

# **A Summary of Provincial and Territorial Traffic Legislation Related to Alcohol-Impaired Driving**

**Legislation Current to September 16, 2017**

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**R. Solomon, Distinguished University Professor  
A. Andaya, JD 2019; C. Ellis, JD 2018;  
M. Vandenberghe, JD 2019; &  
C. Zheng, JD 2019**

**Faculty of Law, Western University,  
London, Ontario, N6A 3K7**



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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*.<sup>1</sup> 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 provincial and territorial 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 3 years for all new drivers, which includes: express police powers to enforce it; passenger, nighttime and highway restrictions; a ban on using any electronic devices; and mandatory roadside ALSs for breaches of the program conditions.
2. A .00% BAC limit for all drivers under 22 and all drivers with less than 5 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 22 and all drivers with less than 5 years of driving experience. The legislation should include express police powers to enforce the prohibition and mandatory roadside ALSs for its breach. This drug-impaired driving prohibition should parallel the .00% BAC limit that most provinces have for drivers who are under 22 and drivers with less than 5 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 5 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 3 or more federal impaired driving or other *Criminal Code*<sup>2</sup> 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 5 years.

In September, 2015, MADD Canada published *The 2015 Provincial Impaired Driving Report*, which assessed the provinces on a subset of the preceding provincial legislative priorities. The provinces were given an opportunity to comment on a draft of the 2015 report and appropriate changes were made.

In 2017, MADD published *A Summary of Provincial and Territorial Traffic Legislation Related to Impaired Driving (The 2017 Summary)*. That report summarized in chart form the provincial and territorial law relating to alcohol and drug-impaired driving. The report permitted the reader to appreciate at a glance the range of legislation across Canada in each of these key areas. It also provided a benchmark for assessing the progress that has been made to date and for evaluating future legislative reforms.

The highway traffic legislation and regulations are highly technical, complicated and frequently amended. In addition, some important details are not in the statutes and regulations, but rather are contained in the jurisdiction's administrative policies. In preparing the charts, we first examined the jurisdiction's traffic act and regulations, and then reviewed its policy and public information materials. If there was a conflict between the legislation and the policy and public information materials, we deferred to the legislation. Virtually every statement in *The 2017 Summary* was accompanied by a pinpoint reference to the legislation, published policies and/or government websites. Unless otherwise stated, all references in *The 2017 Summary* charts were to the provincial and territorial traffic statutes listed on page 91.

In 2017, the federal government introduced Bill C-45, *Cannabis Act*<sup>3</sup>, which would permit consumers to possess, use, cultivate, and share cannabis, and allow the provinces and territories to create a lawful, regulated retail market for the drug. At the same time, the government introduced Bill C-46<sup>4</sup>, which would among other things, create new *per se* drug-impaired driving offences and broaden police authority to collect evidence of drug-impaired driving. These pending federal amendments will require the provinces and territories to substantially amend their highway traffic legislation. While some provinces and territories have already introduced bills to amend their traffic legislation, others have simply issued press releases indicating their tentative plans in this regard.

*The 2017 Summary* is 91 pages and likely contains over 1,000 pinpoint references. The major drug-impaired driving amendments that the provinces and territories will likely be making will further complicate their already long, detailed, and complex highway traffic legislation. In our view, it will no longer be practical to include all of the jurisdictions' alcohol and drug-impaired driving provisions in a single document.

Consequently, MADD will be producing two documents summarizing the provincial and territorial impaired driving legislation. The current document will be limited to the alcohol-related provincial and territorial driving legislation. A second document will be prepared later in the summer summarizing the jurisdictions' drug-related driving legislation.

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<sup>1</sup> Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

<sup>2</sup> R.S.C. 1985, c. C-46.

<sup>3</sup> Bill C-45, *Cannabis Act*, 1st Sess., 42nd Parl., 2017.

<sup>4</sup> Bill C-46, *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*, 1st Sess., 42nd Parl., 2017.





# **SECTION I: GRADUATED LICENSING PROGRAMS (GLPs)**

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**Chart 1: Features of Stage 1**

Prov./ Terr.	Minimum Driving Age	Minimum Length of Stage 1	Restrictions <sup>1</sup>		
			Nighttime	Passengers Excluding Supervisor	High-Speed Roadways
AB <sup>2</sup>	14	12 months & until 16	12 a.m. – 5 a.m.	Number of belts	None
BC <sup>3</sup>	16	12 months	12 a.m. – 5 a.m.	1 passenger	None
MB	15½ <sup>4</sup>	9 months <sup>5</sup>	None	Number of belts in back (s. 26.4(1)(b)(ii))	None
NB	16 (s. 84(2))	12 months (8 with driver ed.) (s. 84(6))	12 a.m. – 5 a.m. (s. 84(4)(c.1))	Only supervisor (s. 84(4)(c))	None
NL <sup>6</sup>	16	12 months (8 with driver ed.)	12 a.m. – 5 a.m.	Only supervisor	None
NS	16 (s. 67(3)(a))	12 months (9 with driver ed.) (s. 70(6)(b) & (c))	None	Only supervisor (s. 70(2)(c))	None
NT <sup>7</sup>	15	12 months	11 p.m. – 6 a.m.	Only supervisor	None
NU <sup>8</sup>	15	No GLP. Beginning drivers must be supervised for 12 months, but there are no special BAC limits or other restrictions.			
ON <sup>9</sup>	16	12 months (8 with driver ed.) <sup>10</sup>	12 a.m. – 5 a.m.	Number of belts in back	Prohibited
PE <sup>11</sup>	16 (s. 73(1)(a))	12 months (9 with driver ed.)	1 a.m. – 5 a.m. (unless ≥ 21)	Supervisor's family & number of belts	None
QC	16 (s. 67)	12 months <sup>12</sup>	None <sup>13</sup>	None <sup>14</sup>	None
SK <sup>15</sup>	15 <sup>16</sup>	9 months & until driver is 16	None	Number of belts & additional limits <sup>17</sup>	None
YK <sup>18</sup>	15 (s. 9(1)(a))	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. *Operator Licensing and Vehicle Control Regulation*, Alta. Reg. 320/2002: ss. 7 & 28(2) – age; ss. 32(8) & 25(3) – minimum duration; s. 32(5) – nighttime restriction; and s. 32(4) – passenger limit.
3. *Motor Vehicle Act Regulations*, B.C.R. 26/58: s. 30.04(1)(a) – age; s. 30.09(3)(b) – minimum duration; s. 30.07(3) – nighttime restriction; and s. 30.06(2) – passenger limit.
4. The minimum driving age applies to those who are in, or have graduated from, a driver education program. *Driver Licensing Regulation*, M.B. Reg. 47/2006, s. 8(1)(a) & (b).
5. *The Drivers and Vehicles Act*, C.C.S.M., c. D14, s. 9(1)(a); and *Driver Licensing Regulation*, M.B. Reg. 47/2006, s. 17(1).
6. Section 55(1) and *Highway Traffic Driver Regulations*, N.L.R. 110/98 (*HTDR*), s. 4(1) – age; *HTDR*, s. 5(3) – minimum duration; *HTDR*, s. 5(2)(c) – nighttime restriction; and *HTDR*, s. 5(2)(b) – passenger limit.
7. *Driver's Licence Regulations*, R.R.N.W.T. 1990, c. M-27: s. 3(3) – age; Schedule B, Class 5(a)(ii) – minimum duration; s. 4.1(a) – nighttime restriction; and s. 4.1(b) – passenger limit.

8. *Driver's Licence Regulations*, R.R.N.W.T. (Nu.) 1990, c. M-27: s. 3(3) – age; and s. 4 – supervision requirement. If proclaimed in force, Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would authorize the enactment of a graduated licensing program by regulation (s. 61(2)(e.4)). The Bill would also subject “novice drivers” to a .00% BAC limit, the breach of which would result in a 30-day roadside licence suspension (s. 28). The term “novice driver” includes a person holding a learner’s or probationary driver’s licence.  
The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
9. Section 37 and *Drivers’ Licences*, O. Reg. 340/94 (*DLOR*), s. 12(6) – age; *DLOR*, s. 28(2) para. 1 & (5) – minimum duration; *DLOR*, s. 5(1) para. 6 – nighttime restriction; *DLOR*, s. 5(1) para. 4 – passenger limit; and *DLOR*, s. 5(1) para. 5 & (4) – high-speed roadways.
10. 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*, S.O. 2009, c. 5, but was subsequently removed before the Bill was enacted.
11. Sections 82(4) & 4.1, and *Graduated Driver Licencing Regulations*, P.E.I. Reg. EC225/O7 (*GDLR*), s. 3(1)(a)(i) & (ii) – minimum duration; *GDLR*, ss. 2(3)(f) & 3(8) – nighttime restriction; and *GDLR*, s. 2(3)(d) & (e) – passenger limit.
12. *Regulation respecting licences*, C.Q.L.R. c. C-24, r. 34, s. 22(2)(a).
13. Quebec has proposed legislation imposing a midnight to 5 a.m. driving prohibition on Class 5 or Class 6A learners. Bill 165, *An Act to Amend the Highway Safety Code and Other Provisions*, 1st Sess., 41st Leg., Quebec, 2017, s. 21.
14. The proposed legislation will also restrict learners who are under 20 years of age: to 1 non-family passenger who is under 20 for the first 6 months; and to 3 non-family passengers who are under 20 for the next 6 months. These passenger restrictions only apply from midnight to 5 a.m. *Ibid*, at s. 22.
15. *The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2: s. 9(4) – minimum age; ss. 15(1)(f) & 13(1)(a) – minimum duration; and s. 9(2)(c) – passenger limit.
16. The minimum driving age applies to those who are in, or have graduated from, a driver’s education program. *Ibid*, s. 9(4).
17. 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. *Ibid*, s. 9(2)(a) & (b).
18. Section 11(1) and *Motor Vehicles Regulations*, C.O. 1978/120 (*YMVR*), ss. 6.4(1)(b) & 3(2)(b) – minimum duration; *YMVR*, s. 6.2(1)(c)(i) – nighttime restriction; and *YMVR*, s. 6.2(1)(c)(ii) – passenger limit.

**Chart 2: Features of Stage 2**

Prov./ Terr.	Minimum Length of Stage 2	Restrictions <sup>1</sup>		
		Nighttime	Passengers	High-speed Roadways
AB <sup>2</sup>	24 months	None	Number of belts	None
BC <sup>3</sup>	24 months (18 with driver ed.)	None	1 passenger, other than family, unless supervised	None
MB	15 months <sup>4</sup>	None	1 passenger in front, number of belts in back & additional night restrictions <sup>5</sup>	None
NB	12 months <sup>6</sup>	12 a.m. – 5 a.m., with exceptions <sup>7</sup>	3 passengers (s. 84(5)(b))	None
NL <sup>8</sup>	12 months	12 a.m. – 5 a.m., with exceptions <sup>9</sup>	Number of belts	None
NS	24 months (s. 70A(3)(a))	12 a.m. – 5 a.m., with exceptions <sup>10</sup>	1 passenger in front & number of belts (s. 70A(5)(a) & (b))	None
NT <sup>11</sup>	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. <sup>12</sup>			
ON	12 months <sup>13</sup>	None	Number of belts & additional restrictions at night if driver is under 20 <sup>14</sup>	None
PE <sup>15</sup>	Stage 2: 12 months Stage 3: 12 months	Stage 2: 1 a.m. – 5 a.m., with exceptions <sup>16</sup> Stage 3: none	Stage 2: number of belts & 1 passenger, other than family Stage 3: number of belts	None
QC	24 months <sup>17</sup>	None	None	None
SK	18 months <sup>18</sup>	None	Number of belts & additional restrictions in the first 6 months <sup>19</sup>	None
YK <sup>20</sup>	18 months (s. 6.9(1)(a))	12 a.m. – 5 a.m., unless supervised <sup>21</sup>	Number of belts	None

1. Unless otherwise stated, all Stage-2 drivers are subject to a .00% BAC restriction.
2. *Operator Licensing and Vehicle Control Regulation*, Alta. Reg. 320/2002: s. 33(1) – minimum duration; and s. 33(8) – passenger limit.
3. Section 25(8.1)(b) and *Motor Vehicle Act Regulations*, B.C.R. 26/58 (MVAR), s. 30.05(3)(c.3) – minimum duration; and MVAR, s. 30.071 – passenger limit.
4. *The Drivers and Vehicles Act*, C.C.S.M., c. D14, s. 9(1)(b); and *Driver Licensing Regulation*, M.B. Reg. 47/2006, s. 17(2).
5. Section 26.4(2)(a). 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. Section 26.4(2)(b).
6. Section 84(8)(b). Drivers must spend a combined total of 24 months in Stage 1 and 2, with at least 12 months spent in Stage 2. *Ibid.*

7. 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. Section 84(5)(a) & (5.1).
8. *Highway Traffic Driver Regulations*, N.L.R. 110/98: s. 6(3) – minimum duration; s. 6(1)(a) – nighttime restriction; and s. 6(1)(b) – passenger limit.
9. 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. *Ibid*, s. 6(1)(a) & (4).
10. Section 70A(5)(c). This restriction does not apply to drivers who are supervised or to drivers who have obtained an employment exemption. Section 70A(6).
11. *Driver's Licence Regulations*, R.R.N.W.T. 1990, c. M-27: s. 2.1(1) – minimum duration; and s. 4.2 – passenger limits.
12. *Driver's Licence Regulations*, R.R.N.W.T. (Nu.) 1990, c. M-27, s. 3(2). If proclaimed in force, Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would authorize the enactment of a graduated licensing program by regulation (s. 61(2)(e.4)). The Bill would also subject “novice drivers” to a .00% BAC limit, the breach of which would result in a 30-day roadside licence suspension (s. 28). The term “novice driver” includes a person holding a learner’s or probationary driver’s licence.  
The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
13. *Drivers' Licences*, O. Reg. 340/94 (ON *DLR*), s. 28(4)(1) para. 1. 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*, S.O. 2009, c. 5, but was subsequently removed before the Bill was enacted.
14. ON *DLR*, *ibid*, s. 6(1) para. 2. 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. *Ibid*, s. 6(1) para. 3 & (1.1).
15. *Graduated Driver Licensing Regulations*, P.E.I. Reg. EC225/07: s. 4(1) & (7) – minimum duration; s. 3(3)(c) – nighttime restriction; and s. 3(3)(b) – passenger limit for Stage 2 & s. 4(3)(b) – passenger limit for Stage 3.
16. 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). *Ibid*, s. 3(8), and 3(3)(c)(i) & (ii).
17. *Regulation respecting licences*, C.Q.L.R. c. C-24, r. 34, ss. 39(1) & 27(2).
18. *The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2, ss. 13(1)(c) & 14(1)(c). Saskatchewan has a two-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. *Ibid*.
19. *Ibid*, ss. 17(3) & 18(1). During the 6-month novice-1 stage, drivers may only carry 1 passenger other than family members. *Ibid*, s. 17(1) & (2).
20. *Motor Vehicles Regulations*, C.O. 1978/120: s. 6.5(1)(a) – nighttime restriction; and s. 6.5(1)(c)(i) – passenger limit.
21. This supervision requirement does not apply to Stage-2 drivers who are commuting directly between work and home. *Ibid*, s. 6.5(1.1).

