

Québec's Experience and Review of the Situation

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Driven to Distraction

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Outline of Presentation

1. Basis for ban on hand-held cell phones
2. Legislation
3. Review
4. Future Actions

1) Basis for Ban – scientific consensus

- Convergence of scientific evidence:
 - A large majority of studies mention:
 - Use of a cell phone while driving impairs driving performance and increases the risk of collision
 - They recommend prohibiting cell phone use while driving
 - *Public Health Advisory on the Effects of Cell Phone Use While Driving, with Recommendations* published by the Institut national de santé publique du Québec (January 2007)
 - Recommendation 1: A total ban on cell phone use while driving
 - Recommendation 2: Regulate the installation of in-vehicle telematics
 - Recommendation 3: Modify collision reports

1) Basis for Ban – other jurisdictions

- International experience, other jurisdictions:
 - More than 50 countries or states had prohibited the use of hand-held cell phones only while driving.
 - None had prohibited the hands-free cell phones
 - difficulties enforcing the measure

1) Basis for Ban – recommendations

- Recommendations to government
 - Parliamentary Committee on Transportation and the Environment (2006)
 - Prohibit the use of cell phones requiring manual dialing
 - In the absence of clear indications on the impacts of hands-free cell phone use, the Committee thought it best not to prohibit their use while driving
 - Table québécoise de la sécurité routière [road safety task force] (2007)
 - Favourably consider the introduction of new legislative provisions to control the use of cell phones while driving

1) Basis for Ban – surveys

- Support for the ban
 - 2006 (INSPQ): 93% of people in Québec approve regulating cell phone use
 - 49% approve a full ban
 - 44% approve a ban on hand-held cell phones only (hands-free permitted)
 - 2007 (SAAQ): 37% consider cell phones and other distractions (CD, DVD, radio, etc.) the most important problem requiring a short-term solution, with the exception of speeding and impaired driving

1) Basis for Ban – surveys

- Support for the ban
 - 2007 (SAAQ): Then Minister of Transport stated her intention to ban hand-held cell phones:
 - 95% of people believe cell phone use should be regulated :
 - 46% approve a total ban
 - 49% approve a ban on hand-held devices only (hands-free permitted)
 - 5% are against legislative provisions

2) Legislation – section

- New provisions voted in December 2007
- Effective April 1, 2008
 - Section 439.1 of the *Highway Safety Code* provides:

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.

This prohibition does not apply to drivers of emergency vehicles in the performance of their duties.

2) Legislation – enforcement

- Section 439.1 was worded to facilitate enforcement by police
 - Whatever the device is used for, the simple fact of holding it is an offence
 - Therefore, it is an offence to hold the device and:
 - Carry on a conversation
 - Type or read text messages (texting)
 - Surf the Web
 - Use a GPS application
 - And so on

2) Legislation – devices

- Devices targeted:
 - The provisions target all devices that include a telephone function, **whether or not it is activated**, and can use a telephone network, including:
 - Regular cell phones
 - Remote access devices (BlackBerry, iPhone, Android)
 - Cell phones that come with a transceiver function (*walkie-talkie/push to talk*)
 - Devices that display emails and make Internet navigation possible

2) Legislation – penalties

- Three-month adjustment period
 - Peace officers promoted awareness at first
 - On July 1, 2008, they started giving tickets
- Penalties
 - \$80 to \$100 fine (\$115 to \$156 with charges)
 - 3 demerit points

2) Legislation – collision report

- The collision report was modified in two ways:
 - Identification of the cell phone as the probable cause of the collision
 - Box to be checked by the peace officer on the collision report
 - Police interpretation
 - Use of a cell phone by each party involved in the accident
 - Findings / witness / confession
 - Unknown
 - Combined
 - Hands-free
 - Was not using a cell phone

3) Review – number of accidents

- The data available since the collision report was modified are more or less conclusive for now
 - Unless the peace officer obtains proof, a witness account or a confession, it is difficult to know if one of the drivers involved was on the cell phone just before the accident occurred
 - It is even more difficult to establish that the accident was related to cell phone use

3) Review – convictions

- All convictions that include demerit points are transmitted to the SAAQ.

