



BRITISH  
COLUMBIA

*Motor Vehicle Act*

USE OF ELECTRONIC DEVICES WHILE  
DRIVING REGULATION

**B.C. Reg. 308/2009**

Deposited December 11, 2009 and effective January 1, 2010

Last amended August 1, 2023 by B.C. Reg. 39/2023

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 308/2009 (O.C. 712/2009), deposited December 11, 2009 and effective January 1, 2010, is made under the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 25, 210, 214.5 and 214.6.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

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## *Motor Vehicle Act*

# **USE OF ELECTRONIC DEVICES WHILE DRIVING REGULATION**

**B.C. Reg. 308/2009**

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### **Definitions**

- 1** In this regulation:

“**Act**” means the *Motor Vehicle Act*;

“**Class 7**” means a Class 7 driver’s licence described in section 30.01 (2) (c) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58;

“**Class 7L**” means a Class 7L driver’s licence described in section 30.01 (2) (d) of the Motor Vehicle Act Regulations, B.C. Reg. 26/58;

“**commercial motor vehicle**” has the same meaning as in section 37.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58;

“**electronic logging device**” or “**ELD**” has the same meaning as in section 37.01 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58.

[en. B.C. Reg. 235/2021, Sch. 2, s. 1; am. B.C. Reg. 39/2023, Sch. 1, s. 1 and Sch. 2, s. 1.]

### **“Use” further defined**

- 2** A person who watches the screen of an electronic device uses the device for the purposes of paragraph (d) of the definition of “use” in section 214.1 of the Act.

### **Prescribed electronic devices**

- 3** (1) The following electronic devices are prescribed for the purposes of paragraph (c) of the definition of “electronic device” in section 214.1 of the Act:
- (a) electronic devices that include a hands-free telephone function;
  - (a.1) electronic logging devices;
  - (b) global positioning systems;
  - (c) hand-held electronic devices, one of the purposes of which is to process or compute data;

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- (d) hand-held audio players;
- (e) hand microphones;
- (f) televisions.

- (2) In subsection (1), “**hand microphone**” means a communication device consisting of a hand-held unit that
- (a) is both receiver and microphone,
  - (b) is operated by a push and hold-to-talk function, and
  - (c) allows for oral communication, but not for the transmission and receipt of oral communication at the same time.

[am. B.C. Reg. 39/2023, Sch. 1, s. 2.]

**Installation of electronic devices**

- 4** (1) Subject to sections 7 (1) (a) and 8 (3), an electronic device listed in subsection (2) must be installed
- (a) so that it is securely fixed to the motor vehicle, and
  - (b) in a manner that does not obstruct the driver’s view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.
- (2) The following electronic devices are listed for the purposes of subsection (1):
- (a) global positioning systems;
  - (b) electronic devices that include a hands-free telephone function;
  - (c) televisions.

**Persons carrying out powers, duties or functions**

- 5** For the purposes of section 214.5 (a) of the Act, the following classes of persons may use an electronic device while exercising their powers, duties or functions:
- (a) a person appointed under section 11 of the *Canada Border Services Agency Act* to conduct intelligence, investigation or enforcement work of the agency in the Intelligence Division, the Criminal Investigators Division or the Pacific Region Enforcement Centre;
  - (b) a person designated as a park warden under section 18 of the *National Parks Act*;
  - (c) a sheriff, in the discharge of the sheriff’s duties under the *Sheriff Act*, while transporting a person in the lawful custody of a sheriff.

[am. B.C. Reg. 145/2021, Sch. 2.]

**Persons engaged in prescribed activity –  
commercial motor vehicle with ELD**

- 5.1** For the purposes of section 214.5 (b) of the Act, a person who is driving or operating a commercial motor vehicle, if the commercial motor vehicle is equipped with an electronic logging device that is mounted in accordance with section 37.39 (1) (b) of

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the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is engaged in a prescribed activity and the person is exempt from the prohibition in section 214.2 of the Act in respect of the use of the electronic logging device.

[en. B.C. Reg. 39/2023, Sch. 2, s. 2.]

**No exceptions for new drivers**

- 6** Sections 7 to 10 of this regulation do not apply to a person driving or operating a motor vehicle under a Class 7 or 7L licence.

[en. B.C. Reg. 235/2021, Sch. 2, s. 2.]

**Hands-free use of electronic device**

- 7** (1) Subject to section 6 and subsection (2), a person may use an electronic device in a hands-free telephone function while driving or operating a motor vehicle on a highway, if the device
- (a) is installed in accordance with section 4 and within easy reach of the driver's seat, or worn securely on the person's body,
  - (b) is voice-activated or requires only one touch in order to initiate, accept or end a call, and
  - (c) in the case of a device that includes an earpiece, the earpiece is worn only in one ear.
- (2) Subsection (1) (c) does not apply to a person who is driving or operating a motorcycle on a highway.

[am. B.C. Reg. 235/2021, Sch. 2, s. 3.]

**Global positioning system**

- 8** (1) Subject to section 6 and subsection (3), a person may use a global positioning system for navigation purposes while driving or operating a motor vehicle on a highway, if the system is
- (a) installed in accordance with section 4 if subsection (3) of this section does not apply, and
  - (b) operated in accordance with this section.
- (2) A person may use a global positioning system while driving or operating a motor vehicle on a highway, if the system
- (a) is programmed before the person begins to drive or operate the motor vehicle, or
  - (b) can be programmed in a voice-activated manner.
- (3) If a global positioning system is a hand-held type, a person may use the system while driving or operating a motor vehicle on a highway if, in addition to the requirements of subsection (2), the system
- (a) is not held in the person's hand, and

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- (b) is securely fixed to the motor vehicle in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

[am. B.C. Reg. 235/2021, Sch. 2, s. 3.]

**Hand microphone**

- 9** Subject to section 6, a person may use a hand microphone while driving or operating a motor vehicle on a highway if

- (a) the device is within easy reach of the driver's seat, and
- (b) is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

[am. B.C. Reg. 235/2021, Sch. 2, s. 4.]

**Hand-held audio player**

- 10** Subject to section 6, a person may use a hand-held audio player while driving or operating a motor vehicle on a highway if

- (a) the device
  - (i) is not held in the person's hand, and
  - (ii) is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle, and
- (b) the sound is emitted through the speakers of the sound system of the motor vehicle.

[am. B.C. Reg. 235/2021, Sch. 2, s. 4.]

**Televisions**

- 11** (1) Except as provided in subsection (2), a person must not drive or operate a motor vehicle on a highway in which the image displayed from a television in the vehicle is visible to the person.
- (2) Subsection (1) does not apply if the image on the television displays pictures, information or data solely designed to assist the driver in the safe operation of the vehicle or the safety and security of its load or its passengers.
- (3) The exception in subsection (2) does not apply to a person driving or operating a motor vehicle under a Class 7 or 7L licence.

[am. B.C. Reg. 235/2021, Sch. 2, s. 5.]