**Chart 3: The Extended .00% BAC Limits**

<b>Prov./ Terr.</b>	<b>.00% BAC Limit Beyond the GLP</b>	<b>Earliest Age at which the .00% BAC Limit Ends</b>	<b>Legal Drinking Age<sup>1</sup></b>
AB	None	18 <sup>2</sup>	18
BC	None	18½ <sup>3</sup>	19
MB <sup>4</sup>	3 years	20½	18
NB	3 years	21 (s. 91(1.01))	19
NL <sup>5</sup>	4¼ years <sup>6</sup>	22 (s. 60.01(2)(a.1))	19
NS	2 years	21½ (21¼ with driver ed.) (ss. 70(6) & 70A(3)(a))	19
NT	None	17 (s. 78.1)	19
NU	None	No special BAC limit <sup>7</sup>	19
ON	4⅓ years	22 (s. 44.1(2) & (8))	19
PE	3¼ years	22 (s. 277.8(1))	19
QC	3 years	22 (s. 202.2(4))	18
SK	4½ years	22 (s. 150(1)(a.1)(ii))	19
YK	None	17½ <sup>8</sup>	19

1. Legal drinking ages: **AB** (*Gaming and Liquor Act*, R.S.A. 2000, c. G-1, s. 87); **BC** (*Liquor Control and Licensing Act*, S.B.C. 2015, c. 19, s. 78(1) and *Age of Majority Act*, R.S.B.C. 1996, c. 7, s. 1); **MB** (*Liquor and Gaming Control Act*, C.C.S.M. c. L153, s. 63); **NB** (*Liquor Control Act*, R.S.N.B. 1973, c. L-10, s. 126(4)); **NL** (*Liquor Control Act*, R.S.N.L. 1990, c. L-18, s. 72); **NS** (*Liquor Control Act*, R.S.N.S. 1989, c. 260, s. 89(1)); **NT** (*Liquor Act*, S.N.W.T. 2007, c. 15, ss. 77(1) & 1 “minor”); **NU** (*Consolidation of Liquor Act (Nunavut)*, R.S.N.W.T. 1988, c. L-9, s. 85(2)); **ON** (*Liquor Licence Act*, R.S.O. 1990, c. L.19, s. 30(8)); **PE** (*Liquor Control Act*, R.S.P.E.I. 1988, c. L-14, s. 40); **QC** (*Act respecting offences relating to alcoholic beverages*, C.Q.L.R. c. I-8.1, s. 109(3)(c)); **SK** (*The Alcohol and Gaming Regulation Act*, 1997, S.S. 1997, c. A-18.011, ss. 2 & 110(1)); and **YK** (*Liquor Act*, R.S.Y. 2002, c. 140, s. 90(1)).
2. Operator Licensing and Vehicle Control Regulation, Alta. Reg. 320/2002, ss. 25(3) & 33(1).
3. Section 25(8.1)(b) and *Motor Vehicle Act Regulations*, B.C.R. 26/58, ss. 30.11(1) & 30.09(3)(b).
4. *Driver’s Licence Regulation*, M.B. Reg. 180/2000 (MB DLR): s. 11.2(2)(b) – .00% BAC limit beyond the GLP; and MB DLR, s. 11.2(2)(b) and *The Drivers and Vehicles Act*, C.C.S.M., c. D14, s. 9(1)(a) & (b) – earliest age at which .00% BAC limit ends.
5. These provisions are scheduled to come into force on September 21, 2017. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 60.01(2)(a.1).
6. Highway Traffic Driver Regulations, N.L.R. 110/98, ss. 5(3) & 6(3).
7. If proclaimed in force, Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would authorize the enactment of a graduated licensing program by regulation (s. 61(2)(e.4)). The Bill would also subject “novice drivers” to a .00% BAC limit, the breach of which would result in a 30-day roadside licence suspension (s. 28). The term “novice driver” includes a person holding a learner’s or probationary driver’s licence.

The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.

8. Yukon, *Motor Vehicles Regulations*, C.O. 1978/120, ss. 6.9(1)(a) & 11(1).



**Chart 4: Sanctions for Violating Stage 1**

Prov./ Terr. <sup>1</sup>	Sanctions for Violating Specific Stage-1 Restrictions				
	Nighttime	Passenger	High-Speed Roadway	.00% BAC Limit <sup>2</sup>	Supervising Driver <sup>3</sup>
AB <sup>4</sup>	- \$135 fine - 2 demerits	- \$135 fine - 2 demerits	N/A	- 24-hour suspension (s. 89(1) & (4)) - 30-day suspension (s. 90(5)) - 7-day vehicle seizure (s. 172.1(3)) - A 30-day suspension adds 1 year to GLP	- \$270 fine - 2 demerits
BC <sup>5</sup>	- \$109 fine - 3 demerits	- \$109 fine - 3 demerits	N/A	- 12-hour prohibition (s. 90.3(5)) - Retake Stage-1 testing <sup>6</sup>	- \$109 fine - 3 demerits
MB <sup>7</sup>	N/A	- ≤ \$2,000 fine - ≤ 1-year suspension - 2 demerits	N/A	- 24-hour suspension - Hearing re: other sanctions <sup>8</sup> - Licence reinstatement fee <sup>8</sup> - 2 demerits	- ≤ \$2,000 fine - ≤ 1-year suspension - 2 demerits
NB <sup>9</sup>	- \$172.50 fine - 3 demerits	- \$172.50 fine - 3 demerits	N/A	- 1-year suspension (s. 302(3)(d)) - Restart GLP (s. 84(12)(b)) <sup>10</sup> - 7-day impoundment (s. 310.02(11)(a))	- \$172.50 fine - 3 demerits
NL <sup>11</sup>	\$65-\$90 fine	\$65-\$90 fine	N/A	- 2-month suspension (s. 60.03(3)(a)) - Restart Stage 1 (s. 60.03(3)) - Reinstatement workshop	\$65-\$90 fine
NS	N/A	- \$237.50 fine - 2 demerits <sup>12</sup>	N/A	- 24-hour suspension (s. 100B(5)) - 7-day suspension (s. 279C(4)(a)) - Restart Stage 1 (s. 70(6A)) - Licence reinstatement fee <sup>13</sup>	- \$237.50 fine - 2 demerits (s. 282(2) para. 13) <sup>12</sup>
NT <sup>14</sup>	2 demerits	2 demerits	N/A	- 30-day suspension (s. 116.2(3)(b))	2 demerits
NU <sup>15</sup>	N/A	N/A	N/A	N/A	- ≤ \$5,000 fine - Imprisonment ≤ 6 months <sup>16</sup>
ON	\$60-\$500 fine (s. 214(1))	\$60-\$500 fine (s. 214(1))	\$60-\$500 fine (s. 214(1))	- 24-hour suspension (s. 48.1(5)) - 30-day suspension <sup>17</sup> - \$60-\$500 fine (s. 44.1(3)) - Possible licence cancellation (s. 44.1(4))	\$60-\$500 fine (s. 214(1))
PE <sup>18</sup>	- \$100-\$500 fine (s. 301) - 1-month suspension	- \$200-\$1,000 fine - 1-month suspension	N/A	- 24-hour suspension (s. 277.9(4)) - 90-day suspension (ss. 277.9(15) & 277.3(1)) - discretionary 30-day impoundment (s. 277.91(1-2)) <sup>19</sup>	- \$200-\$1,000 fine - 1-month suspension
QC <sup>20</sup>	N/A <sup>21</sup>	N/A <sup>21</sup>	N/A	- 4 demerits - 90-day roadside suspension (s. 202.4(2)) - 3-month discretionary suspen./revoc. (s. 80.1(1)) - \$300-\$600 fine (s. 202.8) - Suspen./revoc. added to Stage 1	- 4 demerits - 3-month discretionary suspen./revoc. <sup>22</sup> - \$200-\$300 fine <sup>23</sup> - Suspen./revoc. added to Stage 1
SK <sup>24</sup>	N/A	- \$150 fine - 3 demerits <sup>25</sup>	N/A	- 4 demerits <sup>25</sup> - 60-day suspension (s. 150.1(5)(a)(i)) - 3-day vehicle impoundment (s. 150.1(5)(b)(i)) - Suspension added to Stage 1 <sup>26</sup>	- \$150 fine - 3 demerits <sup>25</sup>
YK	\$125 fine <sup>27</sup>	\$125 fine <sup>27</sup>	N/A	- 24-hour suspension (s. 256(4)) - Possible impoundment (s. 235)	\$125 fine <sup>27</sup>

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); Quebec (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, Quebec, Saskatchewan, and Yukon.
4. *Demerit Point Program and Service of Documents Regulation*, Alta. Reg. 331/2002 (*DPP*), Schedule 2, and *Traffic Safety Act*, R.S.A. 2000, c. T-6 (*TSA*), s. 51(g) – demerit points for violating nighttime restriction; *DPP*, Schedule 2, and *Operator Licensing and Vehicle Control Regulation*, Alta. Reg. 320/2002, ss. 32(4) & 33(8) – demerit points for violating passenger limit; and *DPP*, Schedule 2, and *TSA*, s. 51(e) & (f.1) – demerit points for violating supervising driver restriction.  
 Each 30-day suspension for violating the .00% BAC limit results in 1 year being added to the GLP. Alberta Transportation, “Frequently Asked Questions” online: <<https://www.transportation.alberta.ca/Content/docType4789/Production/QA.pdf>>.  
*Procedures Regulation*, A.R. 63/2017 (*PR*), Schedule, Part 31, Item 4 – fine for violating nighttime restriction; *PR*, Schedule, Part 40, Item 10 – fine for violating passenger limit; and *PR*, Schedule, Part 31, Item 3 – fine for violating supervising driver restriction. Note that a 15% surcharge is applicable to all fines imposed following a conviction under the *Traffic Safety Act* and its regulations. Consequently, the total amount payable for a violation of the nighttime and passenger restrictions is \$155 and \$310 for a violation of the supervising driver limit. *Victims of Crime Act*, R.S.A. 2000, c. V-3, s. 8(1); and *Victims of Crime Regulation*, Alta. Reg. 63/2004, s. 12.
5. Section 25(15) and *Motor Vehicle Act Regulations*, B.C.R. 26/58, Div. 28, Schedule, Table 2 – demerit points; and Insurance Corporation of British Columbia (ICBC), “Fines and points for B.C. traffic offences – Violations, points and fines,” online: <[www.icbc.com/driver-licensing/tickets/Pages/fines-points-offences.aspx](http://www.icbc.com/driver-licensing/tickets/Pages/fines-points-offences.aspx)> (Date accessed: June 5, 2017) – fines and demerit points. While the fine is \$95, the total ticketed amount is \$109.
6. *Motor Vehicle Act Regulations*, B.C.R. 26/58, s. 30.05(7)(a). Although Stage-1 drivers must retake all tests, the driving experience they have gained prior to the prohibition remains on their record. Email from J. Wood, Director of Legislation and Strategic Initiatives, RoadSafetyBC, to D. Kelly, Communications Manager, MADD Canada, (15 August 2017).
7. *The Highway Traffic Act*, C.C.S.M., c. H60: ss. 26.1(3) & 239 – penalties for passenger limits; ss. 239(1) & (2), and 26.1(3) – penalties for supervising driver requirement; *Driver's Licence Regulation*, M.B. Reg. 180/2000, s. 14(7) – 24-hour suspension for violating .00% BAC limit; and *Driver Safety Rating System Regulation*, M.R. 13/2009, Schedule A – demerit points.
8. Manitoba Public Insurance (MPI), *Impaired Driving* (Winnipeg: MPI, 2015), online: <<https://www.mpi.mb.ca/en/PDFs/ImpairedDriving.pdf>> at 1 (Date accessed: June 5, 2017).
9. New Brunswick Department of Justice and Public Safety, “Graduated Driver's Licence Program FAQ,” online: <[www2.gnb.ca/content/gnb/en/departments/jps/public\\_safety/content/drivers\\_vehicles/content/driving\\_rules/graduated\\_drivers-faq.html#question10](http://www2.gnb.ca/content/gnb/en/departments/jps/public_safety/content/drivers_vehicles/content/driving_rules/graduated_drivers-faq.html#question10)> (Date accessed: June 5, 2017) – fines and demerit points.
10. 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.
11. *Highway Traffic Driver Regulation, 1999*, N.L.R. 110/98: Schedule B – fines for violating the nighttime, passenger, and supervising driver restrictions; Schedule A – reinstatement workshop.

As of September 21, 2017, the Lieutenant-Governor in Council will be authorized to enact regulations to seize and impound the vehicle of a driver whose BAC exceeds a prescribed level. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 186(1)(i.2).

12. According to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, Schedule 4, offences under ss. 70 and 70A of the *Motor Vehicle Act* are Class C offences. Fines and demerit points for each class of offences are published by Office of the Registrar of Regulations, Nova Scotia Department of Justice, *Summary Offence Ticket Booklet* (April, 2017), online: <<http://www.novascotia.ca/just/regulations/sots/NSSOTbooklet.pdf>> (Date accessed: 5 June, 2017). See also *Summary Offence Tickets Regulations*, s. 237.50.
13. The reinstatement fee is \$99.60. Nova Scotia, *Schedule of Fees for Documents and Services...*, N.S. Reg. 126/2015, online: <<http://www.novascotia.ca/JUST/Regulations/regs/mvdsfee.htm/>>.
14. *Driver's Licence Demerit Point Regulations*, R-093-93, Schedule, Part I, Item 4 – demerit points for violating the nighttime, passenger or supervising driver restrictions.
15. If proclaimed in force, Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would authorize the enactment of a graduated licensing program by regulation (s. 61(2)(e.4)). The Bill would also subject “novice drivers” to a .00% BAC limit, the breach of which would result in a 30-day roadside licence suspension (s. 28). The term “novice driver” includes a person holding a learner’s or probationary driver’s licence.  
The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
16. 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*, R.S.N.W.T. (Nu) 1988, c. M-16, ss. 337 & 338 carries the maximum penalties listed in the chart.
17. Section 44.1(5) and *Drivers' Licences*, O. Reg. 340/94, s. 9(2)(a).
18. *Graduated Driver Licensing Regulations*, P.E.I. Reg. EC225/07, s. 2(8) – 1-month suspension for violating the nighttime, passenger or supervising driver restrictions; and PE, *HTA*, Schedule: *Highway Traffic Act Penalties – fines for violating passenger and supervising driver restrictions*.
19. This provision applies to drivers in the GLP or drivers under 22, except: drivers who were over 19 when the provision came into force; and drivers when they turn 19 if they had a licence when the provision came into force. The provision came into force September 16, 2017. PE, *HTA*, s. 277.8(1)(a) & (4.1).
20. *Regulation respecting demerit points*, C.Q.L.R. c. C-24, r. 37: Table, Item 3 – demerit points for violating the .00% BAC limit; Table, Item 1 – demerit points for violating the supervising driver requirement; and *Regulation respecting licences*, C.Q.L.R. c. C-24, r. 34, s. 2 – suspension or revocation added to Stage 1 for violating the .00% BAC or supervising driver restrictions.
21. *Highway Safety Code*, C.Q.L.R., c. C-24.2, s. 80.1(1).
22. If enacted, proposed legislation would impose complex nighttime and passenger restrictions on various classes of learners. Bill 165, *An Act to Amend the Highway Safety Code and Other Provisions*, 1st Sess., 41st Leg., Quebec, 2017, ss. 21 & 22. According to a newspaper report, a violation of the nighttime or passenger restrictions will result in a fine of between \$200 - \$300 and 4 demerit points. J. Boissinot, “New road-safety bill aims to crack down on distracted drivers in Quebec,” *Montreal Gazette* (8 December 2017), online: <<http://montrealgazette.com/news/local-news/new-road-safety-bill-aims-to-crack-down-on-distracted-drivers-in-quebec>>.
23. *Ibid*, s. 140.1
24. Stage-1 drivers in Saskatchewan who violate the .00% BAC limit are required to attend the “Driving Without Impairment” course (s. 150.1(6)(a)). Subsequent violations result in lengthier roadside suspensions and vehicle impoundments, and the required completion of more onerous education/addiction screening programs. Drivers with a second violation within 5 years may apply to the voluntary interlock program to lessen the term of their roadside

suspension (s. 150.1(8)(a)). Drivers with a third violation within 5 years are subject to a mandatory one-year interlock order (s. 150.1(8)(b)).

25. Saskatchewan Government Insurance (SGI), “#PracticeUp Saskatchewan: New drivers are the traffic safety spotlight for June” (31 May, 2017), online: <<https://www.sgi.sk.ca/about/newsreleases/2017/junespotlight.html>> (Date accessed: 5 June, 2017).
26. *The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2, s. 15(2)(a).
27. *Motor Vehicles Act*, R.S.Y. 2002, c. 153, s. 31; and Yukon Department of Highways and Public Works, Transportation Services, “Motor Vehicles Fines and Demerit Points” (September, 2011), online: <[http://www.hpw.gov.yk.ca/mv/mvdr\\_fines\\_points.html](http://www.hpw.gov.yk.ca/mv/mvdr_fines_points.html)> (Date accessed: 5 June, 2017).