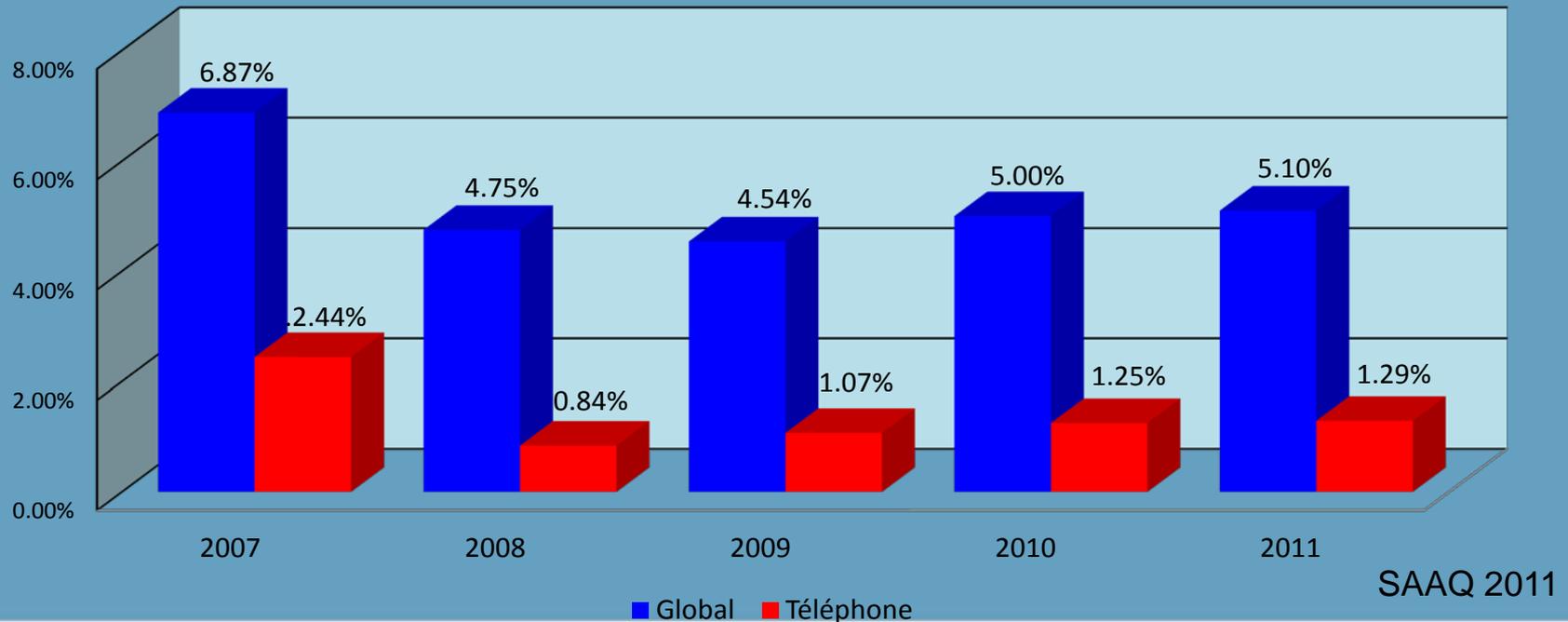
Use of a cell phone while driving

Year	No. of convictions
2008	18,254
2009	47,422
2010	45,937
Total	111,613

Data as of December 2011

3) Review – field observations

- Field observations in 2007, 2008, 2009, 2010 and 2011 (SAAQ)
Distraction (overall and cell phone) rate per year (2007-2011)



3) Review – survey

- Support for the ban:
 - 2009 (SAAQ)
 - 48% for a total ban
 - 43% for a ban on hand-held cell phones (hands-free permitted)
 - 7% against legislative provisions

