

**A SUMMARY OF GRADUATED LICENSING, SHORT-TERM AND
90-DAY LICENCE SUSPENSIONS, ALCOHOL INTERLOCKS,
AND VEHICLE SANCTIONS ACROSS CANADA
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INTRODUCTION

Under the Canadian constitution, the provinces and territories have broad legislative authority over highways, traffic enforcement, and vehicle and drivers' licences. This report is part of a much broader project that began in 1998 to encourage the provincial and territorial governments to review their legislation and enact reforms that would significantly reduce impairment-related crash deaths and injuries. This project was generally referred to as *Rating the Provinces and Territories*.

The first step in the project was undertaking a review of the Canadian and international traffic research in order to identify effective countermeasures that were compatible with Canada's constitution, including the *Canadian Charter of Rights and Freedoms*.¹ Based on this review, we developed a set of model provincial and territorial legislative policies and an accompanying rating scale. We then prepared a separate detailed summary of the legislation in each jurisdiction. Comments were sought from the relevant government officials, and the summaries were revised accordingly.

Two leading traffic safety experts were retained to independently evaluate the legislation in each province and territory based on the revised summaries and the rating scale. The assessments of the experts were used to prepare a separate report for each jurisdiction, focusing on the legislative amendments that would likely have the greatest impact in reducing impaired driving deaths and injuries. A shorter national report was produced, showing how the jurisdictions fared relative to one another. MADD Canada released the national, provincial and territorial reports at a media launch in 2000, accompanied by press releases and other background materials. The CEO of MADD Canada sought meetings with the responsible cabinet minister in each jurisdiction to review the report and offer the organization's assistance.

MADD Canada repeated this process of research, assessment and review, issuing new comprehensive reports in 2003, 2006 and 2009. Brief updates were prepared in the interim years. MADD Canada was pleased with the progress that most jurisdictions made, particularly regarding graduated licensing, extended .00% blood-alcohol concentration (BAC) limits for young and new drivers, short-term administrative licence suspensions (ALSs) and impoundments, and alcohol interlock programs. Given the progress that was made, MADD Canada decided that it was no longer necessary to produce comprehensive individualized and national studies every three years.

In 2012, MADD Canada published a document entitled *The 2012 Provincial and Territorial Legislative Review*. Unlike the previous reports, the *Review* contained considerable statistical information, including the number and per capita rate of total and impairment-related crash deaths in each jurisdiction from 2000 to 2009. The *Review* provided separate sections for each province and territory, outlining recent impaired driving initiatives, as well as proposals for reform based on the following legislative priorities.

1. A comprehensive graduated licensing program lasting at least three years for all new drivers, which includes: express police powers to enforce it; passenger, nighttime and highway restrictions; a ban on the use of any electronic devices; and mandatory roadside ALSs for breaches of the program conditions.

¹ Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11.

2. A .00% BAC limit for all drivers under 21 and all drivers with less than five years of driving experience; express police powers to enforce it; and mandatory roadside ALSs for breaches.
3. A prohibition on being positive for any illicit psychoactive drug for all drivers under 21 or with less than five years of driving experience. The proposed legislation should include express statutory police powers to enforce the prohibition and mandatory roadside ALSs for its breach. This drug-impaired driving prohibition would parallel the .00% BAC limit that some provinces have already enacted for drivers who are under 21 or who have less than five years of driving experience.
4. A 7-day .05% BAC ALS and vehicle impoundment program, which includes a \$150-\$300 licence reinstatement fee and the recording of the suspension on the driver's record. Drivers with a second or subsequent .05% infringement within five years should be subject to 30 and 60-day ALSs and vehicle impoundments, respectively, and remedial programs.
5. A parallel ALS and vehicle impoundment program for: drivers whose ability to drive, based on a standard field sobriety test (SFST) or drug recognition evaluation (DRE), is reasonably believed to be impaired by drugs or a combination of drugs and alcohol; and drivers who refuse to submit to a breath test, SFST, DRE, or other lawfully demanded test.
6. A mandatory alcohol interlock program for all federal impaired driving offenders, which includes: reduced provincial and territorial suspensions to encourage participation; mandatory 7, 30 and 60-day ALSs and vehicle impoundments, and 1, 2 and 3-year extensions of the alcohol interlock order for first, second and subsequent violations of the program conditions; and reliance on the interlock data log readings and other behavioural criteria in relicensing.
7. Administrative vehicle impoundments for uninsured, unlicensed, suspended, prohibited, and disqualified drivers. Mandatory administrative vehicle forfeiture for drivers with three or more federal impaired driving or other *Criminal Code* traffic convictions within 10 years.
8. Mandatory remedial programs for all federal impaired driving offenders, and for drivers with a repeat short-term or 90-day impairment-related ALS within five years.

The current report summarizes in chart form the provincial and territorial law related to these priorities as of January 1, 2015. An earlier draft of the report was sent to officials in each jurisdiction for comment, and appropriate revisions were made. The report permits the reader to appreciate at a glance the range of legislation across Canada in each of these key areas. It also provides a benchmark for assessing the progress that has been made to date and for evaluating future legislative reforms.

SECTION I: GRADUATED LICENSING PROGRAMS (GLPs)

Chart 1: Features of Stage 1

Prov./ Terr.	Minimum Driving Age	Minimum Length of Stage 1	Restrictions ¹		
			Nighttime	Passengers (Excluding Supervisor)	High-Speed Roadways
AB	14	12 months & until driver is 16	12 a.m. – 5 a.m.	Number of belts	None
BC	16	12 months	12 a.m. – 5 a.m.	1 passenger	None
MB	15½ ²	9 months	None	Number of belts in back	None
NB	16	12 months (8 with driver ed.)	12 a.m. – 5 a.m.	Only supervisor	None
NL	16	12 months (8 with driver ed.)	12 a.m. – 5 a.m.	Only supervisor	None
NS ³	16	6 months (3 with driver ed.)	None	Only supervisor	None
NT	15	12 months	11 p.m. – 6 a.m.	Only supervisor	None
NU	15	No GLP. Beginning drivers must be supervised for 12 months, but there are no special BAC limits or other restrictions.			
ON	16	12 months (8 with driver ed.) ⁴	12 a.m. – 5 a.m.	Number of belts in back	Prohibited
PE	16	12 months (9 with driver ed.)	1 a.m. – 5 a.m. (unless ≥ 21)	Supervisor's family & number of belts	None
QC	16	12 months	None	None	None
SK	15 ²	9 months & until driver is 16	None	Number of belts & additional limits ⁵	None
YK	15	6 months & until driver is 16	12 a.m. – 5 a.m.	1 passenger, other than family	None

1. Unless otherwise stated, all stage-1 drivers are subject to a .00% BAC restriction.
2. These minimum driving ages apply to those who are in, or have graduated from, a driver education program.
3. Legislation enacted in 2007, if proclaimed in force, would lengthen stage 1 to 1 year (9 months with driver education). Among other things, the legislation would impose a .05% BAC restriction on supervising drivers.
4. The Ontario government announced in a 2008 press release that it intended to lengthen stage 1 to 18 months, or 12 months for those with driver education. This provision was included in Bill 126, the *Road Safety Act, 2009*, SO 2009, c. 5, but was subsequently removed before the Bill was enacted.
5. There can be no passengers other than family members from 12 a.m. – 5 a.m., and no passenger in the front if there is a backseat.

Chart 2: Features of Stage 2

Prov./ Terr.	Minimum Length of Stage 2	Restrictions ¹		
		Nighttime	Passengers	High-speed Roadways
AB	24 months	None	Number of belts	None
BC	24 months (18 with driver ed.)	None	1 passenger, other than family, unless supervised	None
MB	15 months	None	1 passenger in front, number of belts in back & additional night restrictions ²	None
NB	12 months ³	12 a.m. – 5 a.m., with exceptions ⁴	3 passengers	None
NL	12 months	12 a.m. – 5 a.m., with exceptions ⁵	Number of belts	None
NS	24 months	12 a.m. – 5 a.m., with exceptions ⁶	1 passenger in front & number of belts ⁷	None
NT	12 months	None	1 passenger in front	None
NU	No GLP. Drivers can be fully licensed at 16 & are not subject to any special BAC limits or other restrictions.			
ON	12 months ⁸	None	Number of belts & additional restrictions at night if driver is under 20 ⁹	None
PE	24 months stages 2 & 3	1 a.m. – 5 a.m., with exceptions ¹⁰	Number of belts	None
QC	24 months	None	None	None
SK	18 months ¹¹	None	Number of belts & additional restrictions in the first 6 months ¹²	None
YK	18 months	12 a.m. – 5 a.m., unless supervised ¹³	Number of belts	None

1. Unless otherwise stated, all stage-2 drivers are subject to a .00% BAC restriction.
2. Stage-2 drivers cannot have more than 1 passenger from 12 a.m. – 5 a.m., unless there is a supervisor in the front and all the passengers in the back seat have a belt.
3. Drivers must spend a total of 24 months in stage 1 and 2 combined, with at least 12 months spent in stage 2.
4. This restriction does not apply to drivers who are 21 or older, drivers accompanied by a supervisor and no other passenger, those driving for educational or employment purposes, or drivers who are exempted by the Registrar.
5. This restriction does not apply to drivers who are supervised or to drivers who are driving for work purposes and are carrying proof of employment.
6. This restriction does not apply to drivers who are supervised or to drivers who have obtained an employment exemption.
7. Legislation enacted in 2007, if proclaimed in force, will prohibit carrying more than 1 passenger unless supervised, or unless the passengers are family members.

8. The Ontario government announced in a 2008 press release that it intended to lengthen stage 2 to 18 months. This provision was included in Bill 126, the *Road Safety Act, 2009*, SO 2009, c. 5, but was subsequently removed before the Bill was enacted.
9. During the first 6 months, stage-2 drivers cannot have more than 1 passenger under 20, other than family members, from 12 a.m. – 5 a.m. After 6 months, stage-2 drivers can only have 3 passengers under 20. These restrictions do not apply if the driver is supervised, in which case the number of passengers is limited to the number of belts.
10. This restriction does not apply to drivers who are 21 or older, drivers accompanied by a supervisor, or to drivers who have obtained an exemption (*e.g.* for work).
11. Saskatchewan has a 2-part stage 2, which lasts a total of 18 months. The novice-1 part is 6 months and the novice-2 part is 12 months.
12. During the 6-month novice-1 part, drivers may only carry 1 passenger other than family members.
13. This supervision requirement does not apply to stage-2 drivers who are commuting directly between work and home.