**Chart 5: Sanctions for Violating Stage 2**

Prov./ Terr.	Sanctions for Violating Specific Stage-2 Restrictions		
	Nighttime	Passenger	.00% BAC Limit <sup>1</sup>
AB <sup>2</sup>	N/A	- \$135 fine - 2 demerits	- 1-month suspension (s. 90(5)) - 7-day vehicle seizure (s. 172.1(3)) - Must be suspension-free for final 12 months - Each 30-day suspension adds 1 year to the GLP
BC	N/A	- \$109 fine - 3 demerits <sup>3</sup>	- 12-hour driving prohibition (s. 90.3(5)) - Restart Stage 2 <sup>4</sup>
MB <sup>5</sup>	N/A	- ≤ \$2,000 - ≤ 1-year suspension (ss. 26.1(3) & 239) - 2 demerits	- 24-hour suspension - Hearing re: further sanctions - Licence reinstatement fee - 2 demerits
NB <sup>6</sup>	- \$172.50 fine - 3 demerits	- \$172.50 fine - 3 demerits	- 1-year suspension (s. 302(3)(d)) - Restart GLP (s. 84(12)(b) & (13)(a)) - 7-day impoundment (s. 310.02(11)(a))
NL <sup>7</sup>	\$65-\$90 fine	\$65-\$90 fine	- 2-month suspension (s. 60.03(3)(a)) - Restart GLP level (s. 60.03(3)) - Reinstatement workshop
NS	- \$237.50 fine - 2 demerits <sup>8</sup>	- \$237.50 fine - 2 demerits <sup>8</sup>	- 24-hour suspension (s. 100B(5)) - 7-day suspension (s. 279C(4)(a)) - Licence reinstatement fee <sup>9</sup> - Restart Stage 2 (s. 70A(4))
NT	N/A	- 2 demerits <sup>10</sup>	- 30-day suspension (s. 116.2(3)(b))
NU <sup>11</sup>	N/A	N/A	N/A
ON	- \$60-\$500 <sup>12</sup> (s. 214(1))	- \$60-\$500 <sup>12</sup> (s. 214(1))	- 24-hour roadside suspension (s. 48.1(5)) - 30-day suspension (s. 44.1(5)) - \$60-\$500 fine (s. 44.1(3)) - Possible licence cancellation (s. 44.1(4))
PE <sup>13</sup>	- 1-month suspension - \$200-\$1,000	- 1-month suspension - \$200-\$1,000	- 24-hour roadside suspension (s. 277.9(4)) - 90-day licence suspension (ss. 277.9(15) & 277.3(1)) - discretionary 30-day impound. (s. 277.91(1-2)) <sup>14</sup>
QC <sup>15</sup>	N/A	N/A	- 4 demerits - 90-day roadside suspension (s. 202.4(2)) - 3-month discretionary suspension or revocation (s. 80.1(1)) - \$300-\$600 fine (s. 202.8)) - Suspension & revocation added to Stage 2
SK	N/A	- \$150 fine - 1 demerit <sup>16</sup>	- 4 demerits <sup>15</sup> - 60-day suspension (s. 150.1(5)(a)(i)) - 3-day vehicle impoundment (s. 150.1(5)(b)(i)) - Restart “novice-2” component of Stage 2 (12 months) <sup>17</sup>
YK	\$125 fine <sup>18</sup>	\$125 fine <sup>18</sup>	- 24-hour suspension (s. 256(4)) - Possible vehicle impoundment (s. 235)

1. If a Stage-2 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. *Operator Licensing and Vehicle Control Regulation*, Alta. Reg. 320/2002 (*OLVCR*), ss. 32(4) & 33(8), and *Demerit Point Program and Service of Documents Regulation*, Alta. Reg. 331/200, Schedule 2 – demerit points for violating passenger limit.  
Each 30-day suspension for violating the .00% BAC limit results in 1 year being added to the GLP. Alberta Transportation, “Frequently Asked Questions” online: <<https://www.transportation.alberta.ca/Content/docType4789/Production/QA.pdf>>.  
*Procedures Regulation*, A.R. 63/2017, Schedule, Part 40, Item 11 – fine for violating passenger limit; and *OLVCR*, s. 33(4) – suspension added for violating .00% BAC limit. Note that a 15% surcharge is applicable to all fines imposed following a conviction under the *Traffic Safety Act* and its regulations. Consequently, the total amount payable for a violation of the passenger restriction is \$155. *Victims of Crime Act*, R.S.A. 2000, c. V-3, s. 8(1); and *Victims of Crime Regulation*, Alta. Reg. 63/2004, s. 12.
3. Section 25(15) and *Motor Vehicle Act Regulations*, B.C.R. 26/58 (*MVAR*), Div. 28, Schedule, Table 2. The fine is \$95 and the total ticketed amount is \$109. Insurance Corporation of British Columbia (ICBC), “Fines and points for B.C. traffic offences – Violations, points and fines,” online: <[www.icbc.com/driver-licensing/tickets/Pages/fines-points-offences.aspx](http://www.icbc.com/driver-licensing/tickets/Pages/fines-points-offences.aspx)> (Date accessed: 5 June, 2017).
4. *MVAR*, *ibid*, s. 30.05(3)(c.3).
5. *Driver's Licence Regulation*, M.B. Reg. 180/2000, s. 14(7) – 24-hour suspension for violating .00% BAC limit; Manitoba Public Insurance (MPI), *Impaired Driving* (Winnipeg: MPI, 2015), online: <<https://www.mpi.mb.ca/en/PDFs/ImpairedDriving.pdf>> at 1 (Date accessed: 5 June, 2017) – hearing and licence reinstatement fee for violating .00% BAC limit; and *Driver Safety Rating System Regulation*, M.R. 13/2009, Schedule A – demerit points.
6. New Brunswick Department of Justice and Public Safety, “Graduated Driver's Licence Program FAQ,” online: <[www2.gnb.ca/content/gnb/en/departments/jps/public\\_safety/content/drivers\\_vehicles/content/driving\\_rules/graduated\\_drivers-faq.html#question10](http://www2.gnb.ca/content/gnb/en/departments/jps/public_safety/content/drivers_vehicles/content/driving_rules/graduated_drivers-faq.html#question10)> (Date accessed: 5 June, 2017) – fine and demerit points for violating nighttime and passenger restrictions.
7. *Highway Traffic Driver Regulation, 1999*, N.L.R. 110/98: Schedule B – fine for violating nighttime and passenger restrictions; and Schedule A – reinstatement workshop.  
As of September 21, 2017, the Lieutenant-Governor in Council will be authorized to enact regulations to seize and impound the vehicle of a driver whose BAC exceeds a prescribed level. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 186(1)(i.2).
8. According to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, Schedule 4, offences under ss. 70 and 70A of the *Motor Vehicle Act* are Class C offences. Fines and demerit points for each class of offences are published in the Office of the Registrar of Regulations, Nova Scotia Department of Justice, *Summary Offence Ticket Booklet* (April, 2017), online: <<http://www.novascotia.ca/just/regulations/sots/NSSOTbooklet.pdf>> (Date accessed: 5 June, 2017). See also *Summary Offence Tickets Regulations*, s. 6(1).
9. The reinstatement fee is \$99.60. Nova Scotia, *Schedule of Fees for Documents and Services...*, N.S. Reg. 126/2015, online: <<https://www.novascotia.ca/JUST/Regulations/reg/mvdsfee.htm/>>.
10. *Driver's Licence Demerit Point Regulations*, R-093-93, Schedule, Part I, Item 4.
11. If proclaimed in force, Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would authorize the enactment of a graduated licensing program by regulation (s. 61(2)(e.4)). The Bill would also subject “novice drivers” to a .00% BAC limit, the breach of which would result in a 30-day roadside licence suspension (s. 28). The term “novice driver” includes a person holding a learner's or probationary driver's licence.  
The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.

12. On a date to be proclaimed, the maximum fine will be increased to \$1,000. ON, *HTA*, s. 214(1). See: 2017, c. 26, Sched. 4, s. 26.
13. *Graduated Driver Licensing Regulations*, P.E.I. Reg. EC225/07. PE has a three-stage GLP. The suspensions for violating the nighttime restrictions only apply to the province's Stage-2 drivers. *Ibid*, s. 2(8). The suspensions for violating the passenger limits apply to both the province's Stage-2 and Stage-3 drivers. *Ibid*, ss. 3(6)(a) & 4(6)(a). The fines for violating the nighttime and passenger restrictions are found in PE, *HTA*, Schedule: *Highway Traffic Act Penalties*.  
 Prince Edward Island enacted legislation in 2016 which, when proclaimed in force, would permit officers to impound for 30 days the vehicle of a driver with a BAC > .00% who is in the GLP or who is under the age of 19. Bill 51, *An Act to Amend the Highway Traffic Act (No. 2)*, 2nd Sess., 65th Ass., s. 6. Apparently, the Bill is scheduled to be proclaimed in force on September 15, 2017. Email from G. Miner, Director of Highway Safety Division, Department of Transportation, Infrastructure and Energy, to D. Kelly, Communications Manager, MADD Canada (18 July, 2017).
14. This provision applies to drivers in the GLP or drivers under 22, except: drivers who were over 19 when the provision came into force; and drivers when they turn 19 if they had a licence when the provision came into force. The provision came into force September 16, 2017. PE, *HTA*, s. 277.8(1)(a) & (4.1).
15. *Regulation respecting demerit points*, C.Q.L.R. c. C-24, r. 37, Table, Item 3 – demerit points for violating .00% BAC limit; and *Regulation respecting licences*, C.Q.L.R. c. C-24, r. 34, s. 2 – suspension and revocation added to Stage 2.
16. Saskatchewan Government Insurance (SGI), “#PracticeUp Saskatchewan: New drivers are the traffic safety spotlight for June” (31 May, 2017), online: <<https://www.sgi.sk.ca/about/newsreleases/2017/junespotlight.html>> (Date accessed: 5 June, 2017).
17. *The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2, s. 13(2)(b)(v) & (3). Stage-2 drivers in Saskatchewan who violate the .00% BAC limit are required to attend the “Driving Without Impairment” course (s. 150.1(6)(a)). Subsequent violations result in lengthier roadside suspensions and vehicle impoundments, and the successful completion of more onerous education/addiction screening programs. Drivers with a second violation within 5 years may apply to the voluntary interlock program to lessen the term of their roadside suspension (s. 150.1(8)(a)). Drivers with a third violation within 5 years are subject to a mandatory one-year interlock order (s. 150.1(8)(b)).
18. *Motor Vehicles Act*, R.S.Y. 2002, c. 153, s. 31; and Yukon Department of Highways and Public Works, Transportation Services, “Motor Vehicles Fines and Demerit Points” (September, 2011), online: <[http://www.hpw.gov.yk.ca/mv/mvdr\\_fines\\_points.html](http://www.hpw.gov.yk.ca/mv/mvdr_fines_points.html)> (Date accessed: 5 June, 2017).





**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 <sup>1</sup>	≤ \$2,000 (ss. 26.1(3) & 239(1))	- 24-hour roadside suspension - Possible suspension for ≤ 1 year (ss. 26.1(3) & 239(2))	- Hearing re: further sanctions - Licence reinstatement fee - 2 demerits
NB	\$172.50 <sup>2</sup>	- 1-month suspension (s. 302(1))	N/A
NL	N/A	- 7-day suspension (s. 60.03(1)(b)) <sup>3</sup>	N/A <sup>4</sup>
NS	N/A	- 24-hour roadside suspension (s. 100B(5)) - 7-day suspension (s. 279C(4)(a))	- Restart 2-year extended BAC limit (s. 70A(4)) - Licence reinstatement fee <sup>5</sup>
NT	N/A	N/A	N/A
NU	N/A	N/A	N/A
ON	\$60-\$500 (s. 44.1(5))	- 24-hour roadside suspension (s. 48.2.1(10) & (11)(a)) - 30-day suspension (s. 44.1(5))	N/A
PE	\$100-\$500 (s. 301)	- 24-hour roadside suspension (s. 277.9(4)) - 90-day administrative prohibition (ss. 277.9(15) & 277.3(1))	- Discretionary 30-day impound- ment (s. 277.91(1-2)) <sup>6</sup>
QC	\$300-\$600 (s. 202.8)	- 90-day licence suspension (s. 202.4(2))	- 4 demerits <sup>7</sup> - 3-month suspension (s. 80.1(1))
SK <sup>8</sup>	N/A	- 60-day roadside suspension (s. 150.1(5)(a)(i))	- 4 demerits <sup>9</sup> - 3-day vehicle impoundment (s. 150.1(5)(b)(i))
YK	N/A	N/A	N/A

1. *Driver's Licence Regulation*, M.B. Reg. 180/2000, s. 14(7) – 24-hour roadside suspension; Manitoba Public Insurance (MPI), *Impaired Driving* (Winnipeg: MPI, 2015), online: <[https://www.mpi.mb.ca/en/PDFs/Impaired Driving.pdf](https://www.mpi.mb.ca/en/PDFs/Impaired%20Driving.pdf)> at 1 (Date accessed: 5 June, 2017) – hearing and licence reinstatement fee; and *Driver Safety Rating System Regulation*, M.R. 13/2009, Schedule A – demerit points.
2. New Brunswick Department of Justice and Public Safety, “Graduated Driver’s Licence Program FAQ,” online: <[www2.gnb.ca/content/gnb/en/departments/jps/public\\_safety/content/drivers\\_vehicles/content/driving\\_rules/graduated\\_drivers-faq.html#question10](http://www2.gnb.ca/content/gnb/en/departments/jps/public_safety/content/drivers_vehicles/content/driving_rules/graduated_drivers-faq.html#question10)> (Date accessed: 5 June, 2017).
3. This provision is scheduled to come into force on September 21, 2017. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 60.03(1)(b).
4. As of September 21, 2017, the Lieutenant-Governor in Council was authorized to enact regulations imposing fees regarding vehicle impoundments for drivers whose BAC exceeds a prescribed level. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 186(1)(i.2)(vi-vii).

5. The reinstatement fee is \$99.60. Nova Scotia, *Schedule of Fees for Documents and Services...*, N.S. Reg. 126/2015, online: <<https://www.novascotia.ca/JUST/Regulations/regs/mvdsfee.htm/>>.
6. This provision applies to drivers in the GLP or drivers under 22, except: drivers who were over 19 when the provision came into force; and drivers when they turn 19 if they had a licence when the provision came into force. The provision came into force September 16, 2017.
7. *Regulation respecting demerit points*, C.Q.L.R. c. C-24, r. 37, Table, Item 3.
8. Saskatchewan drivers who violate the extended .00% BAC limit are required to attend the “Driving Without Impairment” course. Section 150.1(6)(a). Subsequent violations result in lengthier roadside suspensions and vehicle impoundments, and the successful completion of more onerous education/addiction screening programs. Drivers with a second violation within 5 years may apply to the voluntary interlock program to lessen the term of their roadside suspension. Section 150.1(8)(a). Drivers with a third violation within 5 years are subject to a mandatory one-year interlock order. Section 150.1(8)(b).
9. Saskatchewan Government Insurance (SGI), “#PracticeUp Saskatchewan: New drivers are the traffic safety spotlight for June” (31 May, 2017), online: <<https://www.sgi.sk.ca/about/newsreleases/2017/junespotlight.html>> (Date accessed: 5 June, 2017).

**Chart 7: Prohibitions on Using Electronic Devices**

Prov./ Terr. <sup>1</sup>	GLP Stage 1	GLP Stage 2	Drivers under 21 or with < 5 years driving experience	Unrestricted Full Licence
AB	No Hand-Held Devices (s. 115.1)			
BC	No Hand-Held or Hands-Free Devices <sup>2</sup>	No Hand-Held Devices (s. 214.2)		
MB	No Hand-Held Devices (s. 215.1(2))			
NB	No Hand-Held Devices (s. 265.02)			
NL	No Hand-Held Devices (s. 176.1)			
NS	No Hand-Held Devices (s. 100D)			
NT	No Hand-Held Devices (s. 155.1(2) & (3))			
NU <sup>3</sup>	No Prohibition			
ON	No Hand-Held Devices (s. 78.1)			
PE	No Hand-Held Devices (s. 291.1)			
QC	No Hand-Held Devices (s. 439.1) <sup>4</sup>			
SK	No Hand-Held or Hands-Free Devices (s. 241.1(2) & (3))	No Hand-Held Devices (s. 241.1(3))		
YK	No Hand-Held or Hands-Free Devices <sup>5</sup>	No Hand-Held Devices (s. 210.1(2) & (3)(a))		

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.

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.

2. *Motor Vehicle Act Regulations*, B.C.R. 26/58, s. 30.072.

3. 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.

If proclaimed in force, Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would prohibit all drivers from using hand-held electronic devices. (s. 239.1(1)) The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.

4. The prohibition is currently limited to handheld devices that have a phone function. If enacted, proposed legislation would expand the prohibitions on portable electronic devices and display screens, and prohibit motorists and cyclists from wearing headphones. Bill 165, *An Act to Amend the Highway Safety Code and Other Provisions*, 1st Sess., 41st Leg., Quebec, 2017, s. 112.

5. *Motor Vehicles Regulations*, C.O. 1978/120, ss. 6.2(1)(d) & 6.5(1)(d).



