

Drivers face higher set fine for distracted driving March 18

□ www.advocatedaily.com/2014/02/drivers-face-higher-set-fine-for-distracted-driving-march-18/

TORONTO – An Ontario court has hiked the set fine for motorists caught driving while using a cellphone or other prohibited device.

Chief Justice Annemarie Bonkalo of the Ontario Court of Justice has signed an order increasing the set fine to \$225 from \$125 starting March 18. That means drivers would face a fine of \$280, including surcharges.

However, drivers who fight the ticket by going to court can face fines of up to \$500 under the law.

Transportation Minister Glen Murray welcomed the move, saying it could help deter drivers from using their cellphones. But he wouldn't say if the government will consider using demerit points as a penalty for distracted drivers.

Police started issuing tickets in 2010, which drivers could settle out of court by paying a fine of \$125 plus \$30 in surcharges.

When the set fine rises to \$225, the surcharges will also increase to \$55. But drivers who received a summons or contest their ticket face larger fines.

Those who endanger others because of any distraction could also be charged with careless driving and receive six demerit points and fines up to \$2,000. There are other penalties, including six months in jail, licence suspension for up to two years and criminal charges.

But drivers can use hands-free devices. They are also allowed to use a cellphone to call 911 in an emergency or if they've pulled off the road or lawfully parked.

Toronto personal injury lawyer [Stacey Stevens](#) tells AdvocateDaily.com the increased fine is a "step in the right direction, however it is questionable as to whether this measure goes far enough. While this increase places Ontario in the top three provinces with the highest fine for distracted driving, it does not, in my opinion, focus enough on protecting young drivers."

Stevens, a partner with [Thomson Rogers LLP](#), notes that according to a U.S. study, 70 per cent of teens aged 13 to 17 now use smart phones, while 79 per cent of young adults between the ages of 18 and 24 own the devices compared to 2012 when only 50 per cent of teens had them.

"It is difficult to accept that novice drivers will simply put their phones away when they get behind the wheel without more incentive to do so," says Stevens. "For example, in the Yukon, graduated drivers are banned from using cell phones even with a hands-free device."

Stevens says, "We need to see more educational programs and public service announcements that deal directly with this issue. According to Transport Canada's National Collision Database, the number of fatal collisions where distraction is cited as a cause has risen by 17 per cent in Canada – from 302 deaths to 352.

"Distracted driving currently surpasses the number of fatalities caused by impaired driving in Ontario and is now recognized as one of the leading causes of death on our roadways," notes Stevens. "Programs such as the Drop It and Drive campaign in B.C schools focus on getting this message out to teenagers to

prevent them from developing the bad habit of dialing the phone, typing or reading a text message while driving."

Stevens says, however, a complete ban on smart phone use while driving isn't the answer either.

"Society has a strong addiction to connection and it goes without saying that a certain number of people will use their phones behind the wheel," she says. "Perhaps the only solution is for manufacturers to develop a truly hands-free device that requires at most one push of a button. Until then, the government needs to continue its efforts to raise public awareness of the dangers associated with distracted driving."

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