

What is Alberta Administrative Licence Suspension Program?

Introduced on December 1, 1999, the Alberta Administrative Licence Suspension Program imposes a suspension or disqualification on drivers who are charged with an alcohol and/or drug-related impaired driving offence.

What has Changed?

In May 2017, the Alberta Court of Appeal ruled that Section 88.1 of Alberta's *Traffic Safety Act* was unconstitutional. This Section imposed an indefinite licence suspension for the following federal criminal offences, pending the outcome of criminal court proceedings, of:

- 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 of alcohol and a drug,
- failed or refused to comply with a demand by a police officer to provide either a breath or blood sample,

This indefinite licence suspension was required to be changed to a fixed-term suspension by May 18, 2018. The *Traffic Safety Act* is being amended to address this ruling. It has been replaced with a fixed term licence suspension of 90 days and a further one year licence suspension.

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 of alcohol and a drug, 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 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 legally**.

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

In addition to the licence suspension and Ignition Interlock Program requirement, drivers are also subject to an automatic seizure:

- for three days if it is the first disqualification within 10 years, or
- for seven days if it is the second or subsequent disqualification within 10 years.

What Sort of Drugs Does the Alberta Administrative Licence Suspension Program Apply To?

Because both legal drugs and illegal drugs have the potential to cause impairment, the Alberta Administrative Licence Suspension Program applies to any substance that causes a driver to be impaired.

What Happens When a Driver is Impaired by Drugs?

As of October 15, 2009, the expansion of the Alberta Administrative Licence Suspension Program allows police to impose the same sanctions on drug-impaired drivers as they were already able to impose on drivers impaired by alcohol.

What Happens if Someone is Caught Driving While Impaired?

Any driver served/charged with an alcohol and/or drug- related offence will be issued a Notice of Suspension/Disqualification. The suspension or disqualification is effective immediately.

In addition, the vehicle will be seized or immobilized for three days if this is your first disqualification within 10 years, or for seven days if it is your second or subsequent disqualification within 10 years.

When does the Alberta Administrative Licence Suspension Program come into effect and how long will the Alberta Administrative Licence Suspension be?

- The suspension comes into effect immediately upon the driver being served with a Notice of Suspension. The Alberta Administrative Licence Suspension is now a two stage, fixed-term suspension, consisting of two distinct parts:
 - 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 legally**.

Further information on the driver's suspension or disqualification will be sent to the last known address on record with the Registrar. If the driver resides out of province, their home jurisdiction will be notified of the disqualification.

Can A Driver Appeal the Suspension or Disqualification?

The information on the back of the Notice of Suspension/Disqualification Form guides a driver through the appeal process. An appeal is conducted by the Alberta Transportation Safety Board (the board) and costs \$125 for a written hearing or \$250 for an in- person hearing. Alberta Registry Agents may also charge a service fee. For further information on the appeal process, please contact the Board (contact information below) or to purchase an Application for Hearing, please visit any authorized Alberta Registry Agent.

The Board will hold a hearing as soon as possible within receipt of the Application for Hearing. The length of the appeal process can vary depending on the circumstances. A set timeline cannot be provided for these appeals.

Who can appeal the Vehicle Seizure/Immobilization?

Appeal of the vehicle seizure/immobilization is a separate appeal from an appeal of the licence suspension/disqualification.

The registered owner of the vehicle (or any third party authorized by the registered owner) may apply for early release of the vehicle. Applications for Appeal - Vehicle Seizure are available at any Alberta Registry Agent and must be submitted to the Board. Associated costs for the Application for Appeal are \$125 for a written hearing or \$250 for an in-person hearing. For further information, please visit www.atsb.alberta.ca.

When can a driver appeal the Alberta Administrative Licence Suspension or Disqualification or Vehicle Seizure?

1. The legislation governing the Board under Section 45(2) of the *Traffic Safety Act* states that an appeal must be made to the Board within 30 days of the issuance of the Notice of Suspension/Disqualification or Vehicle Seizure Notice.

The grounds to appeal the suspension under Section 39.2 of the *Traffic Safety Act* are if:

1. The person did not drive having consumed alcohol, drugs or combination in a quantity to impair operation of the vehicle at any time within three hours of driving; or
2. The person did not drive having consumed alcohol in a quantity such that the person's blood alcohol concentration level was 80 mg% or over at any time within three hours of driving; or
3. The person did not fail or refuse to comply with a breath demand; or if they did, they had a reasonable excuse.

Important things to remember if a driver is appealing a suspension or disqualification:

1. They must submit an original application. No faxed copies are accepted.
2. They must also include a copy of the Alberta Administrative Licence Suspension Form they were given.
3. A driver may also submit other relevant information or sworn/affirmed statements.
4. Applying for an appeal does not affect a driver's suspension or disqualification. It remains in effect even while a driver is participating in the appeal process.

For information on vehicle seizure/immobilization appeals, please see the Vehicle Seizure or Immobilization Appeal Hearing Information Sheet.

For all inquiries in regards to appeals of the Alberta Administrative Licence Suspension, please contact the Alberta Transportation Safety Board (North or South Region):

North Region – Toll Free (in Alberta) by dialling 310-0000
Telephone: 780-427-7178
Fax: 780-422-9739
Main Floor, Twin Atria Building

4999 – 98 Avenue NW
Edmonton AB T6B 2X3

South Region – Toll Free (in Alberta) by dialling 310-0000
Telephone: 403-297-3466
Fax: 403-297-4139
Suite 302 Willow Park Centre
10325 Bonaventure Drive SE
Calgary AB T2J 7E4

For further information regarding the Alberta Administrative Licence Suspension Program, please contact any authorized Alberta Registry Agent by referring to the local telephone directory under Licensing and Registry Services, or online at:
www.servicealberta.gov.ab.ca/find-a-registry-agent.cfm.