- Same opinion as in 2006

3) Review – survey

- A 2011 SAAQ survey following a texting at the wheel awareness campaign showed that:
 - 95% recognize that distraction is a serious problem
 - The following are considered sources of distraction:
 - Typing or reading text messages while driving (97%)
 - Keying in a telephone number (97%)
 - 99% agree that texting (typing and reading) is quite or very dangerous
 - 80% agree that talking on a cell phone is quite or very dangerous

3) Review – survey

- 53% of drivers who use a cell phone admit to talking on the phone while driving
 - 26% do it quite or very often
- Among the drivers who talk on the cell phone:
 - 33% talk mainly on a hand-held cell phone
 - 48% talk on a hands-free cell phone
 - 19% use both the hand-held and hands-free systems

3) Review – survey

- The perceived risk of being involved in an accident is considered small or very small by
 - 64% of drivers who talk on a cell phone while driving
 - 16% of drivers who text (typing and reading) while driving
- Drivers who use a cell phone while driving (54% of drivers are cell phone users)
 - 57% believe that the risk of being caught is rather low or very low

3) Review – hands-free device

- SAAQ had a duty to inform the population about the coming into force of the ban
 - Methods used (public relations, press release, etc.)
 - However, a separate campaign explaining that hands-free devices are not any safer than hand-held devices would have been required
- Media
 - Reported the coming into force of the ban
 - Focused mainly on the obligation to have a hands-free system without mentioning that the risk was similar
- Creates a false sense of security

3) Review – hands-free device

Excerpt from an interview with a Radio-Canada reporter (August 24, 2009)

- A sales representative [from a Canadian company], [...], argues that drivers are not distracted from the task of driving while having a telephone conversation. She explained, “Because they have both hands on the wheel, they are much more focused on the road.”

Source: www.radio-canada.ca

3) Review – hands-free device

Excerpt from the Web site of a Canadian telecommunications company

How to use my mobile phone safely on the road?

Driving responsibly should be your first priority when behind the wheel. Drivers are encouraged to use a hands-free unit or headset with speed-dial or VoiceDial functions. [...]

3) Review – hands-free device

Excerpt from the Web site (continued)

Tips for responsible driving

- If you must talk on the phone while driving, always use a hands-free unit or headset with speed-dial or VoiceDial functions.
- When you use your mobile phone on the road, let the other person on the line know you're driving. This way, if you encounter a problem on the road, you can easily cut the conversation short and focus on driving.
- If you're not travelling alone, ask a passenger to dial numbers, take messages, answer calls for you, and type messages and emails.
- Pull over if you need to take notes or look up phone numbers.
- If the road conditions are poor, don't use your mobile phone at all. Your voicemail can take your calls when you're not able to. Safety is your most important call.

3) Review – CBs

In 2007, it was not the legislator's intent to ban the use of CBs

- Tool deemed essential for work and security purposes, mainly by
 - Transportation of persons and goods industry
 - Taxi industry

A decision by the Superior Court of Québec (Mérineau, May 2011) recently supported a first conviction:

- CBs have all the characteristics of a device that includes a telephone function; accordingly, they contravene section 439.1 of the *Highway Safety Code*.

3) Review – CBs

- Consultations are currently being carried out with our industry partners
- Approaches used in other jurisdictions are being examined
- The need to amend section 439.1 is being considered

3) Review – conclusions

- Concluding the ban helped improve the road safety record is not clear cut
- As evidenced by the number of convictions made since 2008, the measure is enforceable and enforced
- There is strong support for the measure; there are even some who wish for legislation pertaining to hands-free devices

3) Review – conclusions

- Nonetheless, numerous drivers continue to use both the hand-held and hands-free units
 - Perceived risk of accident is low
 - Perceived risk of being caught is low
 - Cell phone use continues to increase steadily
 - No ban might have led to an even more critical situation
- This situation is most likely not specific to Québec
- Unfortunately, there are no quick-fix solutions

4) Future actions

- Continue raising awareness about:
 - The ban on hand-held cell phones
 - The ban on texting (typing and reading messages)
 - The dangers of having a conversation on a hands-free device
 - The importance of managing the distractions that may affect driving
- Continue police control
 - Through pairing of roadside operations with awareness campaigns

Merci de votre attention!
Thank you very much!

