



Personal Injury

Enforcement key to reducing careless driving

By Kirsten McMahon, Associate Editor



Tougher penalties for careless driving are a step in the right direction but are only effective as a deterrent if enforced by police, Windsor personal injury lawyer [Gino Paciocco](#) tells [AdvocateDaily.com](#).

“It’s promising to see the provincial government taking careless driving seriously and responding to the public’s demand for tougher laws,” says Paciocco, a founding partner with [Paciocco & Mellow](#).

“Just as we saw the penalties and restrictions around impaired driving increase over the years, it appears the government is taking careless driving more seriously,” he says.

As of Sept. 1, there is a new charge for careless driving and stiffer penalties for existing dangerous driving charges, CBC News [reports](#).

“Drivers convicted under the new charge — careless driving causing bodily harm or death — will face a list of consequences, including a fine ranging from \$2,000 to \$50,000, six demerit points on their driver’s licence, an automatic licence suspension of up to five years and up to two years in jail,” the article states.

Paciocco notes people often lump careless and distracted driving together when they are actually two different charges under the *Highway Traffic Act* (HTA).

“Distracted driving is the less serious of the convictions,” he says. “It’s when a driver is preoccupied with a phone call, texting, eating, checking a map, sending a snap or choosing a playlist — basically anything that takes your attention away from the road.”

If a distracted driver is caught by police, it can result in a conviction under the HTA and a \$490 to \$1,000 fine.

He says distracted driving can lead to a careless driving charge if you endanger other people. While the use of hands-free technology and mounted devices are helping to curb the use of phones while driving, you can still be charged with careless driving if you injure someone.

The stiffer penalties for careless driving demonstrate the seriousness of injuring another person, Paciocco says.

“It only takes a few seconds for an instance of distracted driving to become careless driving when someone is injured,” he says. “Longer commutes and more hectic schedules mean that people are trying to multitask while driving.”



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He says it's reassuring to see some Canadian cities becoming more sophisticated in how they detect cellphone use while driving.

"Some police officers in Ontario have gone undercover as panhandlers to get close to drivers' cars at intersections to see if drivers are using their phones. Others have started using elevated SUVs and trucks to peer down to see drivers using cellphones," he says.

Whatever methods police use, enforcing the distracted driving laws more effectively will help prevent increased instances of careless driving.

"Too often we see cases at our firm where a client says they saw the defendant talking on their phone when the accident happened," Paciocco says. "But when police arrive at the scene, the careless driver isn't charged."

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