

Distracted Driving Consultation – Background Information

Distracted Driving in B.C.

Distracted driving, in all of its forms, is the second-highest contributing factor to motor vehicle related fatalities in B.C., with 88 deaths per year. It is estimated that over 9,500 drivers are using a hand-held device while driving at any given time in B.C., with 40% of those drivers texting behind the wheel.

To enhance road safety, B.C. banned the use of hand-held electronic devices by drivers in 2010. Last year, government strengthened the penalties for using an electronic device while driving to include three penalty points in addition to the \$167 fine.

New drivers in the Graduated Licensing Program (GLP) are banned from using all hand-held devices, including hands-free technology.

Experienced drivers may use hands-free devices (ex: pre-programmed GPS, microphones, audio players, etc.), but only under certain conditions. The device must be:

- Securely attached to the car or driver, and not loose in your lap, cup holder or on the seat next to you, and
- Voice activated, taking only one touch to accept or end a call.
- If the device has an earpiece, it must be worn in one ear only, placed before driving. (Note that motorcyclists can wear an earpiece in both ears.)

Drivers may also use an electronic device IF they are:

- Dialing 9-1-1 in an emergency,
- Safely parked and off the road,
- Active emergency personnel.

Research

Driving is a highly complex task requiring three types of attention: visual (eyes on the road), manual (hands on the wheel) and cognitive (how the brain processes and responds to what it “sees”).

Distractions greatly reduce a driver’s ability to react to changing road conditions. Research tells us that our brain thinks differently when we are talking on a cell phone than if we are talking with a passenger. Unlike someone on the other end of a phone, passengers will change how they are talking based on the driving conditions. For example, during situations that require more concentration from the driver, passengers will stop talking or point out the potential hazard.

Cell phone conversations, including hands-free ones, reduce attention and limit brain activity in ways that conversations with passengers do not. Drivers using cell phones look but fail to “see” up to 50% of the visual information in their driving environment. This suggests that drivers using cell phones are less able to respond to situations that demand quick reactions as their attention is diverted.

Texting vs. Talking

Research has found that drivers who talk on a cell phone increase their crash risk by at least three to four times.

Texting or using a smartphone while driving is significantly more distracting than talking on one. Texting forces drivers to take their eyes off the road and focus their attention on the screen of their device. A study involving truck drivers showed that crash risk can be as much as 23 times higher for drivers who text, rather than talk, on a hand-held device.

Currently, all drivers caught using an electronic device, whether talking or texting, receive a violation ticket that results in three penalty points on their licence and a \$167 fine.

Top 3 in B.C.

In B.C., the top three contributing factors in motor-vehicle deaths on B.C. roads are*:

- Speed (105 deaths)
- Distraction (88 deaths), and
- Alcohol (86 deaths)

Yet the current sanctions for distracted driving are not on the same level of severity as sanctions for speed and alcohol.

Speeding in excess of 40 km/hr may result in a violation ticket of \$368, three penalty points and a seven-day vehicle impoundment. For speeds over 60 km/hr, in addition to the seven-day vehicle impoundment, the violation ticket increases to \$483.

Drinking and driving in B.C. may result in administrative sanctions or criminal charges. Administrative sanctions include monetary penalties ranging from \$200 to \$500, plus a \$250 license reinstatement fee, a driving prohibition up to 90 days, the possibility of a vehicle impoundment up to 30 days, and possible referral to remedial programs.

*This average is based on the number of [deaths per year](#) from 2009 to 2013.

New Drivers

Crash risks are increased for new and young drivers due to their inexperience and tendency to take greater risks, making this group of drivers particularly vulnerable.

For this reason, stricter limitations are imposed on drivers in the Graduated Licensing Program (GLP). These include:

- a zero-tolerance policy for any electronic device use, including hands-free;
- a zero-tolerance policy for alcohol in both the learner and novice stages;
- and passenger restrictions.

Violation tickets issued for use of an electronic device while driving always come with three penalty points. Any GLP driver with three points or more on their driving record automatically undergoes a review through the Driver Improvement Program (DIP), which may result in a probationary term or a driving prohibition.

If the Superintendent of Motor Vehicles issues a driving prohibition to a driver in the Learner stage of the GLP, their 12-month Learner driving period starts over once the prohibition ends and the Learner gets re-licensed.

