

**Distracted Driving**

Canadian Legislation Chart

| **Province/ Territory1** | **Cellphone Legislation** | **Other Legislation** | **Fine** | **Points** | **Novice Driver /  Graduated License Program** |
| --- | --- | --- | --- | --- | --- |
| **British Columbia**  ([Motor Vehicle Act, Section 214](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96318_06)) | A driver must not use\* a hand-held cellular phone while operating a motor vehicle, or send or receive text messages or email on any electronic device. The use of cellular phones in hands-free mode is permitted if used in a hands-free manner, is voice-activated or requires one touch to start, accept or end a call, and the device is fixed to the vehicle or worn on the person’s body, and the device is installed in a way that does not obstruct the driver’s view. | A driver must not operate a motor vehicle with a television screen unless it is securely fixed to the vehicle so it does not obstruct the driver’s view and the image displayed is not visible to the driver, unless it displays information related to the operation of the vehicle.  A driver using a global positioning system (GPS) for navigation must ensure the device is installed onto the vehicle so it does not obstruct the driver’s view, must not be held in the hand, and must program the device before driving or by voice activation.  A driver may use a hand-held audio player if the device is not in their hand, but is fixed to the vehicle or worn on their body, and is played through vehicle speakers.  A driver may use a hand or two-way microphone while driving if it is within reach and the device is securely installed onto the vehicle so it does not obstruct the driver’s view, or is fixed on the body. | $368 + $214 ICBC Driver Penalty Point Premium = $582 total  Two or more offences in a three-year period: charged Driver Risk Premium, billed annually, separate from insurance premiums. | 4 | GLP drivers are not permitted to use any electronic device, including navigation devices, hands-free units and permitted devices.  One distracted driving infraction: considered high-risk, reviewed by Driver Improvement Program, and may receive a 1-6 month prohibition. |
| **Alberta**  ([Traffic Safety Act, Sections 115.1-115.4](http://www.qp.alberta.ca/1266.cfm?page=T06.cfm&leg_type=Acts&isbncln=9780779806874&display=html)) | A driver must not use\* a hand-held cellular phone while operating a motor vehicle. Drivers may use cellular phones in hands-free mode. | A driver must not operate a motor vehicle if the display screen of a television, computer, or other device, excluding those that provide vehicle information, is activated and visible to the driver. A driver may use a GPS unit for navigation purposes while operating a motor vehicle if the device is securely fixed to the vehicle, is not held in the individual’s hand, is voice-activated or programmed before they begin driving.  A driver must not operate a motor vehicle while engaged in an activity that distracts them from safe operation of the vehicle, including reading or viewing printed material, writing or sketching, or engaging in personal grooming or hygiene. | $300 | 3 | N/A |
| **Saskatchewan**  ([Traffic Safety Act, Division 6, Sections 241 and 241.1](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=2ahUKEwj6kLmz2LrmAhUjgK0KHRYhB2IQFjACegQIAhAC&url=https://pubsaskdev.blob.core.windows.net/pubsask-prod/18166/T18-1.pdf&usg=AOvVaw1oNrLfoVrrBRiWU8HkSAOI)) | A driver must not use\* a cellular phone while operating a motor vehicle. Hands-free devices can be used if activated by voice commands or one touch and if the device is mounted on the dashboard or visor. | A driver must not operate a vehicle equipped with a television, video or computer screen, unless the device is securely mounted and located so it does not obstruct the view of the driver, or the screen displays information solely related to the vehicle or is used to navigate.  Other distractions such as eating, using GPS, reading and grooming are covered under driving without due care and attention legislation (Section 213). | 1st offence: $580  2nd offence within 1 year of the first: $1400 and immediate 7-day vehicle seizure  3rd offence within 1 year of the first: $2100 and 7-day vehicle seizure | 4 | GDL drivers are not permitted to use hands-free devices. |
| **Manitoba**  ([Highway Traffic Act, Sections 214(3), 214(4), and 215.1](https://web2.gov.mb.ca/laws/statutes/ccsm/h060e.php)) | A driver must not use\* a hand-operated cellular phone while operating a motor vehicle, unless the phone is used in a hands-free manner. | A driver must not operate a vehicle equipped with a television set unless it is positioned behind the driver’s seat and the screen is not visible by the driver | 1st offence:  $672, 3-day licence suspension  Subsequent offences: 7-day license suspension | 5 | N/A |
| **Ontario**  ([Highway Traffic Act, Sections 78 and 78.1](https://www.ontario.ca/laws/statute/90h08#BK141)) | A driver must not hold or use\* a hand-held cellular phone while operating a motor vehicle. A driver may use a cellular phone in hands-free mode. | A driver must not operate a motor vehicle if the display screen of a television, computer or other device is visible to the driver, unless it is a GPS securely mounted to the dashboard or built in (pre-programmed prior to driving or using voice commands), a collision avoidance system, or related to the status of the motor vehicle.  A driver may not operate a motor vehicle while using a hand-held electronic entertainment device, such as a tablet. | 1st offence: $615 up to $1,000, 3-day suspension  2nd offence: $615 up to $2,000, 7-day suspension  Subsequent offences: $615 up to $3,000, 30-day license suspension | First offence: 3  Second and subsequent offences: 6 | Novice drivers do not receive demerit points. They face the same fines as other drivers, minimum 30 day suspension for first offence and 90 day suspension for second offence A third offence results in licence cancellation and removal from the graduated licensing system, requiring the driver to redo the program. |