Chart 3: The Extended .00% BAC Limits

Prov./ Terr.	.00% BAC Limit Beyond GLP	Earliest age at which the .00% BAC Limit Ends	Legal Drinking Age
AB	None	18	18
BC	None	18½	19
MB	3 years	20½	18
NB	3 years	21	19
NL	None	17⅔	19
NS ¹	None (pending - 2 years)	18 ¼ (pending - 21 or 20 ¾ with driver ed.)	19
NT	None	17	19
NU	None	No special BAC limit	19
ON	4⅓ years	22	19
PEI ²	¼ year	19 (proposed 21)	19
QC	3 years	22	18
SK	1½ years	19	19
YK	None	17½	19

1. Legislation, when proclaimed in force, will require drivers to have a .00% BAC for 2 years after completing stage 2. Thus, the minimum length of the .00% BAC restriction will be 4 ¾ years for drivers who completed the driver education course in stage 1 and 5 years for those who did not.
2. Prince Edward Island introduced legislation that, if enacted, will prohibit those under the age of 21 from driving with a BAC above .00%. Bill 23, *Highway Traffic (Zero Tolerance) Amendment Act*, 4th Sess., 63rd Ass., 2010, s. 2 (first reading 24 November 2010).

Chart 4: Sanctions for Violating Stage 1

Prov./ Terr. ¹	Sanctions for Violating Specific Stage-1 Restrictions				
	Nighttime	Passenger	High-Speed Roadways	.00% BAC Limit ²	Supervising Driver ³
AB	- \$100 fine & - 2 demerits	- \$100 fine & - 2 demerits	N/A	- 24-hour suspension, - 30-day suspension, - 7-day vehicle seizure, & - Suspension added to stage 1	- \$200 fine & - 2 demerits
BC	- \$95 fine ⁴ & - 3 demerits	- \$95 fine ⁴ & - 3 demerits	N/A	- 12-hour prohibition & - Restart stage 1	- \$95 fine ⁴ & - 3 demerits
MB	N/A	- ≤ \$2,000 fine & - ≤ 1-year suspension	N/A	- 24-hour suspension, - Hearing re: other sanctions & - Licence reinstatement fee	- ≤ \$2,000 fine & - ≤ 1-year suspension
NB	\$140-\$1,100 fine	\$140-\$1,100 fine	N/A	- 1-year suspension & - Restart GLP ⁵	\$140-\$1,100 fine
NL	\$65-\$90 fine	\$65-\$90 fine	N/A	- 2-month suspension, - Restart stage 1 & - Reinstatement workshop	\$65-\$90 fine
NT	2 demerits	2 demerits	N/A	- 30-day suspension	2 demerits
NS	N/A	\$227.41 fine	N/A	- 24-hour suspension, - 6 demerits, - \$399.91 fine, - 6-month suspension, & - Suspension added to stage 1	- 2 demerits & - \$227.41 fine
NU	N/A	N/A	N/A	N/A	- ≤ \$5,000 fine & - Imprisonment ≤ 6 months ⁶
ON	\$60-\$500 fine	\$60-\$500 fine	\$60-\$500 fine	- 24-hour suspension, - 30-day suspension, - \$60-\$500 fine, & - Possible licence cancellation	\$60-\$500 fine
PE	- \$100-\$500 fine & - 1-month suspension	- \$100-\$500 fine & - 1-month suspension	N/A	- 24-hour roadside suspension & - 90-day suspension	- 1-month suspension & - \$200-\$1,000 fine
QC	N/A	N/A	N/A	- 4 demerits, - 90-day roadside suspension, - 3-month discretionary suspension or revocation, - \$300-\$600 fine, & - Suspension or revocation added to stage 1	- 4 demerits, - 3-month discretionary suspension or revocation, - \$200-\$300 fine, & - Suspension or revoc- ation added to stage 1
SK ⁷	N/A	- \$150 fine & - 1 demerit	N/A	- 1 demerit, - 60-day suspension, - 3-day vehicle impoundment, & - Suspension added to stage 1	- \$150 fine & - 1 demerit
YK	\$125 fine	\$125 fine	N/A	- 24-hour suspension & - Possible impoundment	\$125 fine

1. Stage-1 drivers are subject to lower demerit point thresholds in: Alberta (8 v 15); British Columbia (6 v 19); New Brunswick (4 v 10); Newfoundland and Labrador (6 v 12); Northwest Territories (6 v 15); Nova Scotia (4 v 10); Nunavut (6 v 15); Ontario (6-9 v 9-15); Prince Edward Island (1 v 12); Québec (4 v 15); and Yukon (7 v 15).

Stage-1 drivers in Saskatchewan are also subject to a lower demerit point threshold. An initial warning letter is triggered by a first traffic incident (at-fault crash or offence) that is assigned a rating of 1 or 2 points. If the first incident is assigned 3 to 6 points, the driver must attend an education seminar. Each subsequent incident results in the driver being required to attend further education courses and escalating licence suspensions.

2. If a stage-1 driver's BAC exceeds the .05% or .08% provincial limit, additional administrative sanctions are applicable as in the case of all other categories of licensed drivers.
3. Supervising drivers who breach the restrictions that the GLP imposes on them are subject to sanctions in: Alberta, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Québec, Saskatchewan, and Yukon.
4. While the fine is \$95, the total ticketed amount is \$109.
5. While one government webpage indicated that a violation will result in being required to complete an alcohol rehabilitation program, another government webpage did not mention this requirement.
6. There is no specified sanction for violating the supervising driver requirement. However, the violation constitutes a territorial offence, which under the general penalty provisions of the *Motor Vehicles Act*, RSNWT (Nu) 1988, c. M-16, ss. 336 and 338 carries the maximum penalties listed above.
7. Stage-1 drivers in Saskatchewan who violate the .00% BAC limit are required to attend the "Driving Without Impairment" course. Subsequent violations result in lengthier roadside suspensions and vehicle impoundments, and the required completion of more onerous education/addiction screening programs. Drivers with a subsequent violation may apply to a voluntary interlock program to lessen the term of their roadside suspension.

Chart 5: Sanctions for Violating Stage 2

Prov./ Terr.	Sanctions for Violating Specific Stage-2 Restrictions		
	Nighttime	Passenger	.00% BAC Limit ¹
AB	N/A	- \$100 fine & - 2 demerits	- 1-month suspension, - 7-day vehicle seizure & - Suspension added to stage 2 & must be suspension-free for final 12 months
BC	N/A	- \$95 fine ² & - 3 demerits	- 12-hour driving prohibition & - Restart stage 2
MB	N/A	- ≤ \$2,000 & - ≤1-year suspension	- 24-hour suspension, - Hearing re: further sanctions & - Licence reinstatement fee
NB	\$140-\$1,100 fine	\$140-\$1,100 fine	- 1-year suspension & - Restart GLP
NL	\$65-\$90 fine	\$65-\$90 fine	- 2-month suspension, - Restart GLP level & - Reinstatement workshop
NT	N/A	2 demerits	- 30-day suspension
NS	\$227.41 fine	\$227.41 fine	- 6 demerits, - 24-hour suspension, - \$399.91 fine, - 6-month suspension, & - Suspension added to stage 2
NU	N/A	N/A	N/A
ON	\$60-\$500 fine	\$60-\$500 fine	- 24-hour roadside suspension, - 30-day suspension, - \$60-\$500 fine, & - Possible licence cancellation
PE	- 1-month suspension & - \$100-\$500 fine	- 1-month suspension & - \$100-\$500 fine	- 24-hour roadside suspension & - 90-day licence suspension
QC	N/A	N/A	- 4 demerits, - 90-day roadside suspension, - 3-month discretionary suspension or revocation, - \$300-\$600 fine, & - Suspension & revocation added to stage 2
SK ³	N/A	- \$150 fine & - 1 demerit	- 1 demerit, - 60-day suspension, - 3-day vehicle impoundment, & - Restart “novice-2” component of stage 2 (12 months)
YK	\$125 fine	\$125 fine	- 24-hour suspension & - Possible vehicle impoundment

1. If a stage-1 driver’s BAC exceeds the .05% or .08% provincial limit, additional administrative sanctions are applicable as in the case of all other categories of licensed drivers.
2. The ticketed amount is \$109.

Stage-2 drivers in Saskatchewan who violate the .00% BAC limit are required to attend the “Driving Without Impairment” course. Subsequent violations result in lengthier roadside suspensions and vehicle impoundments, and the required completion of more onerous education/addiction screening programs. Drivers with a subsequent violation may apply to a voluntary interlock program to lessen the term of their roadside suspension.

Chart 6: Sanctions for Violating the Extended .00% BAC Limit

Prov./ Terr.	Sanctions for Violations of Extended .00% BAC Limit		
	Fine	Licence Suspension	Other Sanctions
AB	N/A	N/A	N/A
BC	N/A	N/A	N/A
MB	≤ \$2,000	- 24-hour roadside suspension & - Possible suspension for ≤ 1 year	- Hearing re: further sanctions & - Licence reinstatement fee
NB	\$172.50	- 1-month suspension	N/A
NL	N/A	N/A	N/A
NT	N/A	N/A	N/A
NS	≥ \$250	- 24-hour roadside suspension & - 6-month licence suspension	- 6 demerits & - Restart 2-year extended BAC limit
NU	N/A	N/A	N/A
ON	\$60-\$500	- 24-hour roadside suspension & - 30-day suspension	N/A
PE	\$100-\$500	- 24-hour roadside suspension & - 90-day administrative prohibition	N/A
QC	\$300-\$600	90-day licence suspension	4 demerits
SK ¹	N/A	60-day roadside suspension	- 1 demerit & - 3-day vehicle impoundment
YK	N/A	N/A	N/A

1. Saskatchewan drivers who violate the extended .00% BAC limit are required to attend the “Driving Without Impairment” course. Subsequent violations result in lengthier roadside suspensions and vehicle impoundments, and the required completion of more onerous education/addiction screening programs. Drivers with a subsequent violation may apply to a voluntary interlock program to lessen the term of their roadside suspension.