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

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**Chart 8: 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) (s. 89(1)(b) & (4)) BAC $\geq$ .05% (3 days) (s. 88(2)(b) & (3)(a)(i))
BC <sup>1</sup>	Reasonable grounds to believe driver's ability is affected by alcohol (24 hours) (s. 215(2) & (5)) BAC $\geq$ .05% & reasonable belief that driver's ability affected by alcohol (3 days) (ss. 215.41(3.1) & 215.43(1)(a))
MB	BAC $\geq$ .05% (72 hours) (s. 263.1(2)(c) & (7)2(a)) Based on SFST or DRE, believe driver unable to drive safely (72 hours) (s. 263.1(2)(d) & (7)2(a)) Too impaired to take breath, blood or SFST (24 hours) (s. 265(2) & (5))
NB	BAC $\geq$ .05% (7 days) (s. 310.01(1), (2) & (4)) Charged with refusing/failing to take a required test under s. 254 of the <i>Criminal Code</i> (7 days) (s. 310.01(3) & (4))
NL	BAC $\geq$ .05% (7 days) (ss. 60.01(1) & 60.03 (1)(a)) Charged with refusing/failing to take a required test under s. 254 of the <i>Criminal Code</i> (7 days) (s. 60.03(2)(a))
NS	BAC $\geq$ .05% (7 days) (s. 279C(1), (2)(b) & (4)(a))
NT	BAC $\geq$ .05% (24 hours) (s. 116.4(2) & (4)(b)(i)) Reasonable grounds to believe driver's ability impaired by alcohol (24 hours) (s. 116.1(1) & (3))
NU <sup>2</sup>	Reasonable grounds to believe driver's ability is impaired by alcohol (4-24 hours) (s. 116(2)(a) & (4)(a))
ON	BAC $\geq$ .05% (3 days) (s. 48(4) & (14))
PE	BAC $>$ .08% (s. 277.2(1)(a)); and reasonable grounds to believe driver's ability is impaired by a drug in combination with alcohol (s. 277.2(1)(b.1)) (24 hours) Refuses/fails to take a required test under s. 254 of the <i>Criminal Code</i> (24 hours) (s. 277.2(1.1) & (1)(c)) <sup>3</sup> BAC $\geq$ .05% but less than .10% (7 days) (s. 277.1(1)(a) & (3.2)) <sup>4</sup>
QC <sup>5</sup>	Reasonable grounds to believe driver's ability is impaired by alcohol based on failed SFST, or driver refuses/fails to take SFST (24 hours) (ss. 202.1.3 & 202.1.4) No general short-term ALS for BAC $\geq$ .05% <sup>6</sup>
SK	Reasonable grounds to believe driver's BAC exceeds .04% (3 days) (s. 146(2) & (4)(a)(i)) Refuses/fails to participate in a SFST or fails SFST (3 days) (s. 146.1(2) & (4)(a)(i))
YK	Reasonable grounds to believe driver is impaired by alcohol (24 hours) (s. 256(1) & (4))
CCMTA <sup>7</sup>	BAC $\geq$ .05%

1. The ALSs imposed at roadside are referred to as “immediate roadside prohibitions” (IRPs). In addition to the .05% BAC IRPs, the province created 90-day IRPs for drivers who register a “fail” on an ASD (BAC of  $\geq$  .08%) and for drivers who refuse to take an ASD test. All of the IRPs are based on a single roadside ASD test unless the driver requests a second ASD test and are applied immediately. Moreover, the province

enacted 90-day “administrative driving prohibitions” (ADPs) for drivers who have BACs > .08% or who refuse to take a required breath or blood test. Drivers subject to 90-day ADPs 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. The 90-day IRP based on registering a fail on an ASD was found to infringe s. 8 of the *Canadian Charter of Rights and Freedoms*, and this infringement could not to be justified under s. 1. The Court held that the onerous consequences of the 90-day IRP and the limited means of challenging the single ASD result on which it was based rendered the provision unreasonable. *Sivia v. British Columbia (Superintendent of Motor Vehicles)*, 2011 BCSC 1639.

In response, British Columbia amended the 3, 7, 30, and 90-day IRP provisions in 2012. The amendments required the police to advise drivers of their right to challenge the first ASD result by taking a second ASD test and to inform them that the lower of the two ASD tests would prevail. The amendments also required the police to submit sworn reports to the Superintendent, and broadened the grounds for appealing IRPs. Bill 46, *Motor Vehicle Amendment Act, 2012*, 4th Sess., 39th Parl., 2012, S.B.C. 2012, c. 26.

British Columbia’s IRP and ADP programs continued to generate legal challenges. In 2015, the Supreme Court of Canada upheld the decision in *Sivia* regarding 90-day IRPs, but rejected several other legal challenges to the IRP and ADP provisions. *Goodwin v. British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46.

2. If proclaimed in force, s. 28 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would require the police to impose a 24-hour roadside ALS on a driver with a BAC in excess of .05%. If the driver has a prior suspension, disqualification or prohibition in any Canadian jurisdiction, the .05% infraction would result in a 30-day suspension. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
3. In addition to the 24-hour ALS, these drivers are subject to a “notice of driving prohibition.” Following the 24-hour ALS, the notice of prohibition serves as a temporary 7-day licence during which the driver may challenge the notice of driving prohibition. If no challenge is made or the challenge is unsuccessful, the driver is subject to a 90-day ALS once the temporary 7-day licence expires.
4. Section 277.1(1)(c) requires officers to demand the surrender of a person’s licence if, based on a SFST, the person is unable to drive safely. However, the legislation does not impose a 24-hour, 7-day or other ALS on these drivers. This may have been an oversight or may have been based on the assumption that these drivers would be required to accompany the officer to the police station for breath testing on an approved instrument. In most other jurisdictions, failing a SFST results in the same short-term ALS as having a BAC of  $\geq .05\%$  to  $< .10\%$ , which in the case of PE would be 7 days.
5. Sections 202.1.3 and 202.1.4 of the *Highway Safety Code*, C.Q.L.R. 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 the police already have to demand SFSTs under the *Criminal Code*. Section 254(2)(a) of the *Code* authorizes the police to demand a SFST from any driver who they reasonably suspect has any alcohol or drugs in his or her body.
6. 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 BACs exceed the applicable limit. *Highway Safety Code*, C.Q.L.R. c. C-24.2, ss. 202.2.1.2, 202.2.1.1 & 202.4.
7. The Canadian Council of Motor Transport Administrators issued model policies for alcohol-related, short-term ALSs in 2005. The model was based on a study and a report prepared by MADD Canada.



**Chart 9: Other Grounds for Short-Term ALSs<sup>1</sup>**

Prov./ Terr.	Other Grounds
AB	Reasonably suspect driver's physical or medical condition affects his or her physical and mental ability (24 hours) (s. 89(1)(a) & (4))
BC	No
MB	No
NB	The police may suspend for 24-hours the licence of a driver, who in their opinion, is unfit to drive safely for a medical or other reason (s. 310.0001 (4)(a))
NL	No
NS	No
NT	Reasonable grounds to believe driver's ability is impaired by fatigue (24 hours) (s. 116.1(1) & (3))
NU <sup>2</sup>	Reasonable grounds to believe driver's ability is impaired or fatigue (4-24 hours) (s. 116(2) & (4)(a))
ON	No
PE	No
QC	No
SK	No
YK	No
CCMTA	No

1. This Chart summarizes the grounds for short-term administrative licence suspensions that are not related to alcohol or drugs.
2. If proclaimed in force, section 28 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would apparently repeal the 4 to 24-hour ALS for driving while impaired by fatigue (or drugs). The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, "With new Traffic Safety Act, rules of the road change in Nunavut" (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674\\_with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674_with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.



**Chart 10: Duration of Short-Term ALSs**

Prov./ Terr.	First Occurrence	Second Occurrence	Third Occurrence	Subsequent Occurrence
AB <sup>1</sup>	24 hours if reasonably suspect physical or mental ability is affected by alcohol/drugs, or medical or physical condition (s. 89(1) & (4))			
	3 days for $\geq .05\%$ (s. 88(2)(b) & (3)(a)(i))	15 days for $\geq .05\%$ (s. 88(2)(b) & (3)(a)(ii))	30 days for $\geq .05\%$ (s. 88(2)(b) & (3)(a)(iii))	30 days for $\geq .05\%$ (s. 88(2)(b) & (3)(a)(iii))
BC <sup>2,3</sup>	24 hours if reasonable grounds to believe driving ability affected by alcohol/drugs (s. 215(2)-(3) & (5))			
	3 days for $\geq .05\%$ (s. 215.43(1)(a))	7 days for $\geq .05\%$ (s. 215.43(1)(b))	30 days for $\geq .05\%$ (s. 215.43(1)(c))	30 days for $\geq .05\%$ (s. 215.43(1)(c))
MB <sup>4</sup>	24 hours if too impaired to take breath, blood or SFST test (s. 265(2) & (5))			
	3 days if fails SFST or DRE; or $\geq .05\%$ (s. 263.1(7)2(a))	15 days if fails SFST or DRE; or $\geq .05\%$ (s. 263.1(7)2(b))	30 days if fails SFST or DRE; or $\geq .05\%$ (s. 263.1(7)2(c))	60 days if fails SFST or DRE; or $\geq .05\%$ (s. 263.1(7)2(d))
NB <sup>2</sup>	7 days (s. 310.01(4)(a))	15 days (s. 310.01(4)(b))	30 days (s. 310.01(4)(c))	30 days (s. 310.01(4)(c))
NL <sup>5</sup>	7 days (s. 60.03(1)(a))	14 days (s. 60.2(a))	2 months (s. 60.2(b))	4 months (6 months for 5th and sub. occur.) (s. 60.2(c) & (d))
NS <sup>1</sup>	7 days (s. 279C(4)(a))	15 days (s. 279C(4)(b))	30 days (s. 279C(4)(c))	30 days (s. 279C(4)(c))
NT <sup>6</sup>	24 hours (s. 116.4(4)(b)(i))	30 days (s. 116.4(4)(b)(ii))	30 days (s. 116.4(4)(b)(ii))	30 days (s. 116.4(4)(b)(ii))
NU <sup>7</sup>	4-24 hours (s. 116(4))			
ON <sup>2</sup>	3 days (s. 48(14)(a))	7 days (s. 48(14)(b))	30 days (s. 48(14)(c))	30 days (s. 48(14)(c))
PE <sup>8</sup>	24 hours (s. 277.2(1.1)): BAC $> .08\%$ (s. 277.2(1)(a)); refuses/fails to take a required test under s. 254 of the <i>Criminal Code</i> (s. 277.2(1)(c)); or ability impaired by a drug or a drug in combination with alcohol (s. 277.2(1)(b.1)) <sup>9</sup>			
	7 days: BAC $\geq .05\%$ to $< .10\%$ (s. 277.1 (1)(a) & (3.2)) <sup>10</sup>	30 days (s. 277.1(1)(a) & (3.3))	90 days (s. 277.1(1)(a) & (3.5))	90 days (s. 277.1(1)(a) & (3.5))
QC <sup>11</sup>	- 24 hours for: refusing/failing to take SFST; or failing SFST (ss. 202.1.5 & 202.1.4) - No General Short-Term ALS for BAC $\geq .05\%$			
SK <sup>2</sup>	3 days (s. 146(4)(a)(i))	21 days (s. 146(4)(a)(ii))	90 days (s. 146(4)(a)(iii))	90 days (s. 146(4)(a)(iii))
YK	24 hours (s. 256(1) & (4))			
CCMTA <sup>12</sup>	7-14 days	30 days	45 days	60 days

1. The lookback period for prior occurrences is 10 years in: **AB** (*Traffic Safety Act*, R.S.A. 2000, c. T-6, s. 88(4)); **MB** (*The Highway Traffic Act*, C.C.S.M. c.H60, s. 263.1(1)2); and **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 279C(4)).

2. The lookback period for prior occurrences is 5 years in: **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 215.43(4)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 310.01(4)(b) & (c)); **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 48(15)); and **SK** (*The Traffic Safety Act*, S.S. 2004, c. T-18.1, s. 146(4)).
3. For the 3, 7 and 30-day .05% BAC suspensions, the police must also believe that the driver's ability to drive is "affected" by alcohol. The ALSs imposed at roadside are referred to as "immediate roadside prohibitions" (IRPs). In addition to the .05% BAC IRPs, the province created 90-day IRPs for drivers who register a "fail" on an ASD (BAC of  $\leq$  .08%) and for drivers who refuse to take an ASD test. All of the IRPs are based on a single roadside ASD test unless the driver requests a second ASD test and are applied immediately. Moreover, the province enacted 90-day "administrative driving prohibitions" (ADPs) for drivers who have BACs  $>$  .08% or who refuse to take a required breath or blood test. Drivers subject to 90-day ADPs 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. The 90-day IRP based on registering a fail on a single roadside ASD was found to infringe s. 8 of the *Canadian Charter of Rights and Freedoms*, and this infringement could not be justified under s. 1. The Court held that the onerous consequences of the 90-day IRP and the limited means of challenging the single ASD result on which it was based rendered the provision unreasonable. *Sivia v. British Columbia (Superintendent of Motor Vehicles)*, 2011 BCSC 1639.

In response, British Columbia amended the 3, 7, 30, and 90-day IRP provisions in 2012. The amendments required the police to advise drivers of their right to challenge the first ASD result by taking a second ASD test and to inform them that the lower of the two ASD tests would prevail. The amendments also required the police to submit sworn reports to the Superintendent, and broadened the grounds for appealing IRPs. Bill 46, *Motor Vehicle Amendment Act, 2012*, 4th Sess., 39th Parl., 2012, S.B.C. 2012, c. 26.

British Columbia's IRP and ADP programs continued to generate legal challenges. In 2015, the Supreme Court of Canada upheld the decision in *Sivia* regarding 90-day IRPs, but rejected several other legal challenges to the IRP and ADP provisions. *Goodwin v. British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46.

4. If there is a passenger under the age of 16 in the vehicle, the suspension on a first occurrence is 7 days. *The Highway Traffic Act*, C.C.S.M., c. H60, s. 263.1(7)(3).
5. 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. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 60.2(d).
6. The lookback period for prior occurrences is only 2 years. *Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16, s. 116.4(1).
7. If proclaimed in force, s. 28 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would require the police to impose a 24-hour roadside ALS on a driver with a BAC in excess of .05%. If the driver has had a prior suspension, disqualification or prohibition in any Canadian jurisdiction, the .05% infraction would result in a 30-day suspension. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, "With new Traffic Safety Act, rules of the road change in Nunavut" (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
8. The lookback period for prior occurrences is 3 years in PE (*Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, s. 277.1 (3.3) & (3.5)).
9. In addition to the 24-hour ALS, these drivers are subject to a "notice of driving prohibition." Following the 24-hour ALS, the notice of prohibition serves as a temporary 7-day licence during which the driver may challenge the notice of driving prohibition. If no challenge is made or the challenge is unsuccessful, the driver is subject to a 90-day ALS once the temporary 7-day licence expires.
10. Section 277.1(1)(c) requires officers to demand the surrender of a person's licence if, based on a SFST, the person is unable to drive safely. However, the legislation does not impose a 24-hour, 7-day or other ALS on these drivers. This may have been an oversight or may have been based on the assumption that these drivers would be required to accompany the officer to the police station for breath testing on an approved instrument. In most other jurisdictions, failing a SFST results in the same short-term ALS as having a BAC of  $\geq$  .05% to  $<$  .10%, which in the case of Prince Edward Island would be 7 days.
11. 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. The police must issue a 24-hour licence suspension to these

drivers if their BACs exceed the applicable limit. *Highway Safety Code*, C.Q.L.R. c. C-24.2, ss. 202.2.1.2, 202.2.1.1 & 202.4.

12. The Canadian Council of Motor Transport Administrators issued model policies for alcohol-related, short-term ALSs in 2005. The model provides for a lookback period of 3 years for prior occurrences. The model was based on a study and a report prepared by MADD Canada.



**Chart 11: Records and Sanctions for Short-Term ALSs**

Prov./ Terr.	Police Record Kept <sup>1</sup>	Registrar Informed <sup>2</sup>	Suspension on Abstract <sup>3</sup>	Reinstatement Fee <sup>4</sup>	Monetary Penalty
AB	Yes	Yes	Yes, for only 3 days <sup>5</sup>	No	No
BC	Yes	Yes (ICBC)	Yes	\$250 (for $\geq .05\%$ )	\$200-\$400 <sup>6</sup>
MB	Yes	Yes	Yes	\$50	No
NB	Yes	Yes	Yes	\$52 <sup>7</sup>	No
NL	Yes	Yes	No	\$100 <sup>8</sup>	No
NS	Yes	Yes <sup>9</sup>	Yes	\$99.60 <sup>10</sup>	No
NT	Yes	Yes	Yes	No	No
NU	Yes	Yes	No <sup>11</sup>	\$25	No
ON	Yes	Yes	Yes	No	\$198 <sup>12</sup>
PE	Yes	Yes	Yes <sup>13</sup>	No	No
QC <sup>14</sup>	No	No	No	No	No
SK	Yes	Yes	Yes	No	No
YK	Yes	Yes <sup>9</sup>	No	No	No
CCMTA <sup>15</sup>	Yes	Yes	Yes <sup>16</sup>	\$150-\$300 <sup>17</sup>	No

- Police records of short-term suspensions appear to be kept in all jurisdictions, see for example: **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 82(11) (BC MVA) and *Superintendent of Motor Vehicles Records Regulation*, B.C. Reg. 2/97, s. 2(b)); **MB** (*Driver's Licence Regulation*, Man. Reg. 180/2000, s. 14(11)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 310.01(10)(a) (NB MVA)); **NL** (*Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 60.04(5)(a) (NL HTA)); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 279C(10)(a) (NS MVA)); **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 48(11)(b) (ON HTA)); **PE** (*Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, s. 277.1(4)(a) (PE HTA)); and **SK** (*The Traffic Safety Act*, S.S. 2004, c. 153, s. 146(14)(a) (SK TSA)).

Alberta's highway traffic legislation does not require the police to keep records of short-term ALSs for a mandated period of time. Rather, the retention of this information would be governed by the administrative policies of the individual police departments. Email from W. Doyle, Executive Director, Office of Traffic Safety Alberta Transportation, to D. Kelly, Communications Manager, MADD Canada (18 July, 2017).

