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## **Legal Update for Transportation Industry Clients**

This update discusses two changes to laws that may affect your business:

- Regulation of commercial vehicle registration; and
- Distracted Driving laws that become effective September 1, 2011.

### **Regulation of Commercial Vehicle Registration**

Just over a year ago, B.C., Alberta and Saskatchewan signed the New West Partnership Trade Agreement ("NWPTA") to reduce internal trade barriers between western provinces. That agreement added Saskatchewan to "TILMA" (the "Trade, Investment and Labour Mobility Agreement") which was previously signed between B.C. and Alberta several years ago.

One key goal of NWPTA was to harmonise commercial vehicle registration rules between provinces, on or before July 1, 2011.

If you haven't seen changes already, your business should be prepared to see new regulations in the coming months as the provincial governments carry out the NWPTA changes. It is not necessarily more red tape, however, because reductions in trade barriers between the western provinces may open up new opportunities - consider the non-discriminatory procurement rules or the harmonisation of business registration and reporting requirements that are expected to be implemented this upcoming year.

- A good source of additional information on the NWPTA can be found online at: <http://www.newwestpartnershiptrade.ca/>

### **Distracted Driving Laws**

Over the past year, the Alberta government has introduced new driving regulations to address the use of hand-held communication devices (cell phones, PDAs) and video devices, which resulted in the new Distracted Driving laws. These regulations come into force on September 1, 2011. Effective September 1, 2011, your drivers (while driving in Alberta) will be prohibited from:

- Using hand-held cell phones, wireless devices, or PDAs, texting, or e-mailing (hands-free mode with voice or single-touch activation is permitted);
- Entering information on GPS units (except by voice command);
- Reading writing, or personal grooming while driving; and,
- Having video, DVD, or notebook computer screens within view of the driver or using portable audio devices requiring touch.



Exceptions are made for calling 911 or emergency responders, as well as for commercial uses of CB radios or mike phones for drivers of escort or pilot vehicles who are using the device for that valid purpose, or to contact their employer if contact is required (e.g. dispatch and operations). Commercial vehicles may also use video screens for logistics purposes, or dispatch of passengers (but they cannot be manipulated while driving – they must be pre-programmed).

The fine for these new offences is currently set at \$172, and presently without demerits. These regulations do not affect the charge of “careless driving” which remains in place for more serious behaviour.

### **Further Information**

If you have any questions about the impact of NWPTA or the Distracted Driving Regulation on your business please do not hesitate to contact us. We maintain a commercial litigation practice focusing on construction, property, technology, secured financing, and transportation issues, but our background and experience also sees us regularly offering general legal counsel to small and medium-sized businesses operating in those sectors.

In fact, Chris recently left a large national law firm to join Walsh Wilkins Creighton LLP – a Calgary firm with a regional focus – so that he can better serve businesses such as yours. Aside from his membership in the Canadian Transport Lawyers Association, Chris has been called to the bar in both B.C. and Alberta, and he has dealt with matters in each of those provinces. Benjamin grew up in rural Saskatchewan, and received his legal education in Saskatchewan. He articulated with our Firm, and shares its vision and focus to serve small and medium businesses in the above sectors.

Between Chris and Ben, and the other experienced professionals at Walsh Wilkins Creighton LLP, we are able to offer legal counsel with a truly Western Canadian perspective that is not tied to one province.

These new regulations affecting your business have a Western Canadian impact. We would be very happy to meet you in person to discuss the New West Partnership Trade Agreement, the Distracted Driving Regulation, or any other matter. Please do not hesitate to contact us by telephone or e-mail at our above contacts.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'C. Knight'.

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Christopher P. Knight

A handwritten signature in blue ink, appearing to read 'Ben Kormos'.

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Benjamin J. Kormos