

Alberta Administrative Licence Suspension

In May of 2017, the Alberta Court of Appeal ruled that Section 88.1 of Alberta's *Traffic Safety Act*, related to Alberta's Administrative Licence Suspension, was unconstitutional. This section imposed an indefinite licence suspension for driving with a blood alcohol concentration over .08 per cent—a federal criminal offence—pending the outcome of criminal court proceedings.

The *Traffic Safety Act* was amended to address this ruling.

Alberta's Administrative Licence Suspension Program

Drivers with a breath or blood sample over 80 milligrams of alcohol in 100 millilitres of blood, who are impaired by alcohol or a drug or by a combination, or failed or refused to comply with a demand by a police officer to provide either a breath or blood sample will be subject to a two-stage, fixed term driving suspension of consisting of **two** distinct parts:

- a 90-day licence suspension where the suspended driver is unable to drive under any circumstances, **AND**
- a further one-year driving suspension where the suspended driver may be eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program. If they choose not to participate, they will remain suspended during this one-year term with **no ability to drive to legally**.

The Alberta Administrative Licence Suspension Program will be expanded to include drivers with blood drug concentration or blood alcohol/drug concentration over the proposed new federal limits when they come into force in Ottawa.

Please Note: Refusing or failing to provide a breath sample may continue to result in a charge under the *Criminal Code* (Canada) **and** being served an Alberta Administrative Licence Suspension.

An Administrative Licence Suspension may be issued to a driver for:

- Blood alcohol content of .08 or greater.
- Ability to operate a motor vehicle is impaired by alcohol, drugs or a combination.
- Refusal to comply with a lawful demand of a peace officer (e.g., for a breath sample).

	NEW – effective April 9, 2018	Previously in effect (July 1, 2012)
1st Alberta Administrative Licence Suspension within 10-years	<p>Licence suspension: Immediate two-stage, fixed term driving suspension of consisting of two distinct parts:</p> <ul style="list-style-type: none"> • a 90-day driving suspension where the suspended driver is unable to drive under any circumstances, AND • a further one year driving suspension where the suspended driver may be 	<p>Licence suspension: Immediate licence suspension, which remains in place until the criminal charge is resolved.</p> <p>Vehicle seizure: 3 days</p> <p>Appeal: Yes</p> <p>Remedial course: Planning Ahead</p> <p>Alberta Transportation Safety Board hearing: Optional</p>

	<p>eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program. If they choose not to participate, they will remain suspended during this one-year term with no ability to drive to legally.</p> <p>Vehicle seizure: 3 days Appeal: Yes, appeal to the Alberta Transportation Safety Board Costs:</p> <ul style="list-style-type: none"> • Application for Alberta Transportation Safety Board Hearing • Towing and impound charges 	<p>Costs:</p> <ul style="list-style-type: none"> • Application for Alberta Transportation Safety Board Hearing • Towing and impound charges
<p>2nd Alberta Administrative Licence Suspension within 10-years</p>	<p>Licence suspension:</p> <p>Licence suspension: Immediate two-stage, fixed term driving suspension of consisting of two distinct parts:</p> <ul style="list-style-type: none"> • a 90-day driving suspension where the suspended driver is unable to drive under any circumstances, AND • a further one year driving suspension where the suspended driver may be eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program. If they choose not to participate, they will remain suspended during this one-year term with no ability to drive to legally. <p>Vehicle seizure: 7 days Appeal: Yes, appeal to the Alberta Transportation Safety Board Costs: Application for Alberta Transportation Safety Board Hearing</p> <ul style="list-style-type: none"> • Towing and impound charges 	<p>Licence suspension: Immediate licence suspension, which remains in place until the criminal charge is resolved.</p> <p>Vehicle seizure: 7 days Yes, appeal to the Alberta Transportation Safety Board Remedial course: IMPACT, may include assessment and monitoring Costs: Application for Alberta Transportation Safety Board Hearing</p> <ul style="list-style-type: none"> • Towing and impound charges
<p>3rd or subsequent Alberta Administrative Licence Suspension within 10-years</p>	<p>Licence suspension:</p> <p>Licence suspension: Immediate two-stage, fixed term driving suspension of consisting of two distinct parts:</p> <ul style="list-style-type: none"> • a 90-day driving suspension where the suspended driver is unable to drive under any circumstances, AND 	<p>Licence suspension: Immediate licence suspension, which remains in place until the criminal charge is resolved.</p> <p>Vehicle seizure: 7 days Yes, appeal to the Alberta Transportation Safety Board Remedial course: IMPACT or Assessment and Monitoring Costs:</p>

	<ul style="list-style-type: none"> • a further one year driving suspension where the suspended driver may be eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program. If they choose not to participate, they will remain suspended during this one-year term with no ability to drive to legally. <p>Vehicle seizure: 7 days Yes, appeal to the Alberta Transportation Safety Board</p> <p>Costs: Application for Alberta Transportation Safety Board Hearing</p> <ul style="list-style-type: none"> • Towing and impound charges 	<p>Application for Alberta Transportation Safety Board Hearing</p> <ul style="list-style-type: none"> • Towing and impound charges
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------

Note: The sanctions noted above are for the Alberta Administrative Licence Suspension Program and do not consider consequences for drivers convicted of an impaired driving offence under the *Criminal Code* (Canada).

Some additional conditions and costs may apply to post-suspension licence reinstatement, including remedial courses such as the 'Planning Ahead' Course and 'IMPACT' Program on *Criminal Code* (Canada) convictions.

Please visit the following web link for more information: www.transportation.alberta.ca/IIP.htm regarding the Mandatory and the Alberta Administrative Licence Suspensions - Ignition Interlock Programs.