Manitoba
C.C.S.M. c. H60
The Highway Traffic Act
Current as of 4 May 2020
In effect since 16 December 2019

**Definitions re hand-operated electronic devices**

[215.1(1)](https://web2.gov.mb.ca/laws/statutes/ccsm/h060f.php#215.1)

The following definitions apply in this section.

**"hand-operated electronic device"** means

(a) a cellular telephone;

(b) another electronic device that

(i) includes a telephone function, and

(ii) normally is held in the user's hand during use or requires the user to use his or her hand to operate any of its functions;

(c) an electronic device that is not otherwise described in clause (a) or (b) but that

(i) is capable of transmitting or receiving e-mail or other text-based messages, and

(ii) normally is held in the user's hand during use or requires the user to use his or her hand to operate any of its functions; or

(d) any other electronic device that is prescribed as a hand-operated electronic device by the regulations. (« appareil électronique à commande manuelle »)

**"use"**, in relation to a hand-operated electronic device, means any of the following actions:

(a) holding the device in a position in which it may be used;

(b) operating any of the device's functions;

(c) communicating by means of the device with another person or another device, by spoken word or otherwise;

(d) looking at the device's display; and

(e) taking any other action with or in relation to the device that is prescribed by the regulations. (« utiliser »)

Using hand-operated electronic device while driving prohibited

[215.1(2)](https://web2.gov.mb.ca/laws/statutes/ccsm/h060f.php#215.1(2))

No person shall use a hand-operated electronic device while driving a vehicle on a highway unless,

(a) before using the device by hand, the person safely drives the vehicle off the roadway and keeps the vehicle stationary while using the device; or

(b) the device

(i) is a cellular telephone or another electronic device that includes a telephone function, and

(ii) is configured and equipped to allow hands-free use as a telephone and is used in a hands-free manner.

**Exception**

[215.1(3)](https://web2.gov.mb.ca/laws/statutes/ccsm/h060f.php#215.1(3))

As an exception to subsection (2), a person may use a hand-operated electronic device by hand to call or send a message to a police force, fire department or ambulance service about an emergency.

Exception — police, fire and ambulance personnel

[215.1(4)](https://web2.gov.mb.ca/laws/statutes/ccsm/h060f.php#215.1(4))

Subsection (2) does not apply to any of the following persons in relation to the use of a hand-operated electronic device in carrying out his or her duties:

(a) a member of the Royal Canadian Mounted Police Force or another police officer, police constable or constable;

(b) a firefighter employed by a fire department;

(c) an ambulance operator as defined in section 1 of *The Emergency Medical Response and Stretcher Transportation Act*.

Exception — certain radios and other equipment

[215.1(5)](https://web2.gov.mb.ca/laws/statutes/ccsm/h060f.php#215.1(5))

Subsection (2) does not apply to the use of

(a) a radio apparatus, as defined in section 2 of the *Radiocommunication Act* (Canada), that

(i) is operated under the authority of a radio operator certificate issued under that Act,

(ii) must, in order for its operator to communicate with another person, transmit radio signals to another radio apparatus that is operated under the authority of a radio licence issued under that Act, other than a radio licence issued to a cellular telephone network provider, or

(iii) is the type of radio apparatus commonly known as citizen's band radio or family band radio; or

(b) a mobile data terminal that

(i) is used for dispatch or other business-related communications in a vehicle used for business purposes, and

(ii) is not held in the driver's hand when the vehicle is moving.

https://web2.gov.mb.ca/laws/statutes/ccsm/h060e.php#215.1(5))

# Ontario

O. Reg. 366/09: DISPLAY SCREENS AND HAND-HELD DEVICES
under [*Highway Traffic Act, R.S.O. 1990, c. H.8*](https://www.ontario.ca/laws/statute/90h08)
Current as of 14 February 2020

#### **Exemption for amateur radio operators**

**13.** (1) Drivers who hold a valid radio operator certificate issued under the *Radiocommunication Act* (Canada) may drive a motor vehicle on a highway while holding or using a two-way radio.  O. Reg. 366/09, s. 13 (1), O. Reg. 253/12, s. 3 (1).

(2) Revoked: O. Reg. 18/20, s. 5.

https://www.ontario.ca/laws/regulation/090366

# Quebec

“What the Law Says” government website

The prohibition from holding a hand-held device that includes a telephone function does not apply:

* to drivers of emergency vehicles in the performance of their duties, e.g. police officers, firefighters or ambulance attendants
* in the case of a two-way radio, that is, a device that does not allow the parties to speak simultaneously—also known as a walkie-talkie, mobile transceiver, two-way portable radio or two-way transceiver
* when a device is used to make a 9-1-1 call

<https://saaq.gouv.qc.ca/en/road-safety/behaviours/distractions/what-the-laws-says/>

**For other provinces, see:
https://www.rac.ca/distracted-driving/**