- The Registrar is informed of the suspensions in: **AB** (*Operator Licensing and Vehicle Control Regulation*, Alta. Reg. 320/2002, s. 43(1) (AB Reg. 320)); **BC MVA**, *supra* note 1, s. 93.2(1); **MB** (*The Highway Traffic Act*, C.C.S.M., c. H60, ss. 263.1(4) & 265(6)(d) (MB HTA)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 310.01(10)(c)); **NL HTA**, *supra* note 1, s. 60.04(5)(c); **NT** (*Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16, s. 116 (9)); **NU** (*Motor Vehicles Act*, R.S.N.W.T. (Nu) 1988, c. M-16, s. 116(9) (NU MVA)); **ON HTA**, *supra* note 1, s. 48(11)(a); **PE HTA**, *supra* note 1, s. 277.1(4)(d); and **SK TSA**, *supra* note 1, s. 146(14)(d).
- Suspension on abstract in: **BC MVA**, *supra* note 1, s. 93.2(2); **MB HTA**, *supra* note 2, s. 322(1) & (2); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 287(1)(c)); **NS MVA**, *supra* note 1, s. 241(1); **NU MVA**, *supra* note 2, s. 110; **ON** (Service Ontario, online: <<https://www.ontario.ca/page/order-drivers-record>> (Date accessed: 23 May, 2017)); and **SK** (*The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2, s. 33(1)).
- Reinstatement fee: **AB** Reg. 320, *supra* note 2, s. 95(b); **BC MVA**, *supra* note 1, s. 97.2; **MB** (*Charges for Licences, Registrations, Permits and Other Services Regulation*, Man. Reg. 42/2006, s. 57(a)); and **NT** (*Driver's Licence Regulations*, R.R.N.W.T. (Nu) 1990 c. M-27, Schedule E).

5. According to Alberta Government Services, *Registrar's Decisions: Notification 01/2004*, driver abstracts are to contain suspension information. Online: <[http://www.servicealberta.gov.ab.ca/pdf/mv/RegistrarsNotification01\\_2004.pdf](http://www.servicealberta.gov.ab.ca/pdf/mv/RegistrarsNotification01_2004.pdf)> (Date accessed: 28 May, 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. Email from J. Espie, Executive Director, Office of Traffic Safety, to D. Kelly, Communications Manager, MADD Canada (28 June, 2013).
6. Under the IRP program, drivers are subject to monetary penalties of up to \$500 as prescribed by regulation. The current prescribed penalties for the short-term IRPs 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. A \$500 monetary penalty is currently prescribed for the 90-day IRPs. *BC MVA*, *supra* note 1, ss. 215.44(2) & 215.43(4); and *Motor Vehicle Act Regulations*, B.C. Reg. 26/58, Division 43, s. 43.09.
7. New Brunswick, Justice and Public Safety, *Reinstatement of Driving Privileges*, online: <[http://www2.gnb.ca/content/gnb/en/services/services\\_renderer.200565.Reinstatement\\_of\\_Driving\\_Privileges.html#serviceFees](http://www2.gnb.ca/content/gnb/en/services/services_renderer.200565.Reinstatement_of_Driving_Privileges.html#serviceFees)>.
8. In a September 24, 2009 email, C. Burggraaf, Registrar of Motor Vehicles, Newfoundland and Labrador indicated to A. Vicioso, MADD Canada, that as a matter of administrative policy, drivers suspended for 24 hours must pay a \$100 reinstatement fee within 30 days. Section 4 of the provincial *Fees Policy* states the reinstatement fee after a suspension for a *Criminal Code* or *Highway Traffic Act* offence is \$200. Service NL, *Fees Policy* (St. John's, NL: Motor Registration Division, 2016), online: <<http://www.servicenl.gov.nl.ca/drivers/fees.pdf>> (Date accessed: 3 July, 2017). We have assumed that the \$200 fee does not apply to short-term ALSs under ss. 60.01 & 60.03 of the *Highway Traffic Act*, because they do not involve an offence.
9. The law does not require the Registrar to be informed, but the police do so as a matter of administrative policy.
10. According to the *Schedule of Fees for Documents and Services*, N.S. Reg. 126/2015, the licence reinstatement fee following a short-term ALS is \$99.60. However, the Nova Scotia Transportation and Infrastructure Renewal webpage says the reinstatement fee is \$91.42. *Low BAC Q&A*, online: <<http://novascotia.ca/tran/roadsafety/lowBACQ&A.asp>> (Date accessed: 29 May, 2017).
11. If proclaimed in force, section 44 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would require the Registrar to keep a record of any contravention of the Act for 5 years, which would include short-term roadside ALSs. Pursuant to s. 45 of Bill 29, these ALSs would form part of the "driving documentation" that would be available from the Registrar. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, "With new Traffic Safety Act, rules of the road change in Nunavut" (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
12. *Administrative Penalties*, O. Reg. 273/07, s. 1(1) para. 5 refers to the \$198 charge as an "administrative monetary penalty" that must be paid prior to licence reinstatement.
13. Prince Edward Island has two types of driver abstracts, namely a certified basic and a certified premium abstract. Short-term ALSs are expressly included in a certified basic abstract and appear to be included in a certified premium abstract. PE *HTA*, *supra* note 1, s. 319(1.1)(a.1) and (b), & s. 319(1.3)(f).
14. Quebec's short-term ALS program is very limited in scope. A 24-hour ALS is imposed on drivers who fail/refuse to take a SFST or who fail a SFST. *Highway Safety Code*, C.Q.L.R. c. C-24.2, ss. 202.1.5 & 202.1.4. There is no general short-term ALS for .05% BAC. However, 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 BACs exceed the applicable limit. *Ibid*, ss. 202.2.1.2, 202.2.1.1 & 202.4.



15. The Canadian Council of Motor Transport Administrators issued model policies for alcohol-related, short-term ALSs in 2005. The model was based on a study and a report prepared by MADD Canada.
16. The model provides that an ALS should remain on the driver's abstract for 10 years.
17. 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 12: Impoundments, Interlocks and Remedial Programs for Short-Term ALSs**

Prov./ Terr.	Mandatory Impound.	Mandatory Interlocks	Mandatory Remedial Programs
AB	Yes <sup>1</sup>	No <sup>2</sup>	Yes, if multiple occurrences <sup>3</sup>
BC	No <sup>4</sup>	Yes, if multiple occurrences <sup>5</sup>	Yes, if multiple occurrences <sup>5</sup>
MB	No	No	Yes, if multiple occurrences <sup>6</sup>
NB	No <sup>7</sup>	No	Yes, if multiple occurrences <sup>8</sup>
NL	Yes <sup>9</sup>	No	Yes, if multiple occurrences <sup>10</sup>
NS	No	No	No
NT	No	No	No
NU	No	No	No <sup>11</sup>
ON	No <sup>12</sup>	No <sup>13</sup>	No, but as a matter of administrative policy, the Registrar requires drivers with multiple suspensions to participate in a remedial program. <sup>14</sup>
PE	No <sup>15</sup>	No	No
QC <sup>16</sup>	No	No	No
SK	Yes <sup>17</sup>	Yes on 3rd occurrence <sup>18</sup>	Yes <sup>19</sup>
YK	No	No	No
CCMTA <sup>20</sup>	No	Yes on 3rd occurrence <sup>21</sup>	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. *Traffic Safety Act*, R.S.A. 2000, c. T-6, s. 172.1(1)(a), (b) & (2).
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. Alberta Transportation Driver Fitness & Monitoring, "Ignition Interlock Program," online: <[http://www.transportation.alberta.ca/iip.htm#Who\\_is\\_required\\_to\\_complete\\_the\\_program/](http://www.transportation.alberta.ca/iip.htm#Who_is_required_to_complete_the_program/)> (Date accessed: 3 July, 2017).
3. 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. Section 88(4) & (5). Drivers with a third infraction must take a more intensive educational program ("IMPACT") and are subject to a licence review. Section 88(5)(d).
4. Police officers may impound the vehicle of a driver who receives a 24-hour, 3-day or 7-day IRP for the length of the IRP if they believe that doing so is necessary to prevent a breach of the driving prohibition. The police must impound a driver's vehicle for 30 days if he or she 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). *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 (BC MVA), ss. 215.4(1), 215.46 & 253(7).
5. Traditionally, the Superintendent had broad discretionary authority to restrict or impose conditions on the

licence of drivers, which among other things could include requiring them to put an interlock on their vehicles and participate in a remedial program. As of 2013, the Superintendent was required to consider each driver's record and circumstances when exercising his or her discretionary authority.

In 2016, the Superintendent's discretionary authority was supplemented by a complex point system. Pursuant to this system, the Superintendent must order a driver to participate in the interlock program and remedial measures program if he or she accumulates the prescribed number of "ignition-interlock points" or "remedial measures program points" within a 5-year period. Various interlock and remedial points are imposed for: 24-hour, 3, 7, 30, and 90-day immediate roadside prohibitions (IRPs); 90-day administrative driving prohibitions (ADPs); and the *Criminal Code* offences of driving with a BAC > .08% and refusing/failing to take a required test. BC *MVA*, *ibid*, s. 25.2(1); and *Motor Vehicle Act Regulations*, B.C. Reg. 26/58, ss. 46.02 & 46.03.

Under the points system, drivers with 3 or more 3, 7 or 30-day IRPs, 2 or more 90-day IRPs, or 2 or more 90-day ADPs within a 5-year period are subject to a mandatory interlock order. Drivers with 2 or more 3, 7 or 30-day IRPs, 1 or more 90-day IRPs, or 1 or more 90-day ADPs within a 5-year period are subject to a mandatory remedial program. British Columbia, Ministry of Public Safety and Solicitor General, RoadSafetyBC, *Remedial and Ignition Program Policies and Guidelines* (Victoria: Road-SafetyBC, 2016).

6. Drivers with 2 or more suspensions within 10 years must undergo an impaired driver's assessment and may be required to complete an education or treatment program. *The Drivers and Vehicles Act*, C.C.S.M. c.D104, s. 22(2) & (3).
7. Officers may impound for 3 days the vehicle of a driver who has been suspended for registering a "warn" or a BAC of  $\geq .05\%$ , if they believe that doing so is necessary to prevent the driver from driving during the suspension. However, on a third occurrence within 5 years, officers must impound the driver's vehicle for 7 days. *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 310.01(1)-(4), (11) & (12).
8. An approved "drinking driver re-education course" is a mandatory condition of licence reinstatement for drivers with a third or subsequent short-term ALS within 5 years. *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 301(2)(b).
9. The police must impound for 7 days the vehicle of a driver 22 years of age or older who is not a "novice driver" and who has a BAC above 0.05% but below 0.08%. *Vehicle Seizure and Impoundment Regulations, 2012 (Amendment)* N.L. Reg. 79/17, s. 6.1(1) & (2)(a).
10. 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. *Highway Traffic Driver Regulations, 1999*, N.L.R. 110/98, s. 27(2) & Schedule A.
11. If proclaimed in force, section 22 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would permit the Registrar to make completion of a prescribed program a condition of licence reinstatement. However, it is unlikely that a prescribed program would be created for drivers with short-term ALSs. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, "With new Traffic Safety Act, rules of the road change in Nunavut" (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
12. While Ontario's short-term ALS program does not include mandatory impoundments, the police must impound for 7 days the vehicle of drivers who receive a 90-day ALS. *Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 48.4(1).
13. The legislation does not provide for mandatory interlocks. However, as a matter of administrative policy, drivers who have received 3 or more short-term ALSs within 10 years will be subject to an interlock order.
14. Drivers with 2 suspensions within 5 years must participate in an alcohol education program, and drivers with 3 or more suspensions within 5 years must participate in an alcohol treatment program and are subject

to a 6-month interlock order. *Conduct Review Programs*, O. Reg. 287/08, ss. 2, 20 & 21(1). Drivers with 4 or more suspensions within 10 years must undergo a medical examination. Ontario Ministry of

Transportation, “Impaired Driving: Medical Review,” online: <<http://www.mto.gov.on.ca/english/safety/impaired-driving.shtml#alcohol-education>> (Date accessed: 15 June, 2017).

15. Police officers may impound the vehicle of a driver for 3, 7 and 30 days respectively for a first, second or subsequent ALS for having a BAC of  $\geq .05\%$  to  $.10\%$ . *Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, ss. 277.1(1)(a) & 277.11(1) & (2).
16. Quebec’s short-term ALS program is very limited in scope. A 24-hour ALS is imposed on drivers who fail/refuse to take a SFST or who fail a SFST. *Highway Safety Code*, C.Q.L.R. c. C-24.2, ss. 202.1.5 & 202.1.4. There is no general short-term ALS for  $.05\%$  BAC. However, 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 BACs exceed the applicable limit. *Ibid*, ss. 202.2.1.2, 202.2.1.1 & 202.4.
17. The police must impound for 3 days the vehicle of a driver who is subject to a 3-day suspension for having a BAC  $\geq .04\%$ . Seven and 14-day mandatory vehicle impoundments are imposed on drivers who are subject to a second or subsequent ALS within 5 years. *The Traffic Safety Act*, S.S. 2004, c. 153, s. 146(4)(b).
18. Drivers with 3 or more  $.04\%$  BAC violations within 5 years are subject to a 1-year alcohol interlock order. *Ibid*, s. 146(9).
19. Drivers with 1 suspension must complete the “Driving Without Impairment” course, and 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.” *Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2, ss. 25(2) & (3), and 26.
20. The Canadian Council of Motor Transport Administrators issued model policies for alcohol-related, short-term ALSs in 2005. The model was based on a study and a report prepared by MADD Canada.
21. The model provides that drivers with 3 suspensions within 3 years should be subject to a 6-month alcohol interlock order.



## **SECTION III: 90-DAY ADMINISTRATIVE LICENCE SUSPENSIONS (ALSs) FOR ALCOHOL**

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**Chart 13: Alcohol-Related Grounds for 90-Day ALSs<sup>1</sup>**

Prov./ Terr.	Grounds	Duration
AB	<i>Criminal Code</i> charge for BAC > .08%, impaired driving, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 88.1(2)(a))	Until disposition of criminal charge (s. 88.1(3)(a)) <sup>2</sup>
BC	BAC > .08% (ADP), register a fail on an ASD (IRP), <sup>3</sup> or refuse/fail to take breath or blood test <sup>4</sup>	90 days
MB	BAC > .08%, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 263.1(2)(a) & (b))	3 months (s. 263.1(7)1)
NB	BAC > .08%, or refuse/fail to take breath or blood test when believed to have alcohol in his or her body (s. 310.04(2))	3 months (s. 310.04(9))
NL	BAC ≥ .08%, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 60.03(1)(b))	90 days (s. 60.03(1)(c))
NT	BAC > .08%, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 116.6(1))	90 days (s. 116.6(2)(c)(i))
NS	BAC > .08%, or refuse/fail to take breath or blood test when believed to have alcohol in his or her body (s. 279A(1))	3 months (s. 279A(5))
NU <sup>5</sup>	No Alcohol-Related 90-Day ALS	N/A
ON	BAC > .08%, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 48.3(3))	90 days (s. 48.3(2))
PE	BAC > .08%, reasonable grounds to believe that driver's ability is impaired by alcohol in combination with a drug, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 277.2(1))	90 days (s. 277.3(1))
QC	BAC > .08 % as shown by evidentiary breath test, or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (ss. 202.4(1) & 202.5)	90 days (ss. 202.4(1) & 202.5)
SK	<i>Criminal Code</i> charge for BAC > .08%; impaired causing bodily harm or death; or refuse/fail to take a required test under s. 254 of the <i>Criminal Code</i> (s. 148(5)(a))	Until disposition of criminal charge <sup>6</sup> (s. 148(5)(a))
YK	BAC > .08%, or refuse/fail to take breath or blood test (s. 257(1))	The lesser of 90 days or until convicted of related criminal charge (s. 257(8))

1. Pursuant to recent amendments, Alberta and Saskatchewan imposed open-ended ALSs on specified categories of accused impaired drivers until the disposition of their criminal proceedings. Consequently, these predisposition ALSs may be longer or shorter than 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. As outlined below, Alberta’s open-ended ALSs have been held to violate the *Canadian Charter of Rights and Freedoms*. The province is not appealing the decision, but rather is considering other legislative options.
2. In *Sahaluk v. Alberta (Transportation Safety Board)*, 2017 ABCA 153, the majority of the Alberta Court of Appeal struck down the indefinite licence suspension under s. 88.1 of the *Traffic Safety Act*, R.S.A 2000, c. T-6, but stayed the declaration of invalidity for one year. The majority held that the provision infringed a driver’s liberty interests under s. 7 of the *Canadian Charter of Rights and Freedoms* and was inconsistent with the principles of fundamental justice because it was “overly inclusive” and “overbroad.” The majority also concluded that the provision violated s. 11(d) on two grounds. First, it infringed the presumption of innocence by imposing sanctions immediately, without due process, on those who were innocent-in-fact, guilty and not guilty. Second, the provision induced drivers to abandon their right to a fair trial and enter a guilty plea because

it would usually result in a substantially shorter licence suspension than going to trial. The majority concluded that these violations of ss. 7 and 11(d) could not be justified under s. 1 of the *Charter*.

The dissenting justice held that while the indefinite suspension may be harsh, it did not infringe a driver's liberty interests under s. 7. Moreover, since s. 88.1 did not create an offence, s. 11(d) of the *Charter* was irrelevant. Consequently, the dissenting justice upheld the constitutionality of s. 88.1 because it did not violate any section of the *Charter*.

The Alberta government announced that it is not appealing the decision, but rather is considering other legislative models. Alberta, News Release, "Changes coming to impaired driving laws" (16 August 2017), online: <<https://www.alberta.ca/release.cfm?xID=48421358A7C94-FD4F-35B1-7365BF18338CB0A1>>.

