

## Frequently Asked Questions

### 1. What do the changes include?

These changes will introduce progressive administrative penalties for drivers with blood alcohol levels of .05 or greater, tougher penalties for drivers over .08 and a stronger zero tolerance policy for new drivers.

### 2. What are the administrative penalties for drivers with a BAC of .05 to .08?

Drivers caught with a blood alcohol concentration of .05 or greater are already subject to a 24-hour suspension. Under Alberta's new rules, these drivers would get:

- A roadside sanction of a 3 day licence suspension and 3 day vehicle seizure for the first offence
- A roadside sanction of a 15 day suspension and 7 day vehicle seizure for the second offence plus a mandatory remedial course and may be referred to the Alberta Transportation Safety Board by the Registrar
- A roadside sanction of a 30 day suspension and 7 day vehicle seizure for third and subsequent offences plus a mandatory review by the Alberta Transportation Safety Board and a remedial course

### 3. What do these changes mean for new drivers?

Alberta already requires new drivers to maintain a blood alcohol level of zero. If they are stopped with any blood alcohol level at all, they will now face an immediate 30 day suspension and 7 day vehicle seizure. Each 30 day suspension will require an additional 1 year in the Graduated Licence Program.

### 4. How are these changes tougher on drivers caught driving over .08?

- Drivers who are over .08 **will continue to face criminal charges.**
- As an added penalty and to keep our roads safer, **their licences will now be suspended immediately until their charges are resolved.**
- The **use of ignition interlock devices will also be expanded.** For example, a first conviction will net a full year with the interlock, up from a discretionary six months. A second conviction will require 3 years of interlock and a third conviction will require 5 years of interlock.

**5. What is the purpose of these changes?**

The fact is we have a problem in Alberta - impaired drivers are causing death on our roads. In 2010, 96 people were killed and 1,384 people were injured in alcohol-related collisions on Alberta roads.

There is also solid scientific evidence that driving with a blood alcohol level of .05 significantly increases the risk of being involved in a collision.

If we are serious about our commitment to ensuring the safety of Albertans in their communities, then it is important we act to prevent these injuries and deaths.

**6. Do the changes include fines or demerits? If not, why not?**

There will be no fines or demerits. Research shows that fines are not an effective deterrent for impaired driving. The changes involve immediate consequences, preventive measures and education.

**7. When will these changes be implemented?**

The amendments to the *Traffic Safety Act* were introduced in the Legislature during its fall 2011 sitting. The changes will come into effect as soon as necessary changes to information systems and training for police and others have been put in place.

**8. Does this mean I cannot have a drink with dinner?**

Everyone must exercise personal responsibility when drinking. If you feel your ability to drive is affected, you should not drive.

The intent is not to penalize those who chose an alcoholic drink at dinner, but to warn drivers who have consumed alcohol and it is affecting their driving (if at a lower than criminal level). No one should drive a vehicle if they personally feel their ability is impaired, regardless of how much they have consumed.

**9. Why is government proposing changes that penalize people who generally follow the rules? Government should target drivers who are severely impaired and who repeatedly drink and drive.**

Impaired driving is a serious offence with serious consequences. This is why Alberta will continue to treat drivers who are over .08 as criminals, to be prosecuted under the federal Criminal Code. The changes will also introduce the toughest penalties for these drivers, for example, by seizing their vehicles and suspending their licences until their criminal charges are resolved.

Tougher administrative penalties for drivers at .05 or greater will serve as an early intervention, giving some drivers the help they need to avoid future criminal charges. This ultimately amounts to an overall reduction in the number of drivers over .08.

Studies have also shown that those who drive with a blood alcohol concentration at .05 or greater are much more likely to be involved in a collision. These drivers pose a very serious risk to themselves and everyone else on the road.

**10. Do these changes “decriminalize” drunk driving?**

Impaired driving is a serious offence with serious consequences. This is why Alberta will continue to treat drivers who are over .08 as criminals to be prosecuted under the federal Criminal Code.

The changes will also introduce some tougher penalties for these drivers, for example, by seizing their vehicles and suspending their licences until their criminal charges are resolved.

Administrative penalties for drivers at .05 or greater will serve as an early intervention, giving some drivers the help they need to avoid reaching this level.

