

CORPORATE POLICY

POLICY NO. 01-02-01	DEPARTMENT Administration
SUBJECT Use of Hand Held Communication Devices While Driving a Motor Vehicle	EFFECTIVE DATE October 26, 2009
APPROVED BY Resolution No. 327-2009 October 26, 2009	PAGES 1 OF 3
REPLACING/AMENDING NEW	DATE October 20, 2009

POLICY STATEMENT

Operating or driving any vehicle or self propelled equipment while operating hand held wireless communication devices, visual display screens, electronic media or communication media of any kind unless exempt by Provincial legislation is prohibited.

PURPOSE

The purpose of the Use of Hand Held Communication Devices While Driving a Motor Vehicle Policy is to be compliant with Provincial Bill 118 and the Ontario Highway Traffic Act – Section 78.

PRINCIPLE

Definitions

Wireless Communication Device

Includes but not limited to:

- Cellular telephones
- Electronic mail devices
- Wireless handheld entertainment and media devices
- Portable computers and peripheral devices

Communication Media

Includes but not limited to:

- Reading materials which are not systems providing information regarding the status of systems of the motor vehicle
- Writing materials - pens, pencils, markers etc

Motor Vehicle or Equipment

A motor vehicle, trailer, traction engine, farm tractor or road-building machine as defined in the *Highway Traffic Act* and any vehicle drawn, propelled or driven by any kind of non-muscular power. Vehicle also includes a motorized snow vehicle (or other which operates by way of a combustion engine) *and* personal vehicles used for work related activities while performing work for the Municipality.

PROCESS

Prohibited use of Devices

1. Operating or Driving any vehicle or self propelled equipment while operating hand held wireless communication devices, visual display screens, electronic media or communication media of any kind unless exempt by Provincial legislation is prohibited.
2. Driving a motor vehicle or equipment with the display screen of a television, computer, other device visible to the driver or communication media of any kind is also prohibited.
3. The display screens of global positioning system navigation devices, hand-held communication and similar prescribed devices, commercially used logistical transportation tracking systems, collision avoidance systems and instruments, gauges and systems providing information regarding the status of systems of the motor vehicle are exempted from the prohibition.
4. Drivers of ambulances, fire department vehicles and police department vehicles are also exempted.

Permitted use of Devices

1. Use of such wireless electronic devices in the hands-free mode is exempted.
2. Use of such devices while the motor vehicle or equipment is off the travelled part of the road, not in motion and not impeding traffic is permitted.
3. Drivers of ambulances, fire department vehicles and police department vehicles are exempted from the prohibitions respecting hand-held wireless communication devices, as are any drivers using the devices to contact ambulance, police or fire department.
4. The Minister of Transportation may prohibit holding or using other devices by regulation and may provide for further exemptions by regulation.

Responsibilities and Enforcement

Employees of the Municipality of Oliver Paipoonge while on duty and in control of a motor vehicles or equipment shall comply with this procedure and provincial regulation. Any fines levied by enforcement officials against a vehicle operator for failing to comply with Bill 118, shall be the responsibility of the operator charged against the offence. Failure to comply with this policy will also be subject to the disciplinary process in effect at the time of the infraction.

Managers and Supervisors will participate in the effective administration of this regulation prohibiting the use of hand held communication devices while in control of a motor vehicle or self propelled equipment unit.

The Health and Safety Coordinator may also monitor vehicles/equipment activity and may make appropriate recommendations to department Managers on performance.

ADDITIONAL REGULATIONS AND PROCEDURES

Provincial Bill 118 - An Act to amend the Highway Traffic Act to prohibit the use of devices with display screens and hand-held communication and entertainment devices.

Ontario Highway Traffic Act – Section 78 - prohibiting the use of devices with display screens and hand-held communication and entertainment devices while driving a motor vehicle.