

What is the law in Alberta?

In Alberta there are two types of laws that govern drinking and driving: federal and provincial.

1) Federal (Criminal)

The *Criminal Code* (Canada) allows police to criminally charge drivers who have a blood alcohol content above 0.08% or are otherwise impaired by alcohol, drugs or a combination of alcohol and drugs, such that their ability to operate the vehicle is impaired. In addition, refusing to comply with a lawful demand can result in a *Criminal Code* charge. A lawful demand includes a demand for a breath sample, both at the roadside and for a breathalyzer test; a demand for blood sample; a demand for physical coordination tests, and a demand for a drug evaluation.

The *Criminal Code* (Canada) applies in all provinces and territories in Canada. For more information, visit the Government of Canada, Department of Justice:
<http://www.justice.gc.ca/eng/pi/pcvi-cpcv/id-cafa.html>.

2) Existing Provincial (Administrative Sanctions)

All provinces/territories (except Quebec) in Canada have administrative penalties for drinking and driving. In Alberta, the following administrative penalties are currently in place and apply to all drivers unless otherwise noted.

Immediate Roadside Suspension

- If a peace officer reasonably suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into the driver's body any alcohol, drug or other substance in such a quantity so as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender the driver's operator's licence to the peace officer for 24 hours
- No fines or demerit penalties applied

Alberta Administrative Licence Suspension (AALS)

- Alberta Administrative Licence Suspensions are issued to drivers who receive an impaired driving charge, including a refusal to provide a sample, under the *Criminal Code* (Canada)
- Immediate 24 hour drivers licence suspension, followed by a 21 day grace period (driving permitted), followed by a 3 month drivers licence suspension or a 6 month drivers licence suspension if death or injury results
- No fines or demerit penalties applied
- Visit <http://www.atsb.alberta.ca/503.htm> for more information

Alberta Zero Alcohol Tolerance (AZAT)

- Applies only to drivers in the Graduated Licence Program (GDL) who have consumed alcohol prior to driving; however, depending on impairment level an Alberta Administrative Licence Suspension may be applied instead
- Immediate 24 hour drivers licence suspension for any presence of alcohol, followed by a 7 day grace period (driving permitted), followed by a 1 month drivers licence suspension
- No fines or demerit penalties applied
- Visit <http://www.atsb.alberta.ca/504.htm> for more information