



# Cochrane Moore LLP

## Legal Services

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57 Simcoe St. S., Suite 2A, Oshawa, ON. L1H 4G4

[www.lawinoshawa.com](http://www.lawinoshawa.com)

P: (905)240-4529

F: (905)240-3030

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### **Distracted Driving**

Written by: Travis King

Edited by Jonathan Thibert LL.B., Partner at Cochrane Moore LLP

As technology grows every year, we are that much more connected to our friends, family, work, and social media. Every year a new smart device is released with new features like texting from your watch, watching video from your glasses, or getting live updates of a sporting event to your smart watch. While these advances into our social world are unique and allow us to get closer to others, they also are potentially dangerous in the eyes of the law while driving.

Section 78.1 of the *Highway Traffic Act* states that “No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, mail or text messages”. This means that no driver of a motor vehicle on a road or highway while in the driver's seat may hold a working cellphone or other communication device regardless if the vehicle is in motion or in a stopped position. As a driver you cannot hold a working cellphone at any time while on the road, if you do you risk getting a traffic ticket.

Penalties for this offence upon a first conviction are:

- A fine of \$500, plus victim surcharge, and court fees if settled out of court;
- A fine of up to \$1,000 if a summons is issued by the officer;
- Three demerit points;
- A 3-day licence suspension.

The penalties for this offence for a second conviction are:

- A fine of \$500, plus victim surcharge, and court fees if settled out of court;
- A fine of up to \$2,000 if a summons is issued by the officer;
- Six demerit points;
- A 7-day licence suspension.

Upon a third conviction and any further convictions

- A fine of \$500, plus victim surcharge, and court fees if settled out of court;
- A fine of up to \$3,000 if a summons is issued by the officer;
- Six demerit points;
- A 30-day licence suspension.

With the new legislation passed by our Ontario government, Ontario has some of the toughest penalties for repeated distracted driving convictions. With these tickets constantly making headlines, these tickets can be extremely difficult to fight. Most of these tickets will go to trial and the decision will be up to the Justice of the Peace or Judge presiding that day.

Have you received one of these tickets? Give our office a call!

While this provides a brief overview, the law can be very complex, and many aspects are case specific. If you have an issue, call a paralegal at Cochrane Moore LLP in Oshawa for a free consultation.

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