**11. Will these changes result in more people facing penalties for impaired driving, yet not having a criminal record?**

No. Drivers who are over .08 will face criminal charges, they will get a criminal record and repeat offenders will be tracked and penalized accordingly.

Similarly, the administrative penalties will allow us to identify repeat offenders at the .05 or greater level.

## Licence Suspension

### **12. Under what circumstances can I be given a 24 hour suspension?**

You may be issued a 24 hour licence suspension/disqualification if your ability to operate a motor vehicle is impaired by alcohol, drugs or a combination of both, or your driving ability is affected by a physical and/or medical condition.

### **13. Under what circumstances can my licence be suspended for longer than 24 hours?**

Your driving privileges may be suspended for a period longer than 24 hours under the following conditions:

- If you hold a graduated driver's licence, your blood alcohol content analysis must be zero. Any reading will result in an immediate 30 day licence suspension.
- If your blood alcohol content reading is .05 or greater, you will receive a roadside suspension. The first offence results in a licence suspension of 3 days. Subsequent offences will result in an increased term of suspension to 15 days on the second offence and 30 days for 3 or more offences.
- If your blood alcohol content reading is over .08, you will receive an immediate Alberta administrative licence suspension and you will be charged with an offence under the Criminal Code of Canada. Your Alberta administrative licence suspension will remain in effect until the criminal charge is resolved.
- If you refuse to provide a breath sample on the demand of a peace officer, you will receive an immediate Alberta administrative licence suspension and you will be charged with an offence under the Criminal Code of Canada. Your Alberta administrative licence suspension will remain in effect until the criminal charge is resolved.

### **14. If my licence is suspended, how do I get my licence reinstated after the suspension period is over?**

Depending on the type of suspension, there will be reinstatement conditions applicable to each type of suspension. This may include attending an impaired driving course, using an ignition interlock device, attending a hearing with the Alberta Transportation Safety Board, meeting applicable reinstatement conditions, completing a road test and completing knowledge testing if the licence suspension is three years or more.

**15. If my licence is suspended, will I need to pay for its reinstatement and what is the cost?**

Yes, you were suspended as a result of an alcohol-related Criminal Code conviction and you will be required to pay reinstatement fees. There will be a reinstatement fee plus registry service fees.

**16. Can I appeal a licence suspension?**

Alberta administrative licence suspensions may be appealed through the Alberta Transportation Safety Board within 30 days of issuance. Criminal Code convictions are appealed through the courts.

If a roadside suspension is issued for more than 3 days, it may be appealed through the Alberta Transportation Safety Board.

## **Vehicle Seizure**

**17. If my vehicle is seized, will I need to pay for the towing and impound charges and what is the cost?**

Yes, you will need to pay the towing and impound charges. Costs vary for the length of the tow, but may start at \$116.00 and increase \$2.00 per km/h (approximate) and also depend on additional equipment needed in the tow. Storage fees vary, but are a minimum of \$30 per day. These costs are an example for Edmonton only. In other locations, police have contracts with towing companies and these costs may be greater.

**18. Can I appeal a vehicle seizure?**

The first three-day vehicle seizure cannot be appealed. The second, third and subsequent seizures can be appealed to the Alberta Transportation Safety Board.

**19. Can my vehicle be returned sooner if I need a vehicle for my job?**

No, the vehicle can only be returned upon appeal of the seizure.

**20. If I lend my vehicle to a friend or family member and the vehicle is seized, can I get my vehicle back immediately since I own the vehicle and was not the driver? Will I be responsible for any costs or will my friend or family member be required to pay?**

If you lend your vehicle to a friend or family member, you will be required to appeal the seizure to the Alberta Transportation Safety Board. As the registered owner, you are responsible for all costs involved in the seizure.

**21. If the seized vehicle belongs to an employer or to a rental agency, can it be returned sooner?**

The employer could appeal the seizure to the Board. The rental agency will also be required to appeal the seizure to the Board.

**22. If I am driving a bicycle, an off-highway vehicle or even farm equipment while impaired can it be seized?**

If you are operating a pedal vehicle, it will not be seized; however, if you are operating an off-highway vehicle or farm equipment off private property, it will be seized.