3. Under s. 94.1(1)(a) & (3)(c) of the *Motor Vehicle Act*, R.S.B.C. 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 administrative driving prohibition (ADP). A 90-day ADP comes into force 21 days after it has been issued. In contrast, s. 215.43(2.1) requires an officer to issue a 90-day immediate roadside prohibition (IRP) if the driver registers a fail on an ASD.
4. Section 94.1(1)(b) & (3)(c) 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) requires an officer to issue a 90-day IRP to a driver who refuses/fails to take an ASD test.
5. If proclaimed in force, section 28 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would require the police to impose a 24-hour roadside ALS on a driver with a BAC in excess of .08%. If the driver has had a prior suspension, disqualification or prohibition in any Canadian jurisdiction, the .08% infraction would result in a 90-day suspension. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, "With new Traffic Safety Act, rules of the road change in Nunavut" (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
6. Note that the Alberta Court of Appeal recently struck down similar indefinite licence suspension provisions in *Sahaluk v. Alberta (Transportation Safety Board)*, 2017 ABCA 153. As indicated in note 2, the Alberta government announced that it is not appealing the decision, but rather is considering other legislative models.

**Chart 14: Sanctions for 90-Day ALSs**

Prov./ Terr.	Reinstatement Fee <sup>1</sup>	Monetary Penalty
AB	No	No
BC	\$250 <sup>2</sup>	≤ \$500 <sup>3</sup>
MB	\$50	No
NB	\$52	No
NL	\$100 <sup>4</sup>	No
NT	\$319	No
NS	No	No
NU	No	No
ON	No	\$198
PE	No	No
QC	No	No
SK	No	No
YK	No	No

1. Reinstatement Fee: **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 97.2); **MB** (*Charges for Licences, Registrations, Permits and Other Services Regulation*, Man. Reg. 42/2006, s. 57(a)); **NB** (*General Regulation*, N.B. Reg. 83-42, s. 15(13)); **NT** (*Driver's Licence Regulations*, R.R.N.W.T., 1990, c. M-27, Schedule E); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 68(1)); and **ON** (*Administrative Penalties*, O. Reg. 273/07, s. 1(1) para. 5).
2. Drivers who receive a 90-day IRP or a 90-day ADP are required to pay a \$250 reinstatement fee. Ministry of Public Safety and Solicitor General, *Immediate Roadside Prohibition Fact Sheet*, online: <<http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/factsheet-immediate-roadside-prohibition.pdf>>; and Ministry of Public Safety and Solicitor General, *Administrative Driving Prohibition (ADP)*, online: <<http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/factsheet-admin-driving-prohibition.pdf>>.
3. Drivers who receive a 90-day IRP under s. 215.44 of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 are subject to a monetary penalty not exceeding \$500 as prescribed by regulation. The current prescribed penalty is \$500. In contrast, no monetary penalty is imposed on drivers who receive a 90-day ADP under s. 94.1(1).
4. In an email dated September 24, 2009, C. Burggraaf, Registrar of Motor Vehicles, Newfoundland and Labrador indicated to A. Vicioso, MADD Canada, that as a matter of administrative policy, drivers suspended for 24 hours are required to pay a \$100 reinstatement fee within 30 days. Section 4 of the provincial *Fees Policy* states that the reinstatement fee after a suspension for a *Criminal Code* or *Highway Traffic Act* offence is \$200. Service NL, *Fees Policy* (St. John's, NL: Motor Registration Division, 2016), online: <<http://www.servicenl.gov.nl.ca/drivers/fees.pdf>> (Date accessed: 3 July, 2017). We have assumed that this \$200 fee does not apply to short-term ALSs under ss. 60.01 & 60.03 of the *Highway Traffic Act* because they do not involve an offence.



**Chart 15: Impoundments, Interlocks and Remedial Programs for 90-Day ALSs**

Prov./ Terr.	Mandatory Impoundments	Mandatory Interlocks	Mandatory Remedial Programs
AB	3 days <sup>1</sup>	No	No
BC	30-days for a 90-day IRP (ss. 215.46(2) & 253(1))	No <sup>2</sup>	Yes <sup>3</sup>
MB	- 30 days if BAC > .08% (s. 242.1(7.1)(b)) - 60 days if BAC > .16% or refuse/fail to take a test (s. 242.1(7.1)(c)-(f))	No	Yes <sup>4</sup>
NB	No <sup>5</sup>	No	No
NL	Yes <sup>6</sup>	No	Yes <sup>7</sup>
NT	No	No	No
NS	No	No	Yes (s. 67(11))
NU	No	No	No <sup>8</sup>
ON	7 days (s. 48.4 (1))	No <sup>9</sup>	No <sup>10</sup>
PE	No <sup>11</sup>	No	No
QC	No <sup>12</sup>	No	No
SK	- 30 days if charged with BAC > .08% and BAC is < .16% (s. 148(5)(b)(ii)) - 60 days if charged with refuse/fail to take a test, or if charged with BAC > .08% and BAC is ≥ .16% (s. 148(5)(b)(i) & (iii))	No	Yes <sup>13</sup>
YK	No	No	No

- Section 172.1(1)(a) & (b) of the *Traffic Safety Act*, R.S.A. 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.
- Traditionally, the Superintendent had broad discretionary authority to restrict or impose conditions on the licence of drivers, which among other things could include requiring them to put an interlock on their vehicles and participate in a remedial program. As of 2013, the Superintendent was required to consider each driver’s record and circumstances when exercising his or her discretionary authority.

In 2016, the Superintendent’s discretionary authority was supplemented by a complex point system. Pursuant to this system, the Superintendent must order a driver to participate in the interlock program and/or remedial measures program if he or she accumulates the prescribed number of “ignition-interlock points” and “remedial measures program points” within a 5-year period. Various interlock and remedial points are imposed for: 24-hour, 3, 7, 30, and 90-day immediate roadside prohibitions (IRPs); 90-day administrative driving prohibitions (ADPs); and the *Criminal Code* offences of driving with a BAC > .08% and refusing/failing to take a required test. Under the points system, drivers with 3 or more 3, 7 or 30-day IRPs, 2 or more 90-day IRPs, or 2 or more 90-day ADPs within a 5-year period are subject to a mandatory interlock. Drivers with 2 or more 3, 7 or 30-day IRPs, 1 or more 90-day IRPs, or 1 or more 90-day ADPs within a 5-year period are subject to a mandatory remedial order.

In addition, the Superintendent may exercise his or her discretionary authority to impose an interlock order on a driver with a single 90-day IRP or ADP, provided the driver’s record and

individual circumstances are taken into account. British Columbia, Ministry of Public Safety and Solicitor General, RoadSafetyBC, *Remedial and Ignition Program Policies and Guidelines* (Victoria: RoadSafetyBC, 2016).

3. Under the new points system, a single 90-day IRP or ADP will result in a mandatory remedial program order. *Ibid.*
4. Drivers with one or more 3-month suspensions must undergo an impaired driver's assessment. *The Drivers and Vehicles Act*, C.C.S.M. c.D104, ss. 21 & 22.
5. The police may impound for 3 days the vehicle of a driver whose licence has been suspended for being charged with refusing/failing to take a required test under s. 254 of the *Criminal Code*, if impounding the vehicle is necessary to prevent him or her from driving it before the suspension expires. However, on a third occurrence within 5 years, officers must impound the driver's vehicle for 7 days. *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 310.01 (1)-(4), (11) & (12).
6. The police must impound for 30 days the vehicles of drivers who have a BAC of 0.08% or more, or who fail or refuse to comply with a demand under s. 254 of the *Criminal Code*. *Vehicle Seizure Impoundment Regulations, 2012 (Amendment)*, N.L. Reg. 79/17, s. 6.1(3).
7. 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 2 years must complete an alcohol and drug dependency assessment/rehabilitation program prior to licence reinstatement. *Highway Traffic Driver Regulation, 1999*, N.L.R. 110/98, s. 27(1)(b) & Schedule A.
8. If proclaimed in force, s. 22 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would permit the Registrar to make completion of a prescribed program a condition of licence reinstatement. The government has sought public input on the Bill which scheduled to come into force until December 31, 2018. J. George, "With new Traffic Safety Act, rules of the road change in Nunavut" (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
9. 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 & 21(1).
10. 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 assessment, education and treatment programs. *Ibid.*, ss. 1(1) & 2(1) and (2).
11. Officers may impound for 30 days the vehicle of a driver if they are satisfied that the driver has committed a *Criminal Code* offence under: s. 253(1)(a) ("impaired driving"); s. 253(1)(b) ("blood alcohol over .08"); or s. 254(5) ("refusal to supply sample"). *Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, ss. 255.1(1.01) & 255.2(2.01). However, it should be noted that s. 254(5) of the *Criminal Code* would include not only refusing to supply a sample, but also refusing to take a required test.
12. The police are only required to impound the vehicle of a driver who receives a 90-day ALS in prescribed situations. *Highway Safety Code*, C.Q.L.R. c. C-24.2. These include: a 30-day impoundment for a BAC > .16% or refusing/failing a test (s. 209.2.1); and a 90-day impoundment for a BAC > .08% if prior cancellation for an alcohol-related driving offence or fleeing the scene (s. 209.2.1.1).
13. Drivers in Saskatchewan with a first or second predisposition ALS must attend the "Driving Without Impairment" course. Drivers with a third or subsequent predisposition ALS are subject to "addiction screening." It should be noted that these predisposition ALSs do not apply to drivers who are only 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: PROVINCIAL AND TERRITORIAL SUSPENSIONS IMPOSED ON FEDERAL IMPAIRED DRIVING OFFENDERS**

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**Chart 16: Suspensions Imposed on Offenders Convicted of Driving While Impaired or Driving with a BAC > .08%<sup>1</sup>**

Prov./ Terr.	1st Offence	2nd Offence	3rd Offence
AB <sup>2</sup>	1 Year (s. 83(1))	3 Years (s. 83(2))	5 Years (s. 83(3))
BC <sup>2</sup>	1 Year (s. 232(3)(a))	3 Years (s. 232(3)(b))	Indefinite Period <sup>3</sup> (s. 232(3)(c))
MB <sup>2</sup>	1 Year (s. 264(1.1))	5 Years (s. 264(1.1))	10 Years (s. 264(1.1))
NB <sup>2</sup>	12 Months (s. 300(1)(a))	3 Years (s. 302(2.1))	5 Years (s. 302(2.2))
NL <sup>2</sup>	12 Months (s. 65(1)(a))	36 Months (s. 65(1)(b))	60 Months (s. 65(1)(c))
NS <sup>2</sup>	1 Year (s. 67(5)(ba))	3 Years (s. 67(5)(ba))	Indefinite Period <sup>5</sup> (s. 67(5)(ba))
NT <sup>2</sup>	1 Year (s. 116.14(3)(a))	3 Years (s. 116.14(3)(b))	5 Years (s. 116.14(3)(c))
NU	NU automatically cancels the licence of any driver who receives a <i>Criminal Code</i> driving prohibition for a federal impaired driving offence for the duration of the federal prohibition (s. 88(a)) <sup>6</sup>		
ON <sup>2</sup>	1 Year (s. 41(1)(b.1) & (f))	3 Years (s. 41(1)(b.1) & (g))	Indefinite Period <sup>7</sup> (s. 41(1)(b.1) & (h))
PE <sup>2</sup>	1 Year (s. 261(1)(a)-(c))	3 Years (s. 261(1)(a)-(b) & (d))	5 Years (s. 261(1)(a)-(b) & (e))
QC <sup>2</sup>	1 Year (s. 76)	3 Years (s. 76)	5 Years (s. 76)
SK <sup>2</sup>	1 Year <sup>8</sup> (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(a))	3 Years (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(b))	5 Years (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(c))
YK <sup>4</sup>	1 Year (s. 255(2)(a))	3 Years (s. 255(2)(b))	Indefinite Period (s. 255(2)(c))

1. The information in this Chart reflects the minimum provincial and territorial suspensions, notwithstanding the reduced suspensions that may be available to some offenders in an interlock program. In addition to imposing suspensions, almost all the jurisdictions require federal impaired driving offenders to complete a formal remedial program of some kind prior to regaining their driving privileges.
2. The lookback period for prior convictions is 10 years in: **AB** (*Traffic Safety Act*, R.S.A. 2000, c. T-6, s. 83(2)(b) & (3)(b)); **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 232(5)); **MB** (*The Highway Traffic Act*, C.C.S.M., c. H60, s. 264(1.1)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 302(2.1) & (2.2)); **NL** (*Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 65(1)(b) & (c)); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 67(6A) (*MVA*)); **NT** (*Motor Vehicles Act*, R.S.N.W.T. 1988,

- c. M-16, s. 116.14(6)); **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 41(3) (*HTA*)); **PE** (*Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, s. 261(4)); **QC** (*Highway Safety Code*, C.Q.L.R. c. C-24.2, s. 76); and **SK** (Saskatchewan Government Insurance (SGI), *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015)).
3. Drivers suspended indefinitely under s. 232(3)(c) of the B.C. *Motor Vehicle Act* may apply after 5 years for reinstatement if they “attended or participated in and completed a [remedial] program” as required by the Superintendent. *Ibid*, s. 233(2)(b).
  4. The lookback period for prior convictions is 5 years in the Yukon. (*Motor Vehicles Act*, R.S.Y. 2002, c. 153, s. 255(6)).
  5. Drivers suspended indefinitely may apply to the Registrar after 10 years to have their licences reinstated if they meet rigorous criteria, but only for the purpose of allowing them to participate in an interlock program. Drivers with an indefinite suspension for a third and fourth revocation must participate in the interlock program for a minimum of 3 and 5 years, respectively. *MVA*, *supra* note 2, s. 67(5A), (5B) & (22A); and *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008, s. 18(3)(d) & (e).
  6. Section 259(1) of the *Criminal Code* imposes a minimum driving prohibition of 1, 2 and 3 years for a first, second or third offence of driving while impaired or with a BAC > .08%. The *Criminal Code* does not contain a lookback period, and thus any preceding impaired driving conviction constitutes a prior offence regardless of when it occurred. However, many prosecutors will not introduce an offender’s prior impaired driving conviction if it occurred 10 or more years ago.
  7. Drivers suspended indefinitely may have their licence reinstated after 10 years if they have completed the prescribed assessment and remedial programs. *ON HTA*, *supra* note 2, s. 41.1(2).
  8. A literal interpretation of the statutory and regulatory sections leads to contradictory results. The information in the Chart is based on the interpretation that most likely reflects the government’s intent. This information is also consistent with that provided by SGI on its website. SGI, *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015).

**Chart 17: Suspensions Imposed on Offenders Convicted of Refusing/Failing to Take a Test Required under Section 254 of the *Criminal Code***

Prov./ Terr.	1st Offence	2nd Offence	3rd Offence
AB <sup>1</sup>	1 Year (s. 83(1))	3 Years (s. 83(2))	5 Years (s. 83(3))
BC <sup>1</sup>	1 Year (s. 232(3)(a))	3 Years (s. 232(3)(b))	Indefinite Period <sup>2</sup> (s. 232(3)(c))
MB <sup>1</sup>	2 Years (s. 264(1.2)(a))	7 Years (s. 264(1.2)(b))	10 Years (s. 264(1.1))
NB <sup>1</sup>	12 Months (s. 300(1)(a))	3 Years (s. 302(2.1))	5 Years (s. 302(2.2))
NL <sup>1</sup>	12 Months (s. 65(1)(a))	36 Months (s. 65(1)(b))	60 Months (s. 65(1)(c))
NS <sup>1</sup>	1 Year (s. 67(5)(ba))	3 Years (s. 67(5)(ba))	Indefinite Period <sup>4</sup> (s. 67(5)(ba))
NT <sup>1</sup>	1 Year (s. 116.14(3)(a))	3 Years (s. 116.14(3)(b))	5 Years (s. 116.14(3)(c))
NU	NU automatically cancels the licence of any driver who receives a <i>Criminal Code</i> driving prohibition for a federal impaired driving offence for the duration of the federal prohibition (s. 88(a)) <sup>5</sup>		
ON <sup>1</sup>	1 Year (s. 41(1)(c) & (f))	3 Years (s. 41(1)(c) & (g))	Indefinite Period <sup>6</sup> (s. 41(1)(c) & (h))
PE <sup>1</sup>	1 Year (s. 261(1)(a) & (c))	3 Years (s. 261(1)(a) & (d))	5 Years (s. 261(1)(a) & (e))
QC <sup>1</sup>	3 Years (ss. 76 & 76.1.4)	5 Years (ss. 76 & 76.1.4)	5 Years (ss. 76 & 76.1.4)
SK <sup>1</sup>	1 Year <sup>7</sup> (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(a))	3 Years (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(b))	5 Years (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(c))
YK <sup>3</sup>	1 Year (s. 255(2)(a))	3 Years (s. 255(2)(b))	Indefinite Period <sup>8</sup> (s. 255(2)(c))

- The lookback period for prior convictions is 10 years in: **AB** (*Traffic Safety Act*, R.S.A. 2000, c. T-6, s. 83(2)(b) & (3)(b)); **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 232(5)); **MB** (*The Highway Traffic Act*, C.C.S.M., c. H60, s. 264(1.1)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 302(2.1) & (2.2)); **NL** (*Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 65(1)(b) & (c)); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 67(6A) (*MVA*)); **NT** (*Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16, s. 116.14(6)); **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 41(3) (*HTA*)); **PE** (*Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, s. 261(4)); **QC** (*Highway Safety Code*, C.Q.L.R. c. C-24.2, s. 76); and **SK** (Saskatchewan Government Insurance (SGI), *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015)).
- Drivers suspended indefinitely under s. 232(3)(c) of the *Motor Vehicle Act* may apply after 5 years for

reinstatement if they “attended or participated in and completed a [remedial] program” as required by the Superintendent. *Ibid*, s. 233(2)(b).