Chart 7: Prohibitions on Being Positive for Any Illicit Drug

Prov./ Terr.	GLP Stage 1	GLP Stage 2	Drivers under 21 or with less than 5 years driving experience
AB	No Prohibition		
BC	No Prohibition		
MB	No Prohibition		
NB	No Prohibition		
NL	No Prohibition		
NS	No Prohibition		
NT	No Prohibition		
NU	No GLP. Drivers can be fully licensed at 16 & are not subject to any special BAC or drug limits, or other driving restrictions or prohibitions.		
ON	No Prohibition		
PEI	No Prohibition		
QC	No Prohibition		
SK	No Prohibition ¹		No Prohibition
YK	No Prohibition		

- The Saskatchewan Government Insurance (SGI) website states that new drivers are subject to zero tolerance for drugs. The “new driver” category is composed of GLP drivers and drivers who are under 19 years of age. The consequences for breaching this prohibition are stated to be a 60-day immediate roadside licence suspension, a 3-day immediate roadside vehicle impoundment, and the obligation to complete the DWI (driving without impairment) program. SGI, “Traffic Safety Changes,” online: <<https://www.sgi.sk.ca/about/articles/2014/traffic-safetychanges.html#figures>> (date accessed: December 11, 2014).

However, neither *The Traffic Safety Act*, S.S. 2004, c. T-18.1 nor *The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2 contain any such prohibition. Under s. 150.1(1) of the *TSA*, the police may demand a standard field sobriety test (SFST) from new drivers who are reasonably suspected of having a drug or substance in their body that causes them to be unable to drive safely. A new driver is only subject to the aforementioned administrative sanctions if he or she fails the SFST or refuses to take it. Thus, contrary to what SGI’s website states, the Act and Regulations do not prohibit new drivers from being positive for drugs or impose any sanctions on them in this situation.

The Appendix to *The Driver Licensing and Suspension Regulations, 2006* contains forms that officers are required to complete in imposing various licence suspensions and other administrative sanctions on drivers. The form dealing with licence suspensions for new drivers states: “New drivers cannot consume any drugs or alcohol... . Zero blood alcohol and drugs tolerance.” It is not clear if SGI relied on this form in the Appendix of the Regulation as the authority for their statements on their website. The form is an internal administrative document intended for police use and not an authorizing document. Moreover, given that the form is inconsistent with the Act, it cannot provide authority to impose sanctions on new drivers who are positive for an illicit drug.

Chart 8: Prohibitions on Using Electronic Devices

Prov./ Terr.	GLP Stage 1	GLP Stage 2	Drivers under 21 or with less than 5 years driving experience	Unrestricted Full Licence
AB	No Hand-Held Devices			
BC	No Hand-Held or Hands-Free Devices	No Hand-Held Devices		
MB	No Hand-Held Devices			
NB	No Hand-Held Devices			
NL	No Hand-Held Devices			
NS	No Hand-Held Devices			
NT	No Hand-Held Devices			
NU	No Prohibition			
ON	No Hand-Held Devices			
PEI	No Hand-Held Devices			
QC	No Hand-Held Devices			
SK	No Hand-Held or Hands-Free Devices	No Hand-Held Devices		
YK	No Hand-Held or Hands-Free Devices	No Hand-Held Devices		

1. The statutory prohibitions on hand-held devices generally include holding, viewing or manipulating the device, or communicating by means of the device. The statutory prohibitions on hands-free devices generally include holding the device, and viewing or manipulating it outside of the allowed parameters. For example, several provinces permit the use of hands-free devices that are activated by a single touch.
2. Except for Nunavut, all of the jurisdictions have created an exception of some kind to the prohibition on hand-held devices for emergency personnel and/or emergency communications. Most jurisdictions also permit the use of hand-held two-way radios for specified purposes, and the use of other hand-held devices when the vehicle is safely parked.
3. The term “electronic device” is generally defined to include cell phones, tablets, computers, iPods, electronic entertainment devices, and other electronic devices capable of communication by way of voice, text or electronic data.

SECTION II: SHORT-TERM ADMINISTRATIVE LICENCE SUSPENSIONS (ALSs) FOR ALCOHOL AND DRUGS

Chart 9: Alcohol-Related Grounds for Short-Term ALSs

Prov./ Terr.	Alcohol-Related Grounds
AB	- Reasonably suspect driver's physical or mental ability is affected by alcohol (24 hours); or - BAC \geq .05% (3 days)
BC ¹	- Reasonable grounds to believe driver's ability is affected by alcohol (24 hours); or - BAC \geq .05% & reasonable belief that driver's ability affected by alcohol (3 days)
MB	- BAC \geq .05%; or - Too impaired to take breath, blood or SFST
NB	- BAC \geq .05%; or - Charged with an impaired driving offence or refusing/failing to provide a sample
NL	- BAC \geq .05%; or - Charged with an impaired driving offence or refusing/failing to provide a sample
NS	- BAC \geq .05%
NT	- BAC \geq .05%; or - Reasonable grounds to believe driver's ability is impaired by alcohol
NU	Reasonable grounds to believe driver's ability is impaired by alcohol
ON	BAC \geq .05%
PE	- BAC \geq .05%; - Refuses/fails to provide a sample; or - Refuses/fails to participate in an SFST or fails SFST
QC ²	- Reasonable grounds to believe driver's ability is impaired by alcohol based on failed SFST, or driver refuses/fails to take SFST - No general short-term ALS for BAC \geq .05% ³
SK	- Reasonable grounds to believe driver's BAC exceeds .04%; or - Refuses/fails to participate in an SFST or fails SFST
YK	Reasonable grounds to believe driver is impaired by alcohol
CCMTA ⁴	BAC \geq .05%

- An ALS imposed at roadside is referred to as an "immediate roadside prohibition" (IRP). The prohibition is: 24 hours if there are reasonable grounds to believe the driver is affected by alcohol/drugs; 3, 7 and 30 days if the driver's BAC is \geq .05% on a first, second and third occurrence, respectively; and 90 days if the driver's BAC is \geq .08% or if the driver fails to provide a sample. The IRPs apply immediately, unlike the 90-day ALSs (which are referred to as "administrative driving prohibitions" (ADPs)).

The 90-day ADPs are imposed on drivers who register a BAC > .08% or who fail to provide a breath or blood sample. These drivers are invariably processed at the police station and are tested on approved instruments (i.e. "evidentiary breathalyzers").

In November 2011, a court rejected all but one challenge to the 3, 7, 30, and 90-day IRPs that were based on a single breath test taken on an approved screening device (ASD) at roadside. The 90-day IRP based on registering a fail on an ASD was found to infringe s. 8 of the *Charter of Rights and Freedoms*, and this infringement was held not to be justifiable under s. 1. In the Court's view, the onerous consequences of the 90-day IRP and the limited means of challenging the ASD result on which it was

based rendered the provision unreasonable. The Court subsequently suspended the declaration of invalidity until June 30, 2012. *Sivia v British Columbia (Superintendent of Motor Vehicles)*, 2011 BCSC 1639; and *Sivia v British Columbia (Superintendent of Motor Vehicles)*, 2011 BCSC 1783.

In response to *Sivia*, British Columbia amended all the 3, 7, 30, and 90-day IRP provisions that were based on a single roadside ASD. As of June 15, 2012, the police were required to advise drivers of their right to challenge the first ASD by taking a second ASD. The police were also required to inform drivers that the lower of the two ASD tests would prevail. The amendments required the police to submit sworn reports to the Superintendent, and broadened a driver's grounds for appealing the IRP.

British Columbia's IRP and ADP programs have continued to generate numerous legal challenges. On November 27, 2014, the Supreme Court of Canada granted leave to appeal a series of cases, including *Sivia*, which will be heard together. See *Wilson v British Columbia (Superintendent of Motor Vehicles)*, 2014 BCCA 202, leave to appeal granted, 2014 CanLII 70971 (SCC); and *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2014 BCCA 79, leave to appeal granted, 2014 CanLII 70983 (SCC).

2. Sections 202.1.3 and 202.1.4 of the *Highway Safety Code*, RSQ, c. C-24.2 authorize the police to demand physical coordination testing (*i.e.* SFST) from any driver if they reasonably suspect that his or her ability to drive is impaired. However, this provision is narrower than the authority that police already had to demand SFSTs under the *Criminal Code*. Section 254(2)(a) of the *Code* authorizes the police to demand an SFST from any driver who they reasonably suspect has any alcohol or drugs in his or her body.
3. Proposed amendments and a 2010 legislative report called for the introduction of a 24-hour ALS program for all fully licensed drivers who had BACs \geq .05%. However, the government announced in December 2010 that it was postponing introduction of the program for 2 or 3 years.

Drivers of buses, minibuses and taxis are subject to a .00% BAC limit, and drivers of tow trucks and heavy vehicles (weight \geq 4,500 kg) are subject to a .05% BAC limit. Police must issue a 24-hour licence suspension to these drivers if their BAC exceeds the applicable limit.
4. The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005.

Chart 10: Drug-Related and Other Grounds for Short-Term ALSs

Prov./ Terr.	Drug-Related and Other Grounds
AB	<ul style="list-style-type: none"> - Reasonably suspect driver’s physical or mental ability is affected by a drug (24 hours); or - Reasonably suspect driver’s physical or medical condition affects his or her physical and mental ability (24 hours)
BC	Reasonable grounds to believe driver’s ability is affected by a drug (24 hours)
MB	<ul style="list-style-type: none"> - Based on SFST, believe driver is unable to drive safely; or - Too impaired to take blood or SFST test
NB	No
NL	Reasonable grounds to believe driver’s ability is impaired by a drug or combination of drugs & alcohol
NS	No
NT	Reasonable grounds to believe driver’s ability is impaired by drugs or fatigue
NU	Reasonable grounds to believe driver’s ability is impaired by drugs or fatigue
ON	No ¹
PE	Refuses/fails to participate in an SFST or fails SFST
QC ²	Reasonable grounds to believe driver’s ability is impaired by drugs based on failed SFST, or driver refuses/ fails to take SFST.
SK	Refuses/fails to participate in an SFST or fails SFST
YK	Reasonable grounds to believe driver’s ability is impaired by drugs or another substance
CCMTA ³	Reasonable grounds to suspect driver’s ability is impaired by drugs

1. On October 21, 2014, the Ontario Ministry of Transportation announced its intention to introduce a Bill that would impose short-term ALSs on drivers who police officers reasonably believe to be impaired by drugs. The officer’s reasonable belief “must include” the driver’s performance on an SFST. The duration of these drug-related short-term ALSs, and the associated lookback period for repeat infractions, would be the same as those for alcohol-related short-term ALSs. The remedial programs for the drug-related short-term ALSs would be similar to the remedial programs for alcohol-related short-term ALSs.
2. Sections 202.1.3 and 202.1.4 of the *Highway Safety Code*, RSQ, c. C-24.2 authorize the police to demand physical coordination testing (*i.e.* SFST) from any driver if they reasonably suspect that his or her ability to drive is impaired. However, this provision is narrower than the authority that police already had to demand SFSTs under the *Criminal Code*. Section 254(2)(a) of the *Code* authorizes the police to demand an SFST from any driver who they reasonably suspect has any alcohol or drugs in his or her body.
3. The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005.