### **Ignition Interlock Device**

**23. What is an ignition interlock device and why is it used?**

An ignition interlock device is an instrument installed in a motor vehicle that measures the amount of alcohol in a person's breath. If the device detects alcohol, it will not allow the person to start the vehicle.

**24. Do I need to pay for the ignition interlock device?**

You will be required to pay for the device's installation, removal and a monthly or bi-monthly rental fee. There is a fee for the application and for the restricted operator's licence. You are also required to pay the cost for the appropriate remedial course.

**25. What happens if I do not own a vehicle? How can I participate in the program?**

You can use a friend's or employer's vehicle. That person will have to sign a form, available at the supplier of the interlock device, allowing you to do so.

### **Courses**

**26. What does the Planning Ahead course include and what is the cost?**

Planning Ahead is a one-day program that covers impaired driving laws, the effect of alcohol on the body, and how to separate drinking and driving. There is a cost associated with this course.

Other courses may be required in the future.

**27. What does the IMPACT course include and what is the cost?**

IMPACT is a weekend residential program that teaches offenders to think about how alcohol and other drugs are affecting their lives. There is a cost associated with this course.

Other courses may be required in the future.

**Look back period**

**28. Why does Alberta use a 10 year look back period?**

Along with the new administrative penalties, a new system will be in place to identify repeat offenders at the .05 to .08 level.

Alberta will now keep a 10-year record of these offences, the same period we use for tracking criminal impaired driving convictions and among the longest in Canada.

**Approved screening device and approved instrument**

**29. What is the difference between an approved screening device and an approved instrument?**

An approved screening device is a mobile, roadside screening device — a portable piece of equipment used at the roadside by an officer to test for alcohol. It provides the results from a breath sample provided at the scene.

An approved instrument is an intoxilyzer, commonly referred to as a breathalyzer. This instrument is located at the police station or inside a Checkstop vehicle. Tests with these devices take more time. This instrument collects a reading from those who have been arrested for criminal impaired driving and is used to confirm that a blood alcohol level is over .08.

**30. How can you be sure the devices are accurate?**

Breath testing instruments in Canada undergo a rigorous evaluation. All devices in use in Alberta must be approved for use by the Alcohol Testing Committee of the Canadian Society of Forensic Science and comply with Alberta specific training and quality assurance by the Alberta Breath Testing Committee. They also undergo scheduled inspections.

**31. Can these devices provide inaccurate or false positive readings?**

These devices are carefully calibrated and regularly maintained. They are tested prior to use to ensure they are functioning properly.

**32. Can I refuse to provide a breath sample?**

If you refuse to provide a breath sample, you will be charged under the Criminal Code. Refusing to provide a sample is a criminal offence.

**33. Can I challenge the results of my breath test?**

At the roadside, you can challenge the results of your breath test and request a second test from a second device.

**34. Can I give a blood sample instead?**

No.

**35. Should people buy breathalyzers that are available from retail outlets?**

No, these over-the-counter devices are not of the same level of quality as instruments used by the police, and inaccurate readings could potentially place drivers at risk.

**Appeals**

**36. Can I appeal an Alberta administrative licence suspension (over .08)?**

You can appeal your suspension through the Alberta Transportation Safety Board, an independent tribunal that hears appeals on a broad range of traffic issues. At this level, you are also facing criminal charges that you can challenge through a criminal trial.

**37. Can I appeal a roadside suspension?**

There are a couple of ways you can challenge your administrative penalties.

At the roadside, you can challenge the results of your breath test and request a second test from a second device.

If your licence is suspended longer than a three-day first offence, you can make a formal appeal through the Alberta Transportation Safety Board, an independent tribunal that hears appeals on a broad range of traffic issues.

### **38. Can I appeal a zero alcohol suspension?**

There are a couple of ways you can challenge your administrative penalties.

At the roadside, you can challenge the results of your breath test and request a second test from a second device. You can also make a formal appeal through the Alberta Transportation Safety Board, an independent tribunal that hears appeals on a broad range of traffic issues.

## **Registrar**

### **39. Who is the Registrar and what is that individual's role?**

The Registrar of Motor Vehicle Services is responsible for traffic safety services and the *Traffic Safety Act* and its regulations, and is an employee of the Ministry of Transportation.