3. The lookback period for prior convictions is 5 years in the Yukon. (*Motor Vehicles Act*, R.S.Y. 2002, c. 153, s. 255(6)).
4. Drivers suspended indefinitely may apply to the Registrar after 10 years to have their licences reinstated if they meet rigorous criteria, but only for the purpose of allowing them to participate in an interlock program. Drivers with an indefinite suspension for a third and fourth revocation must participate in the interlock program for a minimum of 3 and 5 years, respectively. NS *MVA*, *supra* note 1, s. 67(5A), (5B) & (22A); and *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008, s. 18(3)(d) & (e).
5. Section 259(1) of the *Criminal Code* imposes a minimum driving prohibition of 1, 2 and 3 years for a first, second or third offence of refusing/failing to take a test required under s. 254. The *Criminal Code* does not contain a lookback period, thus any preceding impaired driving conviction constitutes a prior offence regardless of when it occurred. However, many prosecutors will not introduce an offender’s prior impaired driving conviction if it occurred 10 or more years ago.
6. Drivers suspended indefinitely may have their licence reinstated after 10 years if they have completed the prescribed assessment and remedial programs. ON *HTA*, *supra* note 1, s. 41.1(2).
7. A literal interpretation of the statutory and regulatory sections leads to contradictory results. The information in the Chart is based on the interpretation that most likely reflects the government’s intent. This information is also consistent with that provided by SGI on its website. SGI, *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015).
8. A prior conviction will not be considered a second or subsequent offence if it occurred more than 5 years before the current offence. Consequently, a driver would have to be convicted of 3 separate impaired driving offences within 5 years in order to be subject to an indefinite licence suspension. *Motor Vehicle Act*, R.S.Y. 2002, c. 153, s. 255(6).

**Chart 18: Suspensions Imposed on Offenders Convicted of Driving While Disqualified under Section 259(4) of the *Criminal Code***

Prov./ Terr.	1st Offence	2nd Offence	3rd Offence
AB	6 Months (s. 84)		
BC	12 Months (s. 99(2)(b))		
MB <sup>1</sup>	1 Year (s. 264(1.1))	5 Years (s. 264(1.1))	10 Years (s. 264(1.1))
NB <sup>2</sup>	12 Months (s. 302(3)(b.1) & (d))	24 Months (s. 302(3)(b.1) & (e))	
NL <sup>1</sup>	12 Months (s. 65(1)(a))	36 Months (s. 65(1)(b))	60 Months (s. 65(1)(c))
NS <sup>1</sup>	1 Year (s. 67(5)(ba))	3 Years (s. 67(5)(ba))	Indefinite Period <sup>3</sup> (s. 67(5)(ba))
NT	No territorial administrative suspension is imposed on drivers convicted under s. 259(4) of the <i>Criminal Code</i>		
NU	No territorial administrative suspension is imposed on drivers convicted under s. 259(4) of the <i>Criminal Code</i>		
ON <sup>4</sup>	1 Year (s. 42(1)(a))	2 Years (s. 42(1)(b))	
PE	6 Months (s. 271(3)(b))		
QC	No provincial administrative suspension is imposed on drivers convicted under s. 259(4) of the <i>Criminal Code</i>		
SK <sup>1</sup>	1 Year <sup>5</sup> (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(a))	3 Years (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(b))	5 Years (s. 141(1)(a) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(c))
YK <sup>4</sup>	1 Year (s. 255(2)(a))	3 Years (s. 255(2)(b))	Indefinite Period <sup>6</sup> (s. 255(2)(c))

1. The lookback period is 10 years in: **MB** (*The Highway Traffic Act*, C.C.S.M., c. H60, s. 264(1.1)); **NL** (*Highway Traffic Act*, R.S.N.L 1990, c. H-3, s. 65(1)(b) & (c)); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 67(6A) (*MVA*)); and **SK** (Saskatchewan Government Insurance (SGI), *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015)).
2. The lookback period is 3 years in NB. *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 302(3)(b.1).
3. Drivers suspended indefinitely may apply to the Registrar after 10 years to have their licences reinstated if they meet rigorous criteria, but only for the purpose of allowing them to participate in an interlock program. Drivers with an indefinite suspension for a third and fourth revocation must participate in the interlock program for a minimum of 3 and 5 years, respectively. NS *MVA*, *supra* note 1, s. 67(5A), (5B) & (22A); and *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008, s. 18(3)(d) & (e).
4. The lookback period is 5 years in: **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 42(3)); and **YK** (*Motor Vehicles Act*, R.S.Y. 2002, c. 153, s. 255(6)).

5. A literal interpretation of the statutory and regulatory sections leads to contradictory results. The information in the Chart is based on the interpretation that most likely reflects the government's intent. This information is also consistent with that provided by SGI on its website. SGI, *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015).
6. A prior conviction will not be considered a second or subsequent offence if it occurred more than 5 years before the current offence. Consequently, a driver would have to be convicted of 3 separate impaired driving offences within 5 years in order to be subject to an indefinite licence suspension. *Motor Vehicle Act*, R.S.Y. 2002, c. 153, s. 255(6).

**Chart 19: Suspensions Imposed on Offenders Convicted of Impaired Driving Causing Bodily Harm<sup>1</sup>**

Prov./Terr.	1st Offence	2nd Offence	3rd Offence
AB	5 Years (s. 87(2))		
BC <sup>2</sup>	1 Year (s. 232(3)(a))	3 Years (s. 232(3)(b))	Indefinite Period <sup>3</sup> (s. 232(3)(c))
MB <sup>2</sup>	5 Years (s. 264(1.1))	10 Years (s. 264(1.1))	Lifetime (s. 264(1.1))
NB <sup>2</sup>	12 Months (s. 300(1)(a))	3 Years (s. 302(2.1))	5 Years (s. 302(2.2))
NL	10 Years <sup>5</sup> (s. 65(1.1)(a))		
NS <sup>2</sup>	5 Years (s. 67(5)(ca))	Indefinite Period (s. 67(5)(ca))	
NT	NT automatically cancels the licence of any driver who receives a <i>Criminal Code</i> driving prohibition for a federal impaired driving offence for the duration of the federal prohibition (s. 88(a)) <sup>6</sup>		
NU	NU automatically cancels the licence of any driver who receives a <i>Criminal Code</i> driving prohibition for a federal impaired driving offence for the duration of the federal prohibition (s. 88(a)) <sup>6</sup>		
ON <sup>2</sup>	1 Year (s. 41(1)(b.1) & (f))	3 Years (s. 41(1)(b.1) & (g))	Indefinite Period <sup>7</sup> (s. 41(1)(b.1) & (h))
PE	No provincial administrative suspension is imposed on drivers convicted of impaired driving causing bodily harm <sup>6</sup>		
QC <sup>2</sup>	1 Year (s. 76)	3 Years (s. 76)	5 Years (s. 76)
SK	1 Year <sup>8</sup> (s. 141(1) & (4) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(a))	3 Years (s. 141(1) & (4) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(b))	5 Years (s. 141(1) & (4) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(c))
YK <sup>4</sup>	1 Year (s. 255(2)(a))	3 Years (s. 255(2)(b))	Indefinite <sup>9</sup> (s. 225(2)(c))

1. In 2008, Parliament enacted two new impaired driving offences involving bodily harm: driving with a BAC > .08% and causing a crash resulting in bodily harm; and refusing/failing to provide a sample or take a required test and causing a crash resulting in bodily harm. *Criminal Code*, s. 255(2.1) & (2.2). For ease of reference, we have not distinguished between these new offences and the offence of impaired driving causing bodily harm. Very few charges are laid for these new offences and they carry the same penalties as impaired driving causing bodily harm.
2. The lookback period is 10 years in: **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 232(5) (*MVA*)); **MB** (*The Highway Traffic Act*, C.C.S.M., c. H60, s. 264(1.1)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 302(2.1) & (2.2)); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 67(7A)); **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 41(3) (*HTA*)); and **QC** (*Highway Safety Code*, C.Q.L.R. c. C-24.2, s. 76).

3. Drivers suspended indefinitely under s. 232(3)(c) of the BC *MVA* may apply after 5 years for reinstatement if they “attended or participated in and completed a [remedial] program” as required by the Superintendent. *Ibid*, s. 233(2)(b).
4. The lookback period is 5 years in the Yukon. (*Motor Vehicles Act*, R.S.Y. 2002, c. 163, s. 255(6)).
5. The Registrar may reinstate the licence of a driver after 5 years, subject to conditions which may include participating in an assessment, treatment and interlock program. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 65(1.2)(a), (c) & (d).
6. Section 259(2)(b) of the *Criminal Code* contains no minimum driving prohibition for impaired driving causing bodily harm, and a maximum driving prohibition of 10 years commencing on completion of the offender’s term of imprisonment, if any.
7. Drivers suspended indefinitely may have their licences reinstated after 10 years if they have completed the prescribed assessment and remedial programs. ON *HTA*, *supra* note 2, s. 41.1(2).
8. A literal interpretation of the statutory and regulatory sections leads to contradictory results. The information in the Chart is based on the interpretation that most likely reflects the government’s intent. This information is also consistent with that provided by SGI on its website. SGI, *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015).
9. A prior conviction will not be considered a second or subsequent offence if it occurred more than 5 years before the current offence. Consequently, a driver would have to be convicted of 3 separate impaired driving offences within 5 years in order to be subject to an indefinite licence suspension. *Motor Vehicle Act*, R.S.Y. 2002, c. 153, s. 255(6).



**Chart 20: Suspensions Imposed on Offenders Convicted of Impaired Driving Causing Death<sup>1</sup>**

Prov./ Terr.	1st Offence	2nd Offence	3rd Offence
AB	5 years (s. 87(2))		
BC <sup>2</sup>	1 Year (s. 232(3)(a))	3 Years (s. 232(3)(b))	Indefinite Period <sup>3</sup> (s. 232(3)(c))
MB <sup>2</sup>	5 Years (s. 264(1.1))	10 Years (s. 264(1.1))	Lifetime (s. 264(1.1))
NB <sup>2</sup>	12 Months (s. 300(1)(a))	3 Years (s. 302(2.1))	5 Years (s. 302(2.2))
NL	Lifetime <sup>5</sup> (s. 65(1.1)(b))		
NS <sup>2</sup>	5 Years (s. 67(5)(ca))	Indefinite Period (s. 67(5)(ca))	
NT	Indefinite Period of Not Less Than 5 Years (s. 116.14(4))		
NU	NU automatically cancels the licence of any driver who receives a <i>Criminal Code</i> driving prohibition for a federal impaired driving offence for the duration of the federal prohibition (s. 88(a)) <sup>6</sup>		
ON <sup>2</sup>	1 Year (s. 41(1)(b.1) & (f))	3 Years (s. 41(1)(b.1) & (g))	Indefinite Period <sup>7</sup> (s. 41(1)(b.1) & (h))
PE	No provincial administrative suspension is imposed on drivers convicted of impaired driving causing death <sup>6</sup>		
QC <sup>2</sup>	1 Year (s. 76)	3 Years (s. 76)	5 Years (s. 76)
SK	1 Year (s. 141(1) & (4) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(a))	3 Years (s. 141(1) & (4) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(b))	5 Years (s. 141(1) & (4) and R.R.S., c. T-18.1, Reg. 2, s. 30(1)(c))
YK <sup>4</sup>	1 Year (s. 255(2)(a))	3 Years (s. 255(2)(b))	Indefinite Period <sup>9</sup> (s. 255(2)(c))

1. In 2008, Parliament enacted two new impaired driving offences involving death: driving with a BAC > .08% and causing a crash resulting in death; and refusing/failing to provide a sample or take a required test and causing a crash resulting in death. *Criminal Code*, s. 255(3.1) & (3.2). For ease of reference, we have not distinguished between these new offences and the offence of impaired driving causing death. Very few charges are laid for these new offences and they carry the same penalties as impaired driving causing death.
2. The lookback period is 10 years in: **BC** (*Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 232(5) (*MVA*)); **MB** (*The Highway Traffic Act*, C.C.S.M., c. H60, s. 264(1.1)); **NB** (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 302(2.1) & (2.2)); **NS** (*Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 67(7A)); **ON** (*Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 41(3) (*HTA*)); and **QC** (*Highway Safety Code*, C.Q.L.R. c. C-24.2, s. 76).
3. Drivers suspended indefinitely under s. 232(3)(c) of the BC *MVA* may apply after 5 years for reinstatement if they “attended or participated in and completed a [remedial] program” as required by the Superintendent. *Ibid*, s. 233(2)(b).
4. The lookback period is 5 years in the Yukon. (*Motor Vehicles Act*, R.S.Y. 2002, c. 153, s. 255(6)).

5. The Registrar may reinstate the licence of a driver after 10 years, subject to conditions which may include participating in an assessment, treatment and interlock program. NL *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 65(1.2)(b)-(d).
6. Section 259(2)(a) of the *Criminal Code* contains no minimum driving prohibition for impaired driving causing death, and a maximum driving prohibition of any length the judge deems appropriate, commencing on completion of the offender's term of imprisonment, if any.
7. Drivers suspended indefinitely may have their licence reinstated after 10 years if they have completed the prescribed assessment and remedial programs. ON *HTA*, *supra* note 2, s. 41.1(2).
8. A literal interpretation of the statutory and regulatory sections leads to contradictory results. The information in the Chart is based on the interpretation that most likely reflects the government's intent. This information is also consistent with that provided by SGI on its website. SGI, *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 4 June, 2015).
9. A prior conviction will not be considered a second or subsequent offence if it occurred more than 5 years before the current offence. Consequently, a driver would have to be convicted of 3 separate impaired driving offences within 5 years in order to be subject to an indefinite licence suspension. *Motor Vehicle Act*, R.S.Y. 2002, c. 153, s. 255(6).

# **SECTION V: ALCOHOL INTERLOCK PROGRAMS FOR FEDERAL IMPAIRED DRIVING OFFENDERS**

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**Chart 21: Mandatory Interlock Programs: Inclusion Criteria, Suspension Reductions and Duration**

Prov./ Terr. <sup>1</sup>	Interlock Participation Required for Full Licence Reinstatement	Reduced Suspension	Minimum Duration		
			1st	2nd	3rd
AB <sup>2</sup>	Any alcohol-related <i>Criminal Code</i> impaired driving offence <sup>3</sup> (s. 88.2(1))	Yes (s. 88.2(2))	1 year (s. 88.2(5)(a)(i))	3 years (s. 88.2(5)(a)(ii))	5 years (s. 88.2(5)(a)(iii))
BC	Any alcohol-related <i>Criminal Code</i> impaired driving offence <sup>4</sup> (s. 233(3))	No	1 year <sup>5</sup>	2 years <sup>6</sup>	3 years <sup>6</sup>
MB <sup>7</sup>	Any <i>Criminal Code</i> impaired driving offence <sup>8</sup> (s. 279.1(1.2))	No <sup>9</sup>	1 year	1 year	3 years <sup>10</sup>
NB	Any <i>Criminal Code</i> impaired driving offence (s. 310.13(1))	Yes	1 year (ss. 310.13(6) & 300(1)(a))	3 years (ss. 310.13(6) & 302(2.1))	5 years (ss. 310.13(6) & 302(2.2))
NL <sup>11</sup>	Any <i>Criminal Code</i> impaired driving offence (s. 73.1)	Yes <sup>12</sup>	1 year (s. 73.1(1)(a))	3 years <sup>13</sup> (s. 73.1(1)(b))	5 years <sup>13</sup> (s. 73.1(1)(c))
NT	No Mandatory Program				
NS <sup>14</sup>	“High-risk” first offenders; impaired causing death or bodily harm offenders; or offenders with prior impaired driving, refusing/failing a test, or driving while disqualified conviction <sup>15</sup>	Yes (s. 67(5A))	1 year	2 years	3 years
NU	No Interlock Program <sup>16</sup>				
ON <sup>17</sup>	Any <i>Criminal Code</i> impaired driving offence (s. 41.2(1), (5) & (9))	Yes <sup>18</sup>	9 months or 12 months <sup>18</sup>	3 years (s. 41(1)(g))	Indefinitely (s. 41(1)(h))
PE <sup>19</sup>	Impaired driving or refusing/failing a test <sup>20</sup> (s. 73(1.2))	Yes (s. 73(1.4))	1 year (s. 73(1.3)(a))	- 3 years if BAC ≤ .16% <sup>21, 22, 23</sup> - 5 years if BAC > .16% or refuse/fail a test <sup>24, 22</sup>	10 years <sup>25</sup> (s. 73(1.3)(c))
QC <sup>26</sup>	<i>Criminal Code</i> impaired driving offenders who do not apply or are ineligible for the voluntary program (ss. 76.1.2, 76.1.3 & 76.1.8)	No	- 1 year if BAC > .08% (s. 76.1.3) - 2 years if BAC ≥ .16% or refuse a test (s. 76.1.5)	- 2 years if BAC > .08% (s. 76.1.3) - 3 years if BAC ≥ .16% or refuse a test (s. 76.1.5) <sup>27</sup>	Life (s. 76.1.6)
SK <sup>28</sup>	Any <i>Criminal Code</i> impaired driving offence (s. 141(2)(b))	Yes <sup>29</sup> (s. 150.4(2))	- 1 year if BAC < .16% <sup>30</sup> - 2 years if BAC ≥ .16% or refuse/fail a test <sup>31</sup>	- 3 years if BAC < .16% <sup>32</sup> - 5 years if BAC ≥ .16% or refuse/fail a test <sup>33</sup>	10 years (ss. 148(7.1)(e) & 150.4(2.1)(e))
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. AB *Traffic Safety Act*, R.S.A. 2000, c. T-6, s. 88.2(5)(b) & (c) (TSA).