Chart 11: Duration of Short-Term ALSs

Prov./ Terr.	First Occurrence	Second Occurrence	Third Occurrence	Fourth or Subsequent Occurrence
AB ¹	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 3 days for $\geq .05\%$	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 15 days for $\geq .05\%$	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 30 days for $\geq .05\%$	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 30 days for $\geq .05\%$
BC ²	- 24 hours if reasonable grounds driving ability affected by alcohol/drugs; - 3 days for $\geq .05\%$ ³	- 24 hours if reasonable grounds driving ability affected by alcohol/drugs; - 7 days for $\geq .05\%$ ³	- 24 hours if reasonable grounds driving ability affected by alcohol/drugs; - 30 days for $\geq .05\%$ ³	- 24 hours if reasonable grounds driving ability affected by alcohol/drugs; - 30 days for $\geq .05\%$ ³
MB ¹	- 24 hours if: too impaired to take breath, blood or SFST test; fails SFST; or $\geq .05\%$	- 24 hours if too impaired to take breath, blood or SFST test; - 15 days for fails SFST or $\geq .05\%$	- 24 hours if too impaired to take breath, blood or SFST test; - 30 days for fails SFST or $\geq .05\%$	- 24 hours if too impaired to take breath, blood or SFST test; - 60 days for fails SFST or $\geq .05\%$
NB	7 days			
NL ⁴	7 days	14 days	2 months	4 months
NS ¹	7 days	15 days	30 days	30 days
NT ⁵	24 hours	30 days	30 days	30 days
NU	4-24 hours			
ON ^{2,6}	3 days	7 days	30 days	30 days
PE ⁵	- 24 hours for: refusing/ failing to take breath test or SFST; or fail-ing SFST; - 7 days for $\geq .05\%$	- 24 hours for: refusing/ failing to take breath test or SFST; or fail-ing SFST; - 30 days for $\geq .05\%$	- 24 hours for: refusing/ failing to take breath test or SFST; or fail-ing SFST; - 90 days for $\geq .05\%$	- 24 hours for: refusing/ failing to take breath test or SFST; or fail-ing SFST; - 90 days for $\geq .05\%$
QC ⁷	- 24 hours for: refusing/failing to take SFST; or failing SFST - No General Short-Term ALS for BAC $\geq .05\%$			
SK ²	3 days	21 days	90 days	90 days
YK	24 hours			
CCMTA ⁸	7-14 days	30 days	45 days	60 days

1. The lookback period for prior occurrences is 10 years.
2. The lookback period for prior occurrences is 5 years.
3. The police must also believe that the driver's ability to drive is "affected" by alcohol.
4. The lookback period for prior occurrences is only 2 years. A 6-month licence suspension is imposed for a fifth or subsequent short-term ALS within 2 years.

5. The lookback period for prior occurrences is only 2 years.
6. On October 21, 2014, the Ontario Ministry of Transportation announced its intention to introduce a Bill that would impose short-term ALSs on drug-impaired drivers. The duration of these drug-related short-term ALSs, and the lookback period for repeat infractions, would be the same as those for alcohol-related short-term ALSs.
7. Proposed amendments and a 2010 legislative report called for the introduction of a 24-hour ALS program for all fully licensed drivers who had BACs \geq .05%. However, the government announced in December 2010 that it was postponing introduction of the program for 2 or 3 years.

Drivers of buses, minibuses and taxis are subject to a .00% BAC limit, and drivers of tow trucks and heavy vehicles (weight \geq 4,500 kg) are subject to a .05% BAC limit. Police must issue a 24-hour licence suspension to these drivers if their BAC exceeds the applicable limit.
8. The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005. The model provides for a lookback period of 3 years for prior occurrences.

Chart 12: Records, Fees and Fines for Short-Term ALSs

Prov./ Terr.	Police Record Kept	Registrar Informed	Suspension on Abstract	Reinstatement Fee	Fine
AB	Yes	Yes	Yes, for only 3 days ¹	No	No
BC	Yes	Yes (ICBC)	Yes	\$250	≤ \$500 ²
MB	Yes	Yes	Yes	\$50	No
NB	Yes	No	No ³	No	No
NL	Yes	Yes	No	\$100	No
NS	Yes	Yes	Yes	\$89.63	No
NT	Yes	Yes	Yes	No	No
NU	Yes	Yes	No	\$25	No
ON	Yes	Yes	Yes	\$150 ⁵	No
PE	Yes	Yes	No	\$75	No
QC ⁶	No General Short-Term ALS for BAC ≥ .05%				
SK	Yes	Yes ⁴	Yes	No	No
YK	Yes	Yes ⁴	No	No	No
CCMTA ⁷	Yes	Yes	Yes ⁸	\$150-\$300 ⁹	No

1. According to the Registrar's Decisions: Notification 01/2004, driver abstracts are to contain suspension information. See online: <http://www.servicealberta.gov.ab.ca/pdf/mv/RegistrarsNotification01_2004.pdf> (date accessed: May 28, 2013). While Alberta Government Services may change the content of driver abstracts, no notification of any such change was found on the Registrar's website. However, Alberta Transportation officials have indicated that a suspension only remains on the driver's abstract for 3 days for a first offence, 15 days for a second offence and 30 days for a third offence. E-mail from J. Espie, Executive Director, Office of Traffic Safety, to D. Kelly, Communications Manager, MADD Canada (28 June 2013).
2. Drivers are subject to monetary penalties of up to \$500 as prescribed by regulation. The current prescribed penalties are \$200 for a first occurrence, \$300 for a second occurrence within 5 years, and \$400 for a third or subsequent occurrence within 5 years.
3. Although s. 287(1)(c) of the *Motor Vehicle Act*, RSNB 1973, c. M-17 requires the Registrar, upon request, to provide a certified abstract which includes among other things "any suspension or reinstatement of the person's motor vehicle privilege," information on short-term ALSs is not included.
4. The law does not require the Registrar to be informed, but the police do so as a matter of administrative policy.
5. Ontario Regulation 273/07, enacted pursuant to the *Highway Traffic Act*, RSO 1990, c. H.8, refers to the \$150 charge as an "administrative monetary penalty" that must be paid prior to licence reinstatement.
6. Proposed amendments and a 2010 legislative report called for the introduction of a 24-hour ALS program for all fully licensed drivers who had BACs ≥ .05%. However, the government announced in December 2010 that it was postponing introduction of the program for 2 or 3 years. Drivers of buses, minibuses and taxis are subject to a .00% BAC limit, and drivers of tow trucks and heavy vehicles (weight ≥ 4,500 kg) are subject to a .05% BAC limit. Police must issue a 24-hour licence suspension to these drivers if their BAC exceeds the applicable limit.

7. The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005.
8. The model provides that an ALS should remain on the driver's abstract for 10 years.
9. The model provides that drivers with a second, third or subsequent ALS within 3 years should be required to pay increased licence reinstatement fees.

Chart 13: Impoundments, Interlocks and Remedial Programs for Short-Term ALSs

Prov./ Terr.	Vehicle Impound.	Mandatory Interlock	Mandatory Legislated Remedial Programs
AB	Yes ¹	No ²	<ul style="list-style-type: none"> - Drivers with a second .05% BAC infraction within 10 years must take an education program (“Planning Ahead”) and may be subject to a licence review. - Drivers with a third infraction must take a more intensive educational program (“IMPACT”) and are subject to a licence review.
BC	Yes ³	No	<ul style="list-style-type: none"> - No, but as a matter of administrative policy, the Super. requires drivers to take a remedial program if they have a 30 or 90-day IRP, a 90-day ADP, or any combination of three 24-hour, 3-day or 7-day IRPs within 5 years. - The Super. may also impose an interlock order on these drivers.
MB	No	No	Drivers with 2 or more suspensions within 3 years must undergo an impaired driver’s assessment & may be required to complete an education or treatment program.
NB	No	No	No
NL	No	No	<ul style="list-style-type: none"> - Drivers with 2 suspensions within 2 years must complete an education program. - Drivers with 3 or more suspensions within 2 years must complete an alcohol dependency assessment & rehabilitation program.
NS	No	No	No
NT	No	No	No
NU	No	No	No
ON ⁴	No ⁵	No	<ul style="list-style-type: none"> - No, but Registrar requires drivers with 2 suspensions within 5 years to participate in an alcohol education program. - Drivers with 3 or more suspensions within 5 years must participate in an alcohol treatment program & are subject to a 6-month interlock order. - Drivers with 4 or more suspensions within 5 years must undergo a medical examination.
QC ⁶	No General Short-Term ALS for BAC \geq .05%		
PE	No	No	No
SK	Yes on 2nd occurrence ⁷	Yes on 3rd occurrence ⁸	<ul style="list-style-type: none"> - Drivers with 1 suspension must complete the “Driving Without Impairment” course. - Drivers with 2 suspensions within 5 years must complete an “Education Program.” - Drivers with 3 or more suspensions within 5 years must undergo “addiction screening.”
YK	No	No	No
CCMTA ⁹	No	Yes on 3rd occurrence ¹⁰	Drivers with 2 suspensions within 3 years should be required to complete an impaired driver’s assessment.

1. The police are required to impound for 3 days the vehicle of a driver who is subject to a 3-day suspension for having a BAC \geq .05%. Second and subsequent .05% BAC infractions within 10 years result in a 7-day vehicle impoundment. The police are also required to impound for 24 hours the vehicle of a driver who is

subject to a 24-hour licence suspension based on reasonable suspicion that his or her physical or mental ability has been affected by alcohol/drugs, or by a medical or physical condition.