## **Alberta Transportation Safety Board**

### **40. What is the role of the Alberta Transportation Safety Board?**

The Board will be responsible to hear appeals of second and subsequent roadside suspensions and seizures, Alberta zero alcohol tolerance suspensions and seizures, and Alberta administrative licence suspensions when a criminal charge has been laid.

### **41. Who are the members of the Board?**

Members of the Board are persons living in the community, they serve on the Board for an initial period of three years and may be re-appointed for an additional three years. All Board members are appointed by Order-in-Council.

### **42. What are the qualifications of these Board members?**

As Board members live in the community where the hearings are held, they have varying backgrounds from teachers to former lawyers, former county managers, ex-police members, social workers and business persons.

## Other provinces

### **43. Do any other provinces have these measures?**

Eight jurisdictions already have laws imposing tougher sanctions on drivers with blood alcohol concentrations at .05 or greater. In Saskatchewan, sanctions begin at .04.

## Drinking and driving statistics

### **44. How many people are convicted of impaired driving each year in Alberta?**

Over the past five years, there have been 41,466 criminal convictions for impaired driving in Alberta.

Over the same five years, the following administrative suspensions for drinking and driving have been initiated:

- 42,762 24 hour suspensions for drivers .05 to .08
- 34,852 Alberta administrative licence suspensions for drivers over .08
- 6,123 Alberta zero alcohol tolerance suspensions for new drivers

### **45. How many people were killed or injured by impaired drivers last year in Alberta?**

In 2010, 96 people were killed and 1,384 people were injured in casualty collisions involving alcohol. Over the last five years, 569 people were killed and 8,530 people were injured in alcohol-related collisions on Alberta roadways.

### **46. Is the issue of impaired driving in Alberta becoming worse?**

Impaired driving is the single largest cause of criminal death in Canada and imposes significant costs on the provincial government and serious consequences on the victims of impaired drivers. While the number of people killed in alcohol-related collisions in 2010 has decreased 24.4 per cent over 2007, too many people continue to die in alcohol-related collisions and this is unacceptable.

**47. How many collisions are caused by drivers who are two or three times over the legal blood alcohol concentration limit? Is it true that most impaired driving collisions are caused by these drivers?**

While increased alcohol impairment has increasing consequences on your ability to operate a motor vehicle, one study found that 13 per cent of drivers in alcohol-related fatal crashes had a blood alcohol concentration of .01 to .07. Another study found that between 15 to 20 per cent of alcohol-positive fatally injured drivers had blood alcohol concentrations between .01 and .08. As these studies show, even a moderate amount of alcohol can lead to collisions.

## **Monitoring and evaluation**

**48. How do we know that introducing tougher sanctions will help to reduce impaired driving?**

Numerous studies indicate that swift and certain consequences for impaired driving reduce the number of collisions. Specifically, two types of administrative sanctions — immediate suspensions and vehicle seizures — have been shown to reduce impaired driving and associated collisions.

**49. Have these measures been effective in other jurisdictions?**

Internationally, many jurisdictions have shown positive results associated with similar measures to those being introduced in Alberta. British Columbia introduced similar legislation in 2010 and has since had success in lowering the number of fatalities in alcohol-related collisions.

Information on their success can be found at:

<http://www.pssq.gov.bc.ca/osmv/shareddocs/update-alcohol-related-fatalities-oct2010-sept2011.pdf>

<http://www.newsroom.gov.bc.ca/2011/11/bcs-tough-impaired-laws-one-year-45-lives-saved.html>

**50. How will the effect of these sanctions be monitored and evaluated?**

Impaired driving sanctions will be monitored and reviewed the same way that government monitors other traffic safety issues, for example by gathering statistics and watching trends on:

- the number of alcohol-involved collisions and casualties
- the number of alcohol-related administrative suspensions
- the number of Criminal Code convictions

This is in addition to continued participation in national strategies aimed at reducing impaired driving and continuing to monitor the results of research in other jurisdictions, especially in other Canadian jurisdictions with similar laws.

**51. Will the penalties affect behaviour only in the short term? Can these changes create lasting behavioural change?**

Studies show that increasing penalties for drivers below .08 is associated with long-term reductions in impaired driving and alcohol-related fatalities.

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