

ONTARIO REGULATION 366/09

made under the

HIGHWAY TRAFFIC ACT

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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.

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