

## **Pay Attention to This! Distracted Driving in Ontario**

*By Nigel Gilby and Christopher Dawson*

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The cellphone prohibition while driving only applies to hand-held devices. If necessary, drivers may still have telephone conversations while driving so long as they use hands-free devices (such as Bluetooth devices). In addition, the law also does not apply to drivers in vehicles pulled off the roadway, vehicles that are lawfully parked, to 911 calls, or vehicle display screens that show information about the vehicle's status. It is clear that the intent behind the law is to minimize driver distractions - keeping the driver's hands on the wheel and eyes on the road. Drivers who break the law may be required to pay fines, up to a maximum of \$500.

Looking back, some readers may recall that when the new law came into force, the Ontario government provided drivers with a three-month period in which the focus for police officers was on educating drivers about the new law. Following this period, starting on February 1, 2010, police began issuing tickets to enforce the ban. It has now been well over a year of handsfree driving. Sources indicate that over the last year, 45,975 tickets were issued to drivers caught breaking the law – which averages about 138 tickets a day across the province! Given this date from the past year, the question now becomes: How effective has the law been? Full statistics have yet to be collected and analyzed, but surely the results will be intriguing. After all, I think that most of us still see many drivers on the road who talk and text while driving!

Indeed, the idea behind the “using a cell phone while driving ban” was to reduce potentially deadly traffic accidents in a fast-moving environment where multi-tasking can be dangerous. Studies conducted prior to the amendments, including one by the Ontario Medical Association, indicated that the use of cell phones while driving dramatically increased the risk of accidents. Further, some studies had suggested that the risks from cell-phone use while driving equaled those from alcohol impairment. In fact, one U.S. study had estimated that driver distraction was a factor in 80% of North American car crashes. If accurate, this figure is a stark reminder of how important full concentration is while driving. But this study also sparks various other questions: Is driving while eating a dangerous distraction? What about driving while drinking coffee and other beverages? If so, does the government ban drive-through restaurants? How would the police enforce these dangerous distractions? Where does the line between multi-tasking and convenience versus distraction and danger get drawn? These are all questions that the Ontario government will ultimately have to consider at some point in the future.

There is no question that technology has made multi-tasking in our lives far more easier and convenient. However, in the context of driving, unnecessary multitasking should always be avoided. Driving requires your full attention. It only takes a split second for a dangerous situation to arise, and reaction time alone takes split seconds to negotiate through the danger. The evidence speaks for itself: drivers who use cell phones are four times more likely to be in a collision than a driver who is focused on the road. Stay alert, stay focused, and arrive alive.

As always, though this article intends to give you a basic overview of the law, it is never a substitute for consulting your lawyer. If you or someone you know was injured in a car accident, you are advised to discuss your legal options with a personal injury lawyer.

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