2. The Alberta Transportation Safety Board may make installing an alcohol interlock a relicensing requirement for drivers with 2 or more .05% BAC infractions within 10 years who are subject to a licence review.
3. Police officers may impound the vehicle of a driver who receives a 24-hour, 3-day or 7-day IRP if they believe that doing so is necessary to prevent a breach of the driving prohibition. The police must impound the driver's vehicle for 30 days if a driver receives: a 30-day IRP (a third or subsequent BAC \geq .05%); or a 90-day IRP (BAC \geq .08% or refuses/fails to take ASD test).
4. On October 21, 2014, the Ontario Ministry of Transportation announced its intention to introduce a Bill that would impose short-term ALSs on drug-impaired drivers. The remedial programs for repeat drug-impaired short-term ALSs would be similar to those for alcohol-related short-term ALSs.
5. There are no mandatory impoundments for drivers with BACs in the .05% to .08% range. However, the police must impound for 7 days the vehicle of a driver if they are satisfied that: the driver, based on a breath or blood sample, has a BAC $>$.08%; or the driver refused/failed to provide a sample or to submit to an SFST or DRE test.
6. Proposed amendments and a 2010 legislative report called for the introduction of a 24-hour ALS program for all fully licensed drivers who had BACs \geq .05%. However, the government announced in December 2010 that it was postponing introduction of the program for 2 or 3 years.
Drivers of buses, minibuses and taxis are subject to a .00% BAC limit, and drivers of tow trucks and heavy vehicles (weight \geq 4,500 kg) are subject to a .05% BAC limit. Police must issue a 24-hour licence suspension to these drivers if their BAC exceeds the applicable limit.
7. The police are required to impound for 7 and 14 days respectively the vehicle of a driver who is subject to a second or subsequent ALS within 5 years.
8. Drivers with 3 or more .04% BAC violations within 5 years are subject to a 1-year alcohol interlock order.
9. The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005.
10. The model provides that drivers with 3 suspensions within 3 years should be subject to a 6-month alcohol interlock order.

SECTION III: 90-DAY¹ ADMINISTRATIVE LICENCE SUSPENSIONS (ALSs) FOR ALCOHOL AND DRUGS

Chart 14: Alcohol-Related Grounds for 90-Day ALSs

Prov./ Terr.	Grounds	Duration
AB	<i>Criminal Code</i> charge for BAC > .08%; impaired driving; or refuse/fail to take breath or blood test, SFST or DRE	Until disposition of criminal charge
BC	BAC > .08% (ADP), BAC ≥ .08% (IRP), ² or refuse/fail to take breath or blood test ³	90 days
MB	BAC > .08%, or refuse/fail to take breath or blood test, or SFST	3 months
NB	BAC > .08%, or refuse/fail to take breath or blood test when believed to have alcohol in his or her body	3 months
NL	BAC ≥ .08%, or refuse/fail to take breath or blood test, SFST or DRE	90 days
NT	BAC > .08%, or refuse/fail to take breath or blood test, SFST or DRE	90 days
NS	BAC > .08%, or refuse/fail to take breath or blood test when believed to have alcohol in his or her body	3 months
NU	No	No
ON	BAC > .08%, or refuse/fail to take breath or blood test, SFST or DRE	90 days
PE	BAC > .08%, or refuse/fail to take breath or blood test	90 days
QC	BAC > .08 % as shown by evidentiary breath test, or refuse/fail to take breath or blood test, SFST or DRE	90 days
SK	<i>Criminal Code</i> charge for BAC > .08%; impaired causing bodily harm or death; or refuse/fail to take breath or blood test, SFST or DRE ⁴	Until disposition of criminal charge
YK	BAC > .08%, or refuse/fail to take breath or blood test	Shorter of 90 days or until convicted of related criminal charge

1. Pursuant to recent amendments, Alberta and Saskatchewan now impose open-ended ALSs on specified categories of accused impaired drivers until the disposition of their criminal proceedings. Consequently, these pre-disposition ALSs may extend beyond 90 days. Nevertheless, for ease of reference, we use the term “90-day ALS” consistently throughout this section, even though some of the suspensions may be longer or shorter.
2. Under s. 94.1(1)(a) and (3)(c) of the *Motor Vehicle Act*, RSBC 1996, c. 318 (*MVA*), an officer who has reasonable grounds to believe, based on a breath or blood test that a driver’s BAC exceeds .08%, must issue the driver a 90-day ADP. In contrast, s. 215.43(2.1) requires an officer to issue a 90-day IRP if the driver registers a BAC of .08% or more on a roadside ASD.
3. Section 94.1(1)(b) of the *MVA* requires an officer to issue a 90-day ADP to a driver who refuses/fails to take a breath or blood test. Section 215.43(2.1)(b) requires an officer to issue a 90-day IRP to a driver who refuses/fails to take an ASD test.
4. The Saskatchewan legislation expressly authorizes the police to impose pre-disposition ALSs on drivers charged with driving while their ability to do so is impaired by alcohol, but only if they caused death or

bodily harm pursuant to s. 255(2) and (3) of the *Criminal Code*. Thus, unlike Alberta, Saskatchewan does not expressly impose pre-disposition or other ALSs on drivers who are charged with driving while their ability to do so is impaired by alcohol or a drug pursuant to s. 253(1)(a) of the *Criminal Code*.

Chart 15: Drug-Related and Other Grounds for 90-Day ALSs

Prov./ Terr.	Grounds	Duration
AB	<i>Criminal Code</i> charge for impaired driving or refuse/fail to take SFST or DRE ¹	Until disposition of criminal charge
BC	Refuse/fail to comply with breath or blood-test elements of DRE ²	90 days
MB	Refuse/fail to take SFST, or comply with blood or breath-test elements of DRE ³	3 months
NB	N/A	N/A
NL	Refuse/fail to take SFST or DRE ⁴	90 days
NT	Refuse/fail to take SFST or DRE ⁵	90 days
NS	N/A	N/A
NU	N/A	N/A
ON	Refuse/fail to take SFST or DRE ⁶	90 days
PE	Refuse/fail to comply with blood or breath-test elements of DRE ⁷	90 days
QC	Refuse/fail to take SFST or DRE ⁸	90 days
SK	<i>Criminal Code</i> charge for refuse/fail to take SFST or DRE ⁹	Until disposition of criminal charge
YK	Refuse/fail to comply with blood or breath-test elements of DRE ¹⁰	The lesser of 90 days or until convicted of related criminal charge

- Given that s. 88.1 of the *Traffic Safety Act*, RSA 2000, c. T-6 is titled “Alcohol-related administrative licence suspension,” this provision was not originally intended to apply to drug-related cases. Nevertheless, the wording of s. 88.1(2)(a) authorizes the police to impose a long-term ALS on drivers charged with drug-related impaired driving, or with refusing/failing to take an SFST or DRE.
- Given that s. 94.1(b) of the *Motor Vehicle Act*, RSBC 1996, c. 318 predates DRE’s 2008 enactment, it was not originally intended to apply to drug-related cases. Nevertheless, the wording of this provision authorizes the police to impose a 90-day ALS on drivers who refuse/fail to participate in the breath or blood-test components of DRE.
- Section 263.1(2)(b) of *The Highway Traffic Act*, CCSM, c. H60 specifically authorizes the police to impose a 3-month ALS on drivers who refuse/fail to take an SFST. Moreover, the wording of s. 263.1(2)(a)(ii) would permit the police to impose a 3-month ALS on drivers who refuse/fail to comply with the breath or blood-test components of DRE.
- Section 60.03(2)(b) of the *Highway Traffic Act*, RSNL 1990, c. H-3 authorizes the police to impose a 90-day ALS on drivers who refuse/fail to take an SFST or DRE.
- Given that s. 116.6 of the *Motor Vehicles Act*, RSNWT 1988, c. M-16 is titled “Driver with Blood Alcohol Exceeding 80 Milligrams,” this provision was not originally intended to apply to drug-related cases. Nevertheless, the wording of s.116.6(1)(b) authorizes the police to impose a 90-day ALS on drivers who refuse/fail to comply with a demand for an SFST or DRE.
- On October 21, 2014, the Ontario Ministry of Transportation announced its intention to introduce a Bill that would impose 90-day ALSs on drivers who, based on a DRE, are reasonably believed to be impaired by

drugs or a combination of alcohol and drugs. The duration of these drug-related 90-day ALSs and the associated vehicle seizure would be the same as those for alcohol-related 90-day ALSs.

7. Section 277.2(1)(b) of the *Highway Traffic Act*, RSPEI 1988, c. H-5 authorizes the police to impose a 90-day ALS on drivers who refuse/fail to comply with the breath or blood-test components of the DRE. However, this result appears to have been unintentional.
8. Given that s. 202.5 of the *Highway Safety Code*, RSQ c. C-24.2 predates DRE's 2008 enactment, it was not originally intended to apply to drug-related cases. Nevertheless, the wording of this provision authorizes the police to impose a 90-day ALS on drivers who refuse/fail to participate in an SFST or DRE.
9. The Saskatchewan legislation authorizes the police to impose pre-disposition ALSs on drivers charged with driving while their ability to do so is impaired by a drug, but only if they caused death or bodily harm pursuant to s. 255(2) and (3) of the *Criminal Code*. However, unlike in Alberta, the Saskatchewan legislation does not impose pre-disposition or other ALSs on drivers charged with "simple" drug-impaired driving pursuant to s. 253(1)(a) of the *Criminal Code*.
10. Given that s. 257(1)(b) of the *Motor Vehicles Act*, RSY 2002, c. 133 predates DRE's 2008 enactment, it was not originally intended to apply to drug-related cases. Nevertheless, the wording of this provision authorizes the police to impose an ALS (the lesser of 90 days or until convicted of the related criminal charge) on drivers who refuse/fail to comply with the breath or blood-test components of a DRE.

Chart 16: Fees and Monetary Penalties Related to 90-Day ALSs

Prov./ Terr.	Reinstatement Fee	Monetary Penalty
AB	No	No
BC	\$250	≤ \$500 ¹
MB	\$50	No
NB	\$52	No
NL	\$100	No
NT	\$250	No
NS	\$114.33	No
NU	No	No
ON	\$150	No
PE	No	No
QC	No	No
SK	No	No
YK	No	No

1. If a 90-day ADP is imposed under s. 94.1 of the *Motor Vehicle Act*, RSBC 1996, c. 318, no monetary penalty is imposed. However, if a 90-day IRP is imposed under s. 215.44, a driver is subject to a monetary penalty not exceeding \$500 as prescribed by regulation. The current prescribed penalty is \$500.