If the Superintendent issues a driving prohibition to a driver in the Novice stage of the GLP, the 24-month Novice driving period starts over when the prohibition ends and the Novice gets re-licensed.

Fines

Drivers who engage in high-risk driving behaviours receive violation tickets, designed to deter drivers from engaging in or repeating these behaviours.

In B.C., the fine for distracted driving (use of an electronic device while driving) is \$167. B.C. currently has the second-lowest maximum fine amount for distracted driving in Canada (excluding Nunavut, which doesn't have a distracted driving law).

These include:

- \$579 Nova Scotia
- \$500 Ontario*
- \$400 Newfoundland and Labrador
- \$400 Prince Edward Island
- \$322 Northwest Territories
- \$280 Saskatchewan
- \$250 Yukon
- \$200 Manitoba
- \$173 New Brunswick
- \$172 Alberta
- **\$167 British Columbia**
- \$154 Quebec

Note: some of these jurisdictions have fine ranges and some have escalating sanctions. The highest fine for each jurisdiction is shown.

In B.C., police may also ticket drivers for driving without due care, or driving without consideration, for unsafe behaviours that don't fall under B.C.'s distracted driving legislation. These fine amounts range from \$196 to \$368, and six penalty points.

*Ontario has announced they will increase their maximum fine to \$1,000.

Penalty Points

Penalty points are added to a driver's licence for some types of traffic tickets. The violation ticket for "Use of an Electronic Device while Driving" currently has three penalty points. If a driver's history indicates a pattern of risky driving behaviour, they may be issued a driving prohibition through B.C.'s Driver Improvement Program (DIP).

Drivers may also be required to pay additional insurance premiums. Every year, the Insurance Corporation of British Columbia (ICBC) evaluates the number of penalty points that a driver has received.

Drivers with more than three penalty points on their driving record during the one-year assessment period are required to pay a Driver Penalty Point (DPP) premium. Premiums start at \$175 for four points and range up to \$24,000 for 50 or more points.

Drivers are billed annually for their DPP even if they do not own or insure a vehicle.

- For more information on the DPP see: [Driving Penalty Index](#).
- For more information on the DIP see: [Driver Improvement Program](#)

Additional Sanctions

Along with fines and penalty points, other sanctions such as driving prohibitions and vehicle impoundments have proven highly effective in curbing dangerous driving behaviours. These can include:

- **Driving Prohibition: 24 hour prohibitions**
24-hour prohibitions are issued in B.C. to drivers when police have reasonable grounds to believe a driver is affected by drugs or alcohol.
- **Driving Prohibition: multiple-day prohibitions**
In B.C, drinking and driving may result in escalating driving prohibitions, ranging from 24 hours to 90 days. A similar escalating model could be implemented for distracted driving.

- **Vehicle Impoundments**

Unsafe driving behaviour, such as excessive speeding, unlicensed driving, driving while prohibited or suspended, street racing, and unsafe operation of a motorcycle will lead to immediate vehicle impoundments. The period starts at seven days and may be increased up to 60 days for prior impoundments.

Combination of Sanctions

The Immediate Roadside Prohibition (IRP) program was implemented to reduce the number of alcohol-related fatalities in B.C. The program, a combination of prohibitions, monetary penalties and vehicle impoundments, has had unprecedented levels of success – since the program was introduced in 2010 alcohol-related fatalities in B.C. have [declined by 52% or 238 deaths](#).

The IRP program’s success shows that a comprehensive approach is an effective way to deter drivers from risky behaviours that may have similar benefits for distracted driving.

Repeat Offenders

Drivers may get away with poor driving habits and high-risk driving behaviour, like using a cell phone, for a time before facing a violation ticket or causing a collision. Over time, this can encourage a false sense of security with a driver believing their negative behaviour is beyond reproach and risk-free.

Jurisdictions across Canada are taking a variety of approaches to deter drivers from using a hand-held device while driving, after the first conviction.

For example, drivers in Saskatchewan issued two or more tickets within a 12-month period will have their vehicle impounded for seven days.

In Nova Scotia, fine amounts increase based on the number of previous tickets a driver has: the first ticket is \$234, the second is \$349 and the third is \$579.