

# INFORMATION BULLETIN

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## TWO-WAY RADIOS, MOVE OVER LAW AND PHOTO SURVEILLANCE DEVICES

The *Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions* (Bill 57) was assented to on June 6, 2012. The amendments made to the *Highway Safety Code* under this act make it necessary to carry out adjustments to the Conduct Review Policy for Heavy Vehicle Owners and Operators and the Conduct Review Policy for Heavy Vehicle Drivers.

### TWO-WAY RADIOS (CBS AND WALKIE-TALKIES)

Since 2008, driving while using a hand-held device that includes a telephone function has been prohibited. Bill 57 confirms that portable transmitter-receivers (better known as CBs and walkie-talkies) are not covered by this prohibition. However, **two-way communication devices that also include a telephone function are forbidden**.

The scope of section 439.1 of the Highway Safety Code was specified by an amendment that came into effect on June 6, 2012 (in bold in the text):

*439.1 No person may, while driving a road vehicle, use a hand-held device that includes a telephone function.*

*For the purposes of this section, a driver who is holding a hand-held device that includes a telephone function is presumed to be using the device.*

[...]

***The first paragraph does not apply to a two-way radio, that is to say a cordless voice communication device which does not allow the parties to speak simultaneously.***

***The Minister may, by order, determine other situations or types of devices to which the prohibition set out in the first paragraph does not apply.***

### Penalties under the Highway Safety Code

Section 439.1 provides for an \$80 fine and 3 demerit points for an offence. These measures have been in effect since 2008.

### Conduct review of heavy vehicle operators and drivers

Section 439.1 has been taken into consideration in:

- the Conduct Review Policy for Heavy Vehicle Owners and Operators, since 2008;
- the Conduct Review Policy for Heavy Vehicle Drivers, since it came into effect in 2011.

Accordingly, as soon as the Société de l'assurance automobile du Québec (SAAQ) is informed that a driver has committed this type of offence while driving a heavy vehicle, the offence is entered on both the driver's and the operator's record, along with 3 points.

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