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Amateur (Ham) Radio: No, Officer, I won't Pay That 'Use of Electronic Device Ticket' This Time

Posted on July 11, 2014 by Wayne Taylor

I'm sick of it. I have gotten 2 violation tickets for allegedly using an electronic device while driving. The first time I was at a red light and I moved my cell phone from my dash (it was sliding around), checked the time on the phone's clock, and put it on my passenger seat. The officer behind not only pulls me over, but actually writes me a ticket for 'use of electronic device.' Stupid me, I paid it. Well, no. Not stupid me. I weighed up the time I would spend fighting it and decided not to bother. The second time I had the phone mounted on my phone mount thing suction cupped to my window. I was told that I could do a one button 'push' to start a call and one to end it. So I did. When I did it, the officer behind me pulled me over and wrote me up - again! The good news is that I'm an amateur radio operator licensed with the government. There is a special and not well known regulation under the motor vehicle act under section 214 (Use of Electronic Devices) that makes amateur radio users exempt. Read it for yourself, [here](#), if you don't believe me. You should read this PDF anyways for your own interest. If you are a licensed operator, you need to print this and keep a copy in your car at all times. So, once again, I decided to fight this. Here is a point form summary of the events with the officer's name removed (because the story ended well): -I was driving and speaking to my crew on my amateur (ham) radio -A police check for electronic devices was set up and an officer pulls me over -I asked why I was being pulled over and he informed me that I was using my electronic device while driving -I explained to him that I indeed was, and that I am a licensed amateur operator and exempt from the law. I did *not* have a printed copy of the Act with me. -He was young, and he looked at me like I was from Mars and he went back to his car for a very long time. -He came back and said "I'm writing you the ticket anyways. If I find out what you say is true I'll toss the ticket" -I explained to him this would be a colossal waste of his time because I was correct on this topic. He handed me the ticket anyways -I called the next day on time to ask if my ticket had been thrown out. No reply. -I called again the next day. No reply. -I called the Sergeant above him. No reply. -I called the Sergeant above him again. He finally called me back and said in a voice mail "There is nothing I can do. The officer who wrote it is the only one who can toss a ticket. I still don't believe this but..." -I called the officer again. No reply. -I called the RCMP front desk. She patched me straight through to him in his patrol car. The officer said 'Can you email me the law on that?' I laughed and said sure and then emailed it. -No reply. Ever. -I call a lawyer who immediately, after quickly reviewing the law, advises me to call the [Commission for Public Complaints Against the RCMP](#) for writing a ticket when they knew it was not needed. - I file the complaint (which incidentally took two calls which took three days between!) -As soon as the lady from the Commission called me and heard the story she immediately called some kind of person with a title like "Professional behaviour blah blah". -This person immediately called me back to tell me that the officer was on a honeymoon. She apologized and said the officer would address this as soon as he got back. -As soon as he got back I got a one line email "Your ticket has been thrown out." I got the ticket on May 16th. The ticket was thrown out on July 8th. Yes, it took a lawyer and nearly two months of follow ups to wipe my ticket. I hope you will save the time and annoyance by keeping a copy of this in your car and *not* accepting the ticket. Do *not* accept it. Fight it politely as hard as you can while you are in your car. That's what I say! I hope this helps my ham bros. out there. VE7CAK QRT

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