Chart 17: Mandatory Vehicle Seizures, Interlocks and Remedial Programs for 90-Day ALSs

Prov./Terr.	Mandatory Vehicle Seizure	Mandatory Interlock	Mandatory Remedial Programs
AB	3 days ¹	No	No
BC	30 days	No	No ²
MB	- 30 days if BAC > .08% & - 60 days if BAC > .16% or refuse/fail to take a test.	No	Yes
NB	No	No	No
NL	No	No	Yes ³
NT	No	No	No
NS	No	No	Yes
NU	No	No	No
ON	7 days ⁴	No ⁵	No ⁶
PE	No	No	No
QC	No ⁷	No	No
SK	- 30 days if charged with BAC > .08% & - 60 days if charged with BAC ≥ .16% or charged with refuse/fail to take a test.	No	Yes ⁸
YK	No	No	No

- Section 172.1(1)(a) and (b) of the *Traffic Safety Act*, RSA 2000, c. T-6 imposes a 3-day vehicle seizure for a first long-term ALS and a 7-day vehicle seizure for any subsequent long-term ALS within 10 years.
- However, pursuant to s. 25.1 of the *Motor Vehicle Act*, RSBC 1996, c. 318, the Superintendent has broad discretionary authority to impose terms and conditions on the licence of any driver who the Superintendent believes has an unsatisfactory driving record. As a matter of administrative policy, the Superintendent currently requires drivers who receive a 90-day ADP or a 90-day IRP to participate in a remedial program.
- A driver who receives a 90-day ALS must complete an education program prior to licence reinstatement. A driver with two or more 90-day ALSs within two years must complete an alcohol and drug dependency assessment/rehabilitation program prior to licence reinstatement. *Highway Traffic Driver Regulation, 1999*, N.L. Reg. 110/98, s. 27(1)(b) and Schedule A.
- On October 21, 2014, the Ontario Ministry of Transportation announced its intention to introduce a Bill that would impose 90-day ALSs on drug-impaired drivers. The duration of the mandatory vehicle seizure for these drug-related 90-day ALSs would be the same as the one for alcohol-related 90-day ALSs.
- A driver who has a third or subsequent 90-day ALS may be required to participate in an alcohol interlock program for 6 months. *Conduct Review Programs*, O. Reg. 287/08, ss. 20.1 and 21(1).
- After a second or subsequent 90-day ALS, a driver may be required to participate in a remedial measures conduct review, which could result in being required to complete stipulated education, assessment and treatment programs. *Conduct Review Programs*, O. Reg. 287/08, s. 2(2).

7. The imposition of a 90-day ALS does not, in itself, give rise to a mandatory vehicle seizure under the *Highway Safety Code*, RSQ, c. C-24.2 (*HSC*). However, in certain limited circumstances in which a 90-day ALS is imposed, the police would be required to seize and impound a driver's vehicle. See *HSC*, s. 209.2.1 (30-day impoundment for a BAC > .16% or refusing/failing a test); s. 209.2.1.1 (90-day impoundment for a BAC > .08%, if prior cancellation for an alcohol-related driving offence or fleeing the scene); and s. 209.2.1.2 (90-day impoundment for an alcohol-related driving offence if 2 prior alcohol-related driving offences or 1 prior BAC > .16%, refusing/failing a test, or fleeing the scene).
8. Drivers in Saskatchewan with a first or second pre-disposition ALS must attend the "Driving Without Impairment" course. Drivers with a third or subsequent pre-disposition ALS are subject to "addiction screening." It should be noted that these pre-disposition ALSs do not apply to drivers who are charged with driving while their ability to do so is impaired by alcohol or a drug pursuant to s. 253(1)(a) of the *Criminal Code*. The Saskatchewan Ministry's website and the legislation do not stipulate whether the applicable lookback period for these remedial programs is 5 years, as is the case with licence suspensions and vehicle impoundments.

SECTION IV: ALCOHOL INTERLOCK PROGRAMS FOR FEDERAL IMPAIRED DRIVING OFFENDERS

Chart 18: Mandatory Interlock Programs: Inclusion Criteria, Suspension Reductions and Duration

Prov./ Terr. ¹	Inclusion Criteria	Reduced Suspension	Minimum Duration		
			1st	2nd	3 rd
AB ²	Any alcohol-related <i>Criminal Code</i> impaired driving offence ³	Yes	1 year ⁴	3 years	5 years
BC	Any alcohol-related <i>Criminal Code</i> impaired driving offence ⁵	No	1 year	2 years	3 years
MB	Any alcohol-related <i>Criminal Code</i> impaired driving offence	No	1 year	1 year	3 years ⁶
NB	No Mandatory Program				
NL	No Mandatory Program				
NT	No Mandatory Program				
NS ⁷	“High-risk first offenders” ⁸ ; drivers convicted of impaired driving causing death or bodily harm ⁹ ; or offenders with a prior impaired driving, refusing/failing a test; or driving while disqualified conviction	Yes	1 year	2 years	3 years
NU	No Interlock Program				
ON ¹⁰	Any alcohol-related <i>Criminal Code</i> impaired driving offence	Yes ¹¹	1 year	3 years	Life
PE ¹²	Impaired driving or refusing/failing a test ¹³	Yes	1 year	- 2 years if BAC ≤ .16%; - 5 years if BAC < .16%; ¹⁴ - 5 years if fail/refuse a required test ¹⁵	10 years ¹⁶
QC ¹⁷	Drivers convicted of any alcohol-related <i>Criminal Code</i> impaired driving offence who did not apply or were ineligible for the voluntary program	No	1 year	2 years	3 years
SK ¹⁸	Any <i>Criminal Code</i> impaired driving offence ¹⁹	Yes ²⁰	1 year	2 years	5 years
YK	No Mandatory Program				

1. In addition to the formal interlock program, the traffic authorities typically have broad discretionary power to impose various terms and conditions on the licence of any driver. This residual power can be used to impose interlock orders on federal impaired driving offenders.
2. The lookback period for a prior conviction is 10 years.
3. The phrase “any alcohol-related *Criminal Code* impaired driving offence” includes all offences in ss. 253, 254 and 255.
4. The Registrar has discretion to refrain from imposing an interlock order on a first offender whose BAC was below .16%.
5. Participation is mandated by administrative policy.

6. The lookback period for prior convictions is 10 years. The prescribed interlock period is the driver's lifetime for a fourth conviction, but a driver can apply to have an interlock order longer than 3 years removed at the end of the third year.
7. The lookback period for prior convictions is 5 years.
8. A “high-risk” offender is a driver who has been assessed in an alcohol rehabilitation program as being “high risk.”
9. The minimum participation period for these drivers is 2 years if they are first offenders and 5 years if they are repeat offenders.
10. The lookback period for prior convictions is 10 years.
11. Currently, the reduction only applies to first offenders. Drivers who plead guilty have their licence suspension reduced to a minimum of 3 months, followed by a minimum 9-month interlock order. Drivers who did not plead guilty have their licence suspension reduced to a minimum of 6 months, followed by a minimum 12-month interlock order. No reduction is available to offenders: who were impaired by drugs, or a combination of alcohol and drugs; or who were convicted of impaired driving causing death or bodily harm.
 On October 21, 2014, the Ontario Ministry of Transportation announced its intention to introduce a Bill that would make the reduction in the provincial licence suspension available to repeat federal alcohol-impaired driving offenders who enroll in the provincial interlock program.
12. In PEI, offenders who are convicted of an offence under s. 255 (impaired causing death or bodily harm; BAC above .08% and causing death or bodily harm; and refusing/failing a test and causing death or bodily harm) are not eligible for the mandatory program.
 The lookback period for a prior conviction is 10 years. If there was a passenger under the age of 16 in the vehicle at the time of the offence, the Registrar may add a further term of up to 12 months to the interlock order for a first, second or third offender.
13. Pursuant to s. 73(1.3)(b)(i) of the *Highway Traffic Act*, RSPEI, c H-5 (*HTA*), these 2 and 5-year interlock terms are based on the offender’s BAC as measured, somewhat surprisingly, on an “approved screening device.”
14. Despite some ambiguity in ss. 73(1.31) and (1.32) of the *HTA*, second offenders will be required to have a .00% BAC while driving for a 3-year period. According to a May 9, 2014 government press release, drivers who breach this .00% BAC limit are subject to a \$2,000 fine and 12 demerits, which would automatically result in a licence suspension. However, it is extremely difficult to reconcile the preceding statements in the press release with the legislation.
15. After successfully completing at least 5 years of the 10-year interlock term and fulfilling any other required conditions, third and subsequent offenders may apply to the Registrar for a “subsequent” driver’s licence and a restricted licence plate number. The Registrar may grant the application on condition that for the remainder of the original 10-year interlock term, the offender drives only the specified vehicle with the restricted licence plate number and maintains a .00% BAC while driving. The May 9, 2014 government press release appears to suggest that breaching these conditions will result in a \$2,000 fine, 12 demerit points and the cancellation of the “subsequent” licence. It is extremely difficult to reconcile the statement in the press release regarding the fine with the Schedule to the *HTA*, which provides a fine of between \$1,500 and \$2,000 for breaching the conditions of the “subsequent” licence.
16. The lookback period for prior convictions is 10 years. The interlock order is 2 years for a first offender who had a BAC above .16% or refused to provide a sample. The order is 3 years for these offenders if they had 1 or more prior cancellations in the preceding 10 years for an alcohol-related offence, unless their BAC exceeded .16% in the prior offence or the offence was for refusing to provide a sample. A lifetime interlock order is imposed on offenders if they had 1 or more cancellations in the preceding 10 years for refusing to provide a sample or for any alcohol-related offence in which their BAC exceeded .16%. A lifetime interlock order is also imposed on drivers with 3 or more alcohol-related impaired driving convictions in the past 10 years.
17. The lookback period for prior convictions is 10 years.
18. Saskatchewan’s mandatory interlock program is anomalous in two regards. First, the mandatory alcohol interlock program applies to drivers who are convicted of refusing/failing to take a drug test and drivers who are convicted of driving while their ability to do so is impaired by a drug. Thus, unlike in other jurisdictions, offenders who had BACs of .00% are required to complete the mandatory interlock program. Second, the mandatory interlock provisions

applicable to drivers convicted under ss. 253(1)(b), 254(5) and 255 of the *Criminal Code* are contained in s. 148(7) of *The Traffic Safety Act*, SS 2004, c. T-18.1 (*TSA*), whereas the provisions applicable to drivers convicted under s. 253(1)(a) of the *Criminal Code* are contained in s. 150.4(1) of the *TSA*.