| **Quebec**  ([Highway Safety Code, Section 443.1](http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/C-24.2)) | A driver must not use\* a hand-held cellular phone while operating a motor vehicle. Driver may use a hands-free device. | A driver must not use any portable device designed to transmit or receive information or for entertainment purposes, or use a display screen unless it is hands-free, is viewed on a display screen and is related to motor vehicle operation, is integrated or mounted to the vehicle, does not obstruct the driver’s view, and can be viewed easily.  A driver may not operate a motor vehicle while wearing headphones/earphones in both ears; a headphone/earphone may only be worn in one ear ($100-200 fine). | 1st offence: $300 to $600  2nd offence within 2 years: $600, 3-day licence suspension  3rd offence within 2 years: $600, 7-day licence suspension  4th offence within 2 years: $600, 30 day license suspension | 5 | Drivers with a learner’s licence will lose their licence if they reach 4 demerit points. |
| **New Brunswick**  ([Motor Vehicle Act, Sections 265.02 and 265.04](https://www.canlii.org/en/nb/laws/stat/rsnb-1973-c-m-17/latest/rsnb-1973-c-m-17.html)) | A driver must not use\* a hand-held cellular phone while operating a motor vehicle. A driver may operate a motor vehicle while using a cellular phone in hands-free mode, using voice commands or touching the device only once to accept, initiate or end a telephone call. | A driver must not operate a motor vehicle in which a display screen is visible to the driver unless it is a built-in screen installed by the manufacturer or according to the manufacturer’s instructions and either displays information on road or weather conditions, functions as a GPS device (programmed prior to driving), or displays information on the condition of various systems in the immediate environment of the motor vehicle. | $172.50 | 3 | N/A |
| **Nova Scotia**  ([Motor Vehicle Act, Sections 100D and 184(7](https://nslegislature.ca/sites/default/files/legc/statutes/motor%2520vehicle.pdf))) | A driver must not use\* a hand-held cellular phone or engage in text messaging while operating a motor vehicle. | A driver must not operate a motor vehicle equipped with a television screen located forward of the driver’s seat or that is visible to the driver. | 1st offence: $237.50  2nd offence: $352.50  Subsequent offences:  $582.50 | 4 | Drivers with a learner's licence will have their licence suspended 6 months if they reach 4 demerit points. |
| **Prince Edward Island**  ([Highway Traffic Act, Sections 133 and 291.1](https://www.princeedwardisland.ca/sites/default/files/legislation/H-05-Highway%2520Traffic%2520Act.pdf)) | A driver must not use\* or hold a hand-held cellular phone while operating a motor vehicle. A driver may operate a motor vehicle while using a cellular phone in hands-free mode. | A driver must not operate a motor vehicle equipped with a television set or carrying a television set while the set is in operation. | $575-$1,275 | 5 | Drivers in the GDL program are permitted to use hands-free phones.  Drivers in Stages 2 and 3 who fail to comply with restrictions will receive a 30-day suspension for the 1st offence and 90-day suspension for subsequent offences. |
| **Newfoundland and**  **Labrador**  ([Highway Traffic Act, Sections 34 and 176.1](https://www.assembly.nl.ca/Legislation/sr/statutes/h03.htm#176_1)) | A driver must not hold or use\* a hand-held cellular phone while driving a motor vehicle. A driver may operate a vehicle while using a cellular device in hands-free mode. | A driver must not operate a motor vehicle equipped with a television set located in front of the driver’s seat or visible to the driver while they are operating the vehicle, unless it is a closed circuit television system or display unit used to assist in the operation of the vehicle. | 1st offence: $300-500  2nd offence: $500-750  Subsequent offences: $750-1,000 | 4 | N/A |
| **Yukon**  ([Motor Vehicles Act, Sections 132 and 210.1](http://www.gov.yk.ca/legislation/acts/move_c.pdf)) | A driver must not use\* a hand-held cellular phone while operating a motor vehicle. A driver may operate a motor vehicle while using a cellular phone in hands- free mode. | A driver must not operate a motor vehicle equipped with a television set unless it is located and operated so that the driver cannot see the screen while the vehicle is in motion. | Up to $500 | 3 | Up to $500 fine, 3 demerit points, drivers lose all hours of driving experience and must restart the program |
| **Northwest**  **Territories**  ([Motor Vehicle Act, Section 155.1](https://www.justice.gov.nt.ca/en/files/legislation/motor-vehicles/motor-vehicles.a.pdf)) | A driver must not use\* a hand-held cellular phone while operating a motor vehicle. A driver may operate a motor vehicle while using a cellular phone in a hands- free manner. |  | $322; $644 in school and construction zones  2nd offence within 2 years: $322, 24-hour suspension  3rd offence within 2 years: $322, 7-day suspension  4th offence within 2 years: $322, 30-day suspension | 3 | N/A |
| **Nunavut**  ([Motor Vehicle Act, Section 239.1 and 239.2](https://www.nunavutlegislation.ca/en/consolidated-law/traffic-safety-act-consolidation)) | A driver must not hold or use\* a hand-held electronic device. A driver may use a device in hands-free mode. | A driver must not operate a motor vehicle equipped with a display screen or viewing screen directly or indirectly visible to the driver while they are operating the vehicle, unless it is built into the vehicle, a back-up screen, a GPS. | No formal penalty | 0 | N/A |

