



HARRISON PENSA

In any case.

E-Mail Newsletter

October 26, 2009

Cell Phone Ban to Become Effective October 26, 2009

Legislation has been enacted by the Ontario government prohibiting the use of mobile devices while driving. The use of devices such as cell phones, Blackberrys or iPhones will be illegal while driving. Drivers will only be able to use a cell phone or smart phone when their car is off the road and not impeding traffic.

In order to talk on a cell phone, drivers must utilize a hands free device such as a Bluetooth. Drivers will be permitted to press buttons on head sets in order to engage a hands-free mode provided the device can be easily reached without having to adjust their driving position.

The new legislation also prohibits the use of a television, computer or laptop while driving. GPS devices will be permitted as well as other dashboard

mounted units that provide navigation or other logistical information. An exemption exists for law enforcement officers and fire fighters who are allowed to drive with a display screen visible to them.

Transportation Minister Jim Bradley has promised leniency while drivers adjust to the new rules. Police will not start issuing tickets for violations until **February 1, 2010**. Violations of the new law will result in fines of \$500. Additional demerit points or fines may be awarded under careless driving laws.

Exemptions to the new laws have been made available to the drivers of emergency vehicles. Additionally, drivers who make calls to emergency personnel such as the police or fire department are exempt from the general restriction.

Further exemptions exist for commercial motor vehicles, taxicabs and limousines. These vehicles are permitted to have a display screen in sight while driving. Similarly, an exemption exists for road authority workers, electricity workers and public utilities workers.

The new legislation is of particular importance to employers whose employees utilize mobile devices at work. In other jurisdictions where similar legislation exists, employers have been found liable for damages caused by their employees while using mobile technology at work. Although the Ontario legislation does not specifically impose liability on employers, the potential exists for civil liability if the new legislation is not complied with.

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