19. Drivers convicted of an impaired driving offence causing death or bodily harm are not eligible for reduced provincial suspension.

Chart 19: Mandatory Interlock Programs: Remedial and Relicensing Measures

Prov./ Terr.	Mandatory Remedial Programs	BAC-Based Relicensing
AB	Prior to interlock program, first offenders must complete the “Planning Ahead” program & repeat offenders must complete the “IMPACT” program. ¹	Last 3 months must have no unexplained “warns” or “fails.” ²
BC	Drivers must complete all elements of the “Responsible Driver Program” (RDP) before the interlock order will be removed. ³	Interlock “activity reports” are reviewed, & the final report must be “violation-free.”
MB	Offenders must successfully complete an alcohol assessment & any required education or treatment program.	Interlock order may be extended for breaching program “rules” or for having a positive BAC.
NB	No Mandatory Program	
NL	No Mandatory Program	
NT	No Mandatory Program	
NS	Offenders must submit to an assessment & may be assigned to an education, counselling or treatment program. Following the interlock program, the driver must attend a follow-up meeting with Addiction Services.	The service provider’s reports must be reviewed to determine if the order should be lifted.
NU	No Interlock Program	
ON	Offenders must participate in a “Conduct Review Program” & are assigned to either an education or treatment program. ⁴	No ⁵
PE	Offenders must take the “Driver Rehabilitation Program” prior to relicensing. Repeat offenders must have an assessment, & “high-risk” offenders may be required to have treatment. ⁶	Unclear. Program violations ⁷ will result in extensions of the interlock order.
QC	First offenders must complete an education program & a cursory alcohol/ drug assessment. Repeat offenders must have a more intensive assessment that may result in an individualized treatment program.	No ⁸
SK	Offenders must undergo an addiction assessment & any prescribed recovery or education program prior to the interlock program.	A positive BAC or other program violation in the last 3 months results in a 3-month interlock order extension.
YK	No Mandatory Program	

1. The Registrar has broad authority to impose other terms and conditions that offenders must complete prior to enrolling in the interlock program. Apparently, offenders with a second or subsequent conviction within 10 years may be required to submit to addictions assessment and monitoring.
2. The Registrar may also extend the interlock order until the offender no longer poses a significant risk to the public.
3. Elsewhere on the government website, it states that federal offenders must complete the RDP before an interlock can be installed.
4. Offenders with 2 prior impaired driving convictions are assigned to the treatment program.
5. The regulations state that a conviction for tampering, missing an appointment or driving an unequipped vehicle will result in the interlock order being extended. In contrast, the website states that a violation of these provisions will result in an extension. As of December 2010, mandatory 7-day vehicle impoundments were

imposed for driving in breach of an interlock condition or a “Conduct Review Program” condition.

6. If enacted, a November 2012 Bill would require all federal impaired driving offenders to participate in the interlock program and satisfy any other conditions imposed by the Registrar.
7. The government website defines “program violations” to include tampering or driving an unequipped vehicle, but it is unclear whether the term also includes registering a positive BAC.
8. A breach of the program conditions, which includes registering a positive BAC and driving an unequipped vehicle, may result in a 3-month licence suspension or revocation.

Chart 20: Voluntary Interlock Programs: Inclusion Criteria, Suspension Reductions and Duration

Prov./ Terr.	Inclusion Criteria	Reduced Suspension	Minimum Duration	
			1st	2 nd
AB	No Voluntary Program			
BC	No Voluntary Program			
MB	No Voluntary Program			
NB	Impaired driving offenders other than novice drivers may apply.	Yes	Length of original suspension.	
NL	Impaired driving offenders & those convicted of refusing a test may apply. ¹	Yes	Length of original suspension.	
NT	Impaired driving offenders other than novice drivers may apply.	Yes	Length of original suspension.	
NS	First impaired driving offenders can apply.	Yes	Time left in 1-year suspension. ²	
NU	No Interlock Program			
ON	No Voluntary Program			
PE	No Voluntary Program			
QC	Impaired driving offenders not in mandatory program.	Yes	Length of original suspension.	
SK	Impaired driving offenders & those convicted of refusing/failing to take a test may apply.	Yes for impaired, no for refusing.	1 year	2 years
YK	Drivers who receive a mandatory territorial licence disqualification for a federal impaired driving offence.	Yes	1 year	3 years

1. Drivers subject to a lifetime driving suspension for impaired driving causing death or a 10-year suspension for impaired driving causing bodily harm may apply after 10 and 5 years respectively. Their interlock order will be for the length of the original suspension.
2. Impaired driving offenders with a second or subsequent conviction are required to participate in the mandatory interlock program.

Chart 21: Voluntary Interlock Programs: Remedial and Relicensing Measures

Prov. / Terr.	Mandatory Remedial Programs	BAC-Based Relicensing
AB	No Voluntary Program	
BC	No Voluntary Program	
MB	No Voluntary Program	
NB	Offenders must complete a “drinking driver re-education course.”	Interlock order may be extended based on “program” (<i>i.e.</i> data log) reports.
NL	First offenders must complete an education course, & drivers with a second offence within 10 years must undergo an alcohol/drug dependency assessment.	Interlock order may be extended based on driver’s program performance, data log & driving record.
NT	The Registrar may require offenders to complete a driver assessment or improvement program, or an alcohol dependency awareness, assessment or treatment program.	Drivers must have no alcohol warns or fails or other program violations within 3 months of the scheduled program exit date.
NS	Offenders must participate in an assessment & may be assigned to an education, counselling or treatment program. Following interlock program, drivers must meet with Addiction Services.	The service provider’s reports must be reviewed to determine if the order should be lifted.
NU	No Interlock Program	
ON	No Voluntary Program	
PE	No Voluntary Program	
QC	First offenders must complete an education program & cursory alcohol/drug assessment. Repeat offenders must have a more intensive assessment that may result in an individualized treatment program.	No ¹
SK	Offenders may be required to complete a remedial, addiction assessment or treatment program prior to the interlock program.	A positive BAC or other program violation in the last 3 months will result in a 3-month interlock order extension.
YK	Offenders must complete any prescribed remedial/assessment programs, but no regulations setting out these programs have been made. In practice, most repeat offenders must have an alcohol assessment & take the “Driving Without Impairment” course.	Drivers must have 6 months without a program violation or having “interlock points” imposed (<i>i.e.</i> a positive BAC).

1. A breach of the program conditions, which includes registering a positive BAC and driving an unequipped vehicle, may result in a 3-month licence suspension or revocation.

SECTION V: ADMINISTRATIVE VEHICLE IMPOUNDMENT AND FORFEITURE

Chart 22: Mandatory Administrative Impoundment for Driving While Unauthorized/Unlicensed or Uninsured

Prov./ Terr.	Unauthorized/Unlicensed	Uninsured
AB	No ¹	No, but if police reasonably believe that a driver is uninsured, they may seize his or her vehicle pending any TSA prosecution.
BC	No, but police must impound for 7 days the vehicle of a driver they reasonably believe is unlicensed & has a notice on his or her driving record for a previous unlicensed driving conviction.	No
MB	No, but police may detain a vehicle for 5 days if they reasonably believe it was involved in a federal or provincial offence.	No
NB	No	No, but police may impound the vehicle of an uninsured driver who has a prior uninsured driving conviction in the past 2 years.
NL	No	No, but police may impound for 90 days the vehicle of a driver who is convicted of driving uninsured.
NS	No, but pending legislation will permit police to impound the vehicle of a driver who they reasonably believe committed any MVA offence (includes unauthorized/unlicensed driving). ²	No
NT	No	No
NU	No	No
ON	No	No, but a judge may order a vehicle impounded for up to 3 months if the owner is convicted of driving uninsured.
PE	No, but a judge may impose a 3-week impoundment on a driver convicted of driving without a valid licence.	No
QC	If police reasonably believe that a driver is unlicensed, they may impound his or her vehicle for 30 days.	No
SK	Police must impound for 30 days the vehicle of a driver who they reasonably believe is “unauthorized” (includes unlicensed). ²	No
YK	If police reasonably believe that a driver is unlicensed or uninsured, they may impound his or her vehicle for 30 days.	

1. Section 173(1) of the *Traffic Safety Act*, RSA 2000, c. T-6 does state that the vehicle of a driver who is charged with driving while “unauthorized” will be impounded. However, the term “unauthorized” is limited to situations in which the driver’s licence has been suspended or the driver has been disqualified from driving.
2. The impoundment period is 60 days for a second occurrence within 2 years.

Chart 23: Mandatory Administrative Impoundment for Driving While Suspended, Prohibited or Disqualified

Prov./ Terr.	Driving While Suspended, Prohibited or Disqualified Under Provincial Law
AB	Yes, police must impound for 30 days the vehicle of a driver who is charged with driving while unauthorized, which includes driving while suspended or disqualified. ¹
BC ²	Police must impound for 7 days, subject to certain exceptions, the vehicle of a driver who they reasonably believe has driven while prohibited under the <i>MVA</i> , <i>Youth Criminal Justice Act</i> or <i>Criminal Code</i> , or while suspended for a <i>Criminal Code</i> conviction. ³
MB ⁴	Police must impound for 30 days the vehicle of a driver they reasonably believe is prohibited or disqualified.
NB	No
NL	Police must impound for 30 days the vehicle of a driver they reasonably believe is disqualified or prohibited.
NS	Police must detain the vehicle of a driver whose licence has been revoked under the <i>MVA</i> for a <i>Criminal Code</i> offence and notify the Registrar, who has discretionary authority to order the vehicle impounded for 90 days. ⁵
NT	No, but police may impound for 30 days the vehicle of a driver charged with driving while prohibited, suspended or disqualified for a prior <i>Criminal Code</i> impaired driving offence.
NU	No
ON	<p>- Police must impound for 45 days the vehicle of a driver who is driving while: suspended for a <i>Criminal Code</i> traffic (e.g. dangerous driving), impaired driving, or driving while disqualified offence.</p> <p>- Police must impound for 7 days the vehicle of a driver who they are satisfied is driving while suspended under any provincial law,⁶ subject to specified exceptions,⁷ or in breach of an interlock or “conduct review program” condition.</p>
PE	Police may impound for 30 days the vehicle of a driver who is driving with a suspended or cancelled licence, if he or she had been convicted in the past 2 years of driving while suspended or cancelled under <i>HTA</i> or while disqualified under <i>Criminal Code</i> .
QC	Police may impound for 30 days the vehicle of a driver they reasonably believe is driving while suspended or cancelled, but only if that suspension or cancellation had been imposed on certain specified grounds. ⁸
SK ⁹	Police must impound for 30 days the vehicle of a driver they reasonably believe is driving while “unauthorized” (includes prohibited, suspended & disqualified).
YK ¹⁰	Police may impound for 30 days the vehicle of a driver they reasonably believe is suspended or disqualified.