1 For information purposes only. Please consult local authorities for further interpretation and current status.

* Use is further defined as holding the device in a position which it may be used, operating any of the device’s functions or communicating by means of the device, including making, answering or ending a phone call, texting, e-mailing, or accessing the Internet.

**Additional Links:**

**British Columbia**

Use of electronic devices while driving: [https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/high-risk/distracted/electronic-devices#:~:text=A%20driver%20must%20not%3A,type%20of%20electronic%20device%2C%20or](https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/high-risk/distracted/electronic-devices%23:~:text=A%2520driver%2520must%2520not:,type%2520of%2520electronic%2520device,%2520or)

Fines and points for B.C. traffic offences: <https://www.icbc.com/driver-licensing/tickets/Pages/fines-points-offences.aspx>

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

**Alberta**

Distracted driving: <https://www.alberta.ca/distracted-driving.aspx>

**Saskatchewan**

Distracted driving penalties: <https://www.sgi.sk.ca/distracted-driving-penalties>

**Manitoba**

Distracted driving: <https://www.mpi.mb.ca/Pages/distracted-driving.aspx>

**Ontario**

Distracted driving: <https://www.ontario.ca/page/distracted-driving>

**Quebec**

Distractions: What the law says: <https://saaq.gouv.qc.ca/en/road-safety/behaviours/distractions/what-law-says>

**New Brunswick**

Driver distraction: The law:<https://www2.gnb.ca/content/gnb/en/departments/public-safety/community_safety/content/promo/driver_distraction/law.html>

**Nova Scotia**

Summary Offence Tickets Regulations: <https://novascotia.ca/just/regulations/regs/sptickets.htm>

**Prince Edward Island**

Distracted driving: <https://www.princeedwardisland.ca/en/information/transportation-infrastructure-and-energy/distracted-driving>

Graduated driver licensing program: <https://www.princeedwardisland.ca/en/information/transportation-and-infrastructure/graduated-driver-licensing-program>

**Yukon**

Find out: what if you're caught driving while distracted: <http://www.roadsafety.gov.yk.ca/trans/transportservices/roadsafety/distracted.html>