association of Alberta (IBAA)
23. Andrew Happer	Private Citizen
24. Dr. Charles T. Scialfa, Dr. Donald W. Kline, Dr. Robert E. Dewar	Department of Psychology, University of Calgary
25. Barb Petrie	Private Citizen
26. Archie De Marchi	Private Citizen
27. Rick and Kathy Hilborn	Private Citizens
28. Len and Carol Goodhouse	Private Citizens
29. Doug Taylor	Safer Vehicle Use Limited
30. Dr. Brian L. Horejsi	Private Citizen
31. James R. Stiles	Royal Canadian Mounted Police – "K" Division Traffic Services
32. N/A	Insurance Bureau of Canada
33. Laura Richer	Private Citizen

34. Dr. Louis Hugo Francescutti	Coalition for Cellphone-Free Driving
35. Karen Spruyt and Patty LeMay	Safe Communities Coalition of Central Alberta (SCCA)
36. Dolores Andressen	Private Citizen
37. Marilyn Andressen	Private Citizen
38. Brent Andressen	Private Citizen
39. Kesia Andressen	Private Citizen
40. Greg Cunliffe	Private Citizen
41. Shannon Rupnarain	Alberta Medical Association (AMA)
42. Dr. Jeff Caird	Cognitive Ergonomics Research Laboratory, University of Calgary
43. Karen O'Byrne	Private Citizen
44. Dr. D. C. Voaklander and Kathy L. Belton	Alberta Centre for Injury Control and Research, School of Public Health, University of Alberta
45. Dr. Raymond Klein and Yoko Ishigami	Private Citizens
46. Carole A. Harvey	Private Citizen
47. Mark A. Nantais	Canadian Vehicle Manufacturers' Association (CVMA)
48. Denis Ducharme	Motor Dealers' Association of Alberta (MDA)
49. Donna Powell	Private Citizen
50. Emmanuel Morin	Canadian Wireless Telecommunications Association (CWTA)

Oral Presentations

Name	Organization
Kimberly Armstrong, Executive Director, Policing and Community Safety Branch	Ministry of Solicitor General and Public Security
Shaun Hammond, Assistant Deputy Minister, Transportation Safety and Services Division	Ministry of Transportation
Jeanette Espie, Executive Director, Office of Traffic Safety	Ministry of Transportation
Marlene Anderson, Manager, Policy and Research	Ministry of Transportation
Constable Michael O'Connor, Traffic Education	Calgary Police Service
Acting Staff Sergeant Barry Maron	Edmonton Police Service
Staff Sergeant George Harper, Traffic Commander, Provincial Capital District	Royal Canadian Mounted Police (RCMP)
Sergeant Ben Wilkowski, Traffic Commander, Strathcona County Traffic Services	
Chief Al Sauve, Executive Director, Sheriffs Branch	Ministry of Solicitor General and Public Security