1. The impoundment period is 60 days for a second occurrence within 3 years. The vehicle of an impaired driving offender who was already suspended or disqualified will be impounded for 30 days. The offender will be subject to an additional 6-month licence suspension that will run consecutively to any other suspension and may be fined up to \$2,000.
2. The period of impoundment is 30 days for a second occurrence within 2 years, and 60 days for a third or subsequent occurrence within 2 years.
3. The police may also impound the vehicle of a driver who receives a 24-hour, 3-day or 7-day IRP, if they believe that doing so is necessary to prevent a breach of the prohibition. Moreover, the police must impound for 30 days the vehicle of a driver who receives a 30 or 90-day IRP.
4. The police may also detain any vehicle for 5 days if they reasonably believe that it was involved in a federal or

provincial offence.

5. Pending legislation enacted in 2008 would permit the police to impound a vehicle if they reasonably believe that the driver's licence is suspended or revoked, or that the driver has committed an *MVA* offence.
6. For example, a mandatory 7-day vehicle impoundment must be imposed on drivers who are driving while suspended under provincial law for: driving while suspended; an administrative driver licence suspension; driving with a BAC of .05% to .08%; failure to complete any remedial measure; street racing; a novice driver violation; demerit points; and careless driving or other provincial offences.
7. The exceptions include: suspensions which are subject to a 45-day impoundment; suspensions for failing to pay a fine issued under certain stipulated acts; and suspensions issued by the Registrar for misconduct, inability to drive safely, and a conviction under other federal, provincial or municipal laws.
8. The specified grounds include a suspension or cancellation resulting from: a *Criminal Code* offence; an accumulation of demerit points; a breach of an interlock program requirement; a 90-day administrative suspension order for driving with a BAC above .08% or failing to provide a sample; and a suspension order imposed by SAAQ due to medical unfitness to drive.

The police must impound for 90 days the vehicle of a driver who either has a BAC above .08% or fails/refuses to take a required test, if the driver has a prior licence cancellation for specified impaired driving or traffic offences within the past 10 years.
9. Moreover, the police may seize any vehicle they reasonably believe is being driven contrary to the *TSA* or its regulations.
10. Moreover, the police may detain until the conclusion of a case the vehicle of a driver they reasonably believe has committed specified *MVA* offences.

**Chart 24: Mandatory Short-Term Administrative Impoundment
for Federal Impaired Driving Suspects**

Prov. / Terr.	Impaired Driving Suspects
AB	The police must impound for 3 days the vehicle of a person charged with any impaired driving offence. The vehicle will be impounded for 7 days if the person has previously been charged with an offence within the last 10 years.
BC	The police must impound for 30 days the vehicle of a driver who receives a 90-day IRP.
MB ¹	If police reasonably believe that a driver has a BAC > .08% they must impound the vehicle for 30 days. However, if the driver has failed to provide a sample or take an SFST, or has a BAC ≥ .16%, the police must impound the vehicle for 60 days.
NB	No
NL	No, but police may detain a vehicle until the end of the case, if it has been involved in a federal or provincial offence, or if its owner or driver has been arrested under the <i>HTA</i> or <i>Criminal Code</i> .
NS	No, but pending legislation will permit police to impound a vehicle if they reasonably believe that the driver has committed an <i>MVA</i> offence or a vehicle-related <i>Criminal Code</i> offence. ²
NT	No, but police may seize for 15 days the vehicle of a driver found committing an offence under the <i>MVA</i> or its regulations if the vehicle is required for evidence. ³
NU	No, but police may seize for 15 days the vehicle of a driver found committing an offence under the <i>MVA</i> or its regulations if the vehicle is required for evidence. ⁴
ON	The police must impound for 7 days a vehicle if they are satisfied that the driver: failed to submit to a breath, blood, SFST, or drug recognition test; or had a BAC ≥ .08%, based on a breath or blood test. ⁵
PE	<p>- The police may impound for 6 months the vehicle of: any driver convicted of impaired driving causing bodily harm or death; any driver the police believe is committing an impaired driving offence if the driver had a prior conviction within the past 10 years for impaired driving causing bodily harm or death; and any driver the police believe is committing an impaired driving offence if the driver had two or more impaired driving convictions within the past 10 years.</p> <p>- Moreover, a judge may issue a 3-week impoundment order if a driver is convicted of a federal impaired driving offence.</p>
QC	Police must impound the vehicle of a driver who: has a BAC > .16% or refuses/fails a test (30 days); has a BAC > .08% & has a prior licence cancellation for an alcohol-related driving offence or for fleeing the scene (90 days); or is committing an alcohol-related driving offence & has 2 prior licence cancellations for alcohol-related driving offences or 1 cancellation for a BAC > .16%, refusing/failing a test or fleeing the scene (90 days).
SK	No, but police may seize any vehicle they reasonably believe is driven contrary to the <i>TSA</i> or its regulations.
YK	No, but police may impound for 30 days a vehicle if they reasonably believe that the driver has committed the <i>Criminal Code</i> offence of: driving with a BAC ≥ .08%; driving while impaired; failing to stop at the scene of an accident; refusing/failing a required test; or driving while prohibited or suspended for a federal impaired driving offence.

1. The police may also detain any vehicle for 5 days if they have reason to believe that it was involved in a federal or provincial offence.
2. The pending legislation does not include information on the duration of the impoundment. Currently, the police may detain a vehicle involved in an *MVA* offence or vehicle-related *Criminal Code* offence until the end of the case.
3. The police may also seize for 24 hours a vehicle involved in an *MVA* offence, if the seizure is in the public interest.

4. The police may also seize for 24 hours a vehicle involved in an *MVA* offence, if the seizure is in the public interest.
5. A judge may also issue a 3-month impoundment order if a driver is convicted of a federal impaired driving offence, the provincial offence of driving while suspended, or a second federal offence for failing to stop at the scene of an accident.

Chart 25: Mandatory Administrative Forfeiture for Three or More Vehicle Impoundments Within 10 Years

Prov. / Terr.	Administrative	Other ¹
AB	No	No
BC	No	No. <i>Civil Forfeiture Act</i> ²
MB	No. However, vehicles involved in the most serious federal driving offences, ³ or in 3 or more specified offences ⁴ committed by the same offender within 5 years, are liable to forfeiture.	No
NB	No	No
NL	No	No
NS	No	No
NT	No	No
NU	No	No
ON	No	No. <i>Civil Remedies Act</i> ⁵
PE	No	No
QC	No	No. <i>An Act Respecting the Forfeiture, Administration and Appropriation of Proceeds and Instruments of Unlawful Activity</i> ⁶
SK	No	No
YK	No	No

- Section 490.1(1) of the *Criminal Code* permits a provincial Attorney General to seek the forfeiture of “offence-related property,” which may include the vehicles of impaired drivers, but only if they have been convicted of an indictable offence. Moreover, judges have broad discretion to deny a forfeiture application if they are satisfied that it would be disproportionate in terms of the “nature and gravity” or “circumstances” of the offence, or the offender’s criminal record.
- The Crown may seek forfeiture of an “instrument of unlawful activity,” which may include the vehicle of an impaired driving offender. However, the court has broad discretion under the Act to deny the application if ordering forfeiture is “contrary to the interests of justice.”
- These offences include: impaired driving causing death or bodily harm; driving with a BAC > .08% and causing death or bodily harm; refusing to provide a sample and causing death or bodily harm; criminal negligence causing death or bodily harm; manslaughter; and willfully attempting to evade police pursuit causing death or bodily harm.
- These offences include: impaired driving; driving with a BAC > .08%; failing to provide a sample; driving while prohibited; and willfully attempting to evade police pursuit.
- The Attorney General may apply to a Superior Court seeking the forfeiture of a vehicle: if it was or is likely to be used in a “vehicular unlawful activity;” and the licence of the owner or driver has been suspended for a “vehicular unlawful activity” on 2 or more previous occasions within 10 years. However, the court has broad discretion under the Act to deny the application if ordering forfeiture is “clearly not in the interests of justice.”
- The Attorney General may apply to a court seeking the forfeiture of any “proceeds or an instrument of unlawful activity,” which may include the vehicle of an impaired driver. The court must grant the order if it is convinced that the property is proceeds or an instrument of unlawful activity.

SECTION VI: THE PROVINCIAL AND TERRITORIAL HIGHWAY TRAFFIC LEGISLATION

Alberta, *Traffic Safety Act*, RSA 2000, c. T-6.

British Columbia, *Motor Vehicle Act*, RSBC 1996, c. 318.

Manitoba, *The Highway Traffic Act*, CCSM, c. H60.

New Brunswick, *Motor Vehicle Act*, RSNB 1973, c. M-17.

Newfoundland and Labrador, *Highway Traffic Act*, RSNL 1990, c. H-3.

Northwest Territories, *Motor Vehicles Act*, RSNWT 1988, c. M-16.

Nova Scotia, *Motor Vehicle Act*, RSNS 1989, c. 293.

Nunavut, *Motor Vehicles Act*, RSNWT (Nu) 1988, c. M-16.

Ontario, *Highway Traffic Act*, RSO 1990, c. H.8.

Prince Edward Island, *Highway Traffic Act*, RSPEI 1988, c. H-5.

Québec, *Highway Safety Code*, RSQ c. C-24.2.

Saskatchewan, *The Traffic Safety Act*, SS 2004, c. T-18.1.

Yukon, *Motor Vehicles Act*, RSY 2002, c. 153.