3. The phrase “any alcohol-related *Criminal Code* impaired driving offence” in this Chart includes all offences in ss. 253, 254 and 255.
4. British Columbia, *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 25.1 & 25.2.
5. Traditionally, the Superintendent had broad discretionary authority to restrict or impose conditions on the licence of drivers, which among other things could include requiring them to put an interlock on their vehicle and to participate in a remedial program. As of 2013, the Superintendent was required to consider each driver’s record and circumstances when exercising his or her discretionary authority.

In 2016, the Superintendent’s discretionary authority was supplemented by a complex point system. Pursuant to this system, the Superintendent must order a driver to participate in the interlock program and a remedial measures program if he or she accumulates the prescribed number of “ignition-interlock points” or “remedial measures program points” within a 5-year period. Various interlock and remedial points are imposed for: 24-hour, 3, 7, 30, and 90-day immediate roadside prohibitions (IRPs); 90-day administrative driving prohibitions (ADPs); and the *Criminal Code* offences of driving with a BAC > .08% and refusing/failing to take a required test. Individuals convicted of driving with a BAC above .08% are subject to a mandatory 1-year interlock order due to the interlock points they accumulate from their 90-day IRP or ADP, and their *Criminal Code* conviction. British Columbia, Ministry of Public Safety and Solicitor General, RoadSafetyBC, *Remedial and Ignition Program Policies and Guidelines* (Victoria: RoadSafetyBC, 2016); and *Motor Vehicle Act Regulations*, B.C. Reg. 26/58, ss. 46.03 & 46.04.

6. A second impaired driving conviction within 5 years results in a mandatory minimum 1-year interlock order, assuming that the driver has had no other impairment-related administrative sanctions in the previous 5-year period. In addition, the Superintendent has discretionary authority to impose an indefinite interlock order on these repeat offenders based on their driving record and individual circumstances. A third impaired driving conviction within 5 years triggers a minimum 2-year interlock order under the point system, but would also most likely result in an indefinite interlock order. Indefinite interlock orders are subject to review every 24 months. *Ibid*; and email communication from J. Wood, Director of Legislation and Strategic Initiatives, RoadSafetyBC, to D. Kelly, Communications Manager, MADD Canada, (15 August, 2017).
7. *Ignition-Interlock Program Regulation*, Man. Reg. 195/2003: s. 13.1(1) para. 1(a) – minimum duration on first offence; s. 13.1(1) para. 1(b) – minimum duration on second offence; and s. 13.1(1) para. 1(c) – minimum duration on third or subsequent offence. The lookback period for a prior conviction is 10 years. *Ibid*, s. 13.1(2).
8. The minimum duration periods begin once the offender is no longer subject to any licence suspension or driving disqualification. *Ibid*, s. 13.1(1.1)(a).
9. The provincial licence suspension is not automatically reduced. Rather, offenders may apply to the Licence Suspension Appeal Board for a restricted licence to drive with an interlock once the minimum federal driving prohibition has expired. The Board may issue a restricted licence if the offender established exceptional hardship, and the Board is satisfied that issuing a restricted licence is not contrary to the public interest. *The Highway Traffic Act*, C.C.S.M. c. H60, s. 279.3(4).
10. Offenders with a fourth conviction within 10 years are subject to a lifetime interlock order. *Ignition-Interlock Program Regulation*, Man. Reg. 195/2003, s. 13.1(1) para. 3.
11. These provisions are scheduled to come into force on September 21, 2017. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 73.1.
12. The reduced suspensions for impaired driving causing bodily harm and impaired driving causing death are contained in s. 65(1.2), *ibid*. The reduced suspensions for the remaining impaired driving offences are found in s. 73.1(3), *ibid*.
13. The lookback period for prior convictions is 10 years. *Ibid*, s. 73.1(1)(b) & (c).
14. *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008: s. 18(3)(a) & (b) – minimum duration on first offence; s. 18(3)(c) – minimum duration on second offence; and s. 18(3)(d) – minimum duration on third or subsequent offence. The lookback period for prior convictions is 5 years. *Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 67(6).
15. *Alcohol Ignition Interlock Program Regulations*, *ibid*, s. 4(2). A “high-risk” first offender is a driver whose licence has been revoked for the first time and who has been assessed in an alcohol rehabilitation program as being “high risk.” *Ibid*, s. 2 “high-risk first offender.” The minimum participation period for drivers convicted of impaired driving causing death or bodily harm is 2 years if they are first offenders and 5 years if they are repeat offenders. *Ibid*, s. 18(4).

16. If proclaimed in force, s. 22 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would permit the Registrar to make completion of a prescribed program a condition of licence reinstatement. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
17. The lookback period for a prior conviction is 10 years. ON *HTA*, R.S.O. 1990, c. H.8, s. 41(3), (3.0.1) & (3.0.2).
18. The provincial licence suspension is reduced to 3 months for drivers who plead guilty within 90 days of the offence, followed by a 9 month minimum interlock order. The provincial licence suspension for drivers who do not plead guilty within 90 days is only reduced to 6 months, followed by a 12 month minimum interlock order. Ontario Ministry of Transportation, *Reduced Suspension with Ignition Interlock Conduct Review Program*, <<http://www.mto.gov.on.ca/english/safety/ignition-interlock-conduct-review-program.shtml>> .  
 Drivers whose licence has been suspended indefinitely for various *Criminal Code* driving offences may have that indefinite suspension reduced to 10 years in specified circumstances, but are subject to an indefinite alcohol interlock order. ON *HTA*, R.S.O. 1990, c. H.8, s. 41.1(2)
19. In PE, offenders who are convicted of an offence under s. 255 of the *Criminal Code* (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. *Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, s. 73(1.1) (*HTA*).
20. The lookback period for a prior conviction is 10 years. *Ibid*, s. 73(1.3)(b). 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. *Ibid*, s. 73(1.5).
21. *Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5, s. 73(1.3)(b)(i)(A).
22. Pursuant to s. 73(1.3)(b)(i) of the *HTA*, the 3- and 5-year interlock terms are based on the offender’s BAC as measured, somewhat surprisingly, on an “approved screening device.”
23. Despite some ambiguity in s. 73(1.31) & (1.32) of the PE *HTA*, second offenders are apparently required to have a .00% BAC while driving during the 3-year “subsequent licence” 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 demerit points and the cancellation of the “subsequent licence.” PE, Department of Transportation and Infrastructure Renewal, Press Release, “Legislation targets chronic impaired drivers” (9 May, 2014), online: <<http://www.gov.pe.ca/index.php3/newsroom/index.php3?number=news&newsnumber=9611&dept=&lang=E>>. However, the statement about the fine in the press release is inconsistent with the *HTA*, which sets the fine for breaching this .00% BAC condition at between \$1,500 and \$2,000. *HTA, Schedule Highway Traffic Act Penalties*.
24. PE *HTA*, s. 73(1.3)(b)(i)(B) & (1.3)(b)(ii).
25. 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. *HTA, ibid*, s. 73(1.51). The Registrar may grant the application on condition that for the remainder of the original 10-year interlock term, the offender drives only a specified vehicle with the restricted licence plate number and maintains a .00% BAC while driving. *Ibid*, s. 73(1.52)(a) & (c). The May 9, 2014 government press release indicates that breaching these conditions will result in a \$2,000 fine, 12 demerit points and the cancellation of the “subsequent” licence. PE, Department of Transportation and Infrastructure Renewal, Press Release, “Legislation targets chronic impaired drivers” (9 May, 2014), online: <<http://www.gov.pe.ca/index.php3/newsroom/index.php3?number=news&newsnumber=9611&dept=&lang=E>>. However, the statement about the fine in the press release is inconsistent with the *HTA*, which sets the fine for breaching this .00% BAC condition at between \$1,500 and \$2,000. *HTA, Schedule Highway Traffic Act Penalties*.
26. The provisions regarding Quebec’s alcohol ignition interlock program are complex and convoluted. The SAAQ cancels the licence of drivers convicted of an alcohol-related offence. However, upon expiry of a court-ordered “absolute prohibition period,” these drivers may apply for a “restricted licence” which is conditional on the use of an ignition interlock device. Drivers must pass a series of evaluations to be eligible for the restricted licence. *Highway Safety Code*, C.Q.L.R., c. C-24.2, s. 64.

Convicted drivers who do not apply for a restricted licence or who are ineligible for a restricted licence (i.e. they fail the evaluations) must wait until their court-ordered suspension and/or cancellation elapses to be eligible for a new licence. Section 76.1.2 requires these drivers to undergo similar assessments. Those who pass a “summary” assessment may acquire a new licence after paying the reinstatement fee and completing an education program. *Ibid.*

In contrast, drivers who fail the summary assessment are subject to a comprehensive assessment. Regardless of whether these drivers pass or fail the comprehensive assessment, they are required to equip their road vehicle with an alcohol ignition interlock for a designated period of time prior to receiving a new licence. *Ibid.*, ss. 76.1.3, 76.1.5 & 76.1.8.

The lookback period for prior convictions is 10 years. *Ibid.*, s. 76.

27. If enacted, proposed legislation would require drivers with a second occurrence within ten years to have an interlock on their vehicle for life. Bill 165, *An Act to Amend the Highway Safety Code and Other Provisions*, 1st Sess., 41st Leg., Quebec, 2017, s. 18.
28. 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, the legislation requires offenders who had BACs of .00% to complete the mandatory interlock program. Second, the mandatory interlock provisions for *Criminal Code* offences are contained in two different sections of the *TSA*. Section 148(7) of the *TSA* applies to offences under ss. 253(1)(b), 254(5) & 255(1), (2), (2.1), (2.2), or (3.1) of the *Criminal Code*, whereas s. 150.4 applies to offences under s. 253(1)(a) of the *Criminal Code*.
29. Drivers convicted of an impaired driving offence causing death or bodily harm are not eligible for reduced provincial licence suspensions. However, the length of the provincial licence suspensions for impaired driving causing death and bodily harm cannot be determined with any degree of certainty. A literal interpretation of the statutory and regulatory sections leads to contradictory results. *The Traffic Safety Act*, S.S. 2004, c. T-18.1 (*TSA*), s. 141(4) indicates that these provincial suspensions are for an indefinite period of time. However, s. 30(1) of *The Driver Licensing and Suspension Regulations, 2006*, R.R.S. c. T-18.1, Reg. 2 suggests that the provincial licence suspensions for impaired driving causing death or bodily harm are 1, 3 and 5 years for a first, second and subsequent offence, respectively. This latter interpretation is consistent with SGI’s website, but the website erroneously states that there are mandatory minimum *Criminal Code* driving prohibitions for impaired driving causing death and bodily harm. SGI, *Criminal Code Suspensions*, online: <<http://www.sgi.sk.ca/individuals/penalties/consequences/criminalcode.html>> (Date accessed: 15 March, 2017).
30. *SK TSA, ibid.*, ss. 148(7.1)(a)(i) & 150.4(2.1)(a).
31. *Ibid.*, ss. 148(7.1)(b) & 150.4(2.1)(b).
32. *Ibid.*, ss. 148(7.1)(c)(i) & 150.4(2.1)(c).
33. *Ibid.*, ss. 148(7.1)(d) & 150.4(2.1)(d).



**Chart 22: 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 and repeat offenders must complete the “IMPACT” program. <sup>1</sup>	Unexplained “warns” or “fails” close to the end of the interlock order may result in the order being extended. <sup>2</sup>
BC	Drivers must complete all elements of the “Responsible Driver Program” (RDP) before an interlock can be installed. <sup>3</sup>	Evidence of an interlock program violation may result in an extension of the interlock order. <sup>4</sup>
MB	Drivers must file an assessment from the Addictions Foundation of Manitoba (AFM) and may be required to complete an educational workshop, a risk reduction program or an AFM treatment program. <sup>5</sup>	A positive BAC or other program violation may result in, among other things, an extension of the interlock order. <sup>6</sup>
NB	Drivers must complete a mandatory drinking driver re-education course. (s. 310.13(4)(a)(ii))	The driver’s record is reviewed to determine if the order should be lifted or extended. (s. 310.18.4(3) & (4)) <sup>7</sup>
NL	First offenders must complete the “Think First – alcohol education program” and repeat offenders must complete the alcohol and drug dependency assessment/rehabilitation program. <sup>8</sup>	The interlock order may be extended based on the driver’s program performance, data log and driving record. <sup>9</sup>
NT	No Mandatory Program	
NS <sup>10</sup>	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 <sup>11</sup>	
ON	Offenders must participate in a “Conduct Review Program” and are assigned to either an education or treatment program. (ss. 41(4.1) & 57(3))	A positive BAC or other performance failures in the last 3 months will result in a 3-month extension of the interlock order. <sup>12</sup>
PE	Offenders must take the “Driver Rehabilitation Program” prior to relicensing. Offenders may be required to undertake any assessment, treatment or rehabilitation measure required by the Registrar. <sup>13</sup>	Serious program violations will result in extensions of the interlock order. <sup>14</sup>
QC	First offenders must complete an education program & submit to a “summary” alcohol/drug assessment. Repeat offenders must have a “comprehensive” assessment that may result in an individualized treatment program. (s. 76.1.2)	A positive BAC or other program breach may result in a 3-month licence suspension or revocation. (s. 195.2)
SK <sup>15</sup>	First and second offenders must complete specified education programs. Third and subsequent offenders must have an addiction assessment & complete 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 minimum 3-month interlock order extension.
YK	No Mandatory Program	

1. Alberta Transportation, “Ignition Interlock Program,” online: <[www.transportation.alberta.ca/iip.htm](http://www.transportation.alberta.ca/iip.htm)> (Date accessed: 26 May, 2015). The IMPACT program which is for offenders with a second or subsequent conviction within 10 years includes an addictions assessment. Alberta Motor Association, “How Do I Register for the Alberta Impaired Drivers Program,” online: <[www.ama.ab.ca/knowledge-base/articles/how-do-i-register-for-the-alberta-impaired-drivers-program-aidp/](http://www.ama.ab.ca/knowledge-base/articles/how-do-i-register-for-the-alberta-impaired-drivers-program-aidp/)> (Date accessed: 8 May, 2017). The Registrar has broad authority

- to impose other terms and conditions that offenders must complete prior to enrolling in the interlock program. *Traffic Safety Act*, R.S.A. 2000, c. T-6, s. 88.2(2)(b) (*TSA*).
2. Phone communication with the staff of Driver Fitness and Monitoring, Alberta Transportation on May 26, 2015. However, a document published by Alberta Transportation in 2008 stated that any warns or fails in the last 3 months results in an extension of the interlock order. *Ignition Interlock Program: Participant Guide*, online: <<http://atsb.alberta.ca/documents/IIPjuly08.pdf>> (Date accessed: 26 May, 2015). The Registrar may also extend the interlock order until the offender no longer poses a significant risk to the public. *TSA*, *ibid*, s. 88.2(6)(b).
  3. Ministry of Public Safety and Solicitor General, RoadSafetyBC, *Remedial and Ignition Program Policies and Guidelines* (Victoria: RoadSafetyBC, 2016) at 4, online: <<http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/rdp-iip-policies-guidelines.pdf>> (Date accessed: 10 May, 2017).
  4. *Ibid*, at 9.
  5. *The Drivers and Vehicles Act*, C.C.S.M., c. D104, s. 21(2). See also Manitoba Public Insurance, *Impaired Driving*, online: <<https://www.mpi.ca/en/PDFs/ImpairedDriving.PDF>> (Date accessed: 1 September 2017).
  6. *Ignition Interlock Program Regulation, 2003*, Man. Reg. 195/2003, s. 11. Service providers are required to analyze the data log and identify any contraventions of the program conditions. The Registrar also has authority to expel a driver from the interlock program, cancel his or her licence, and require him or her to undergo an assessment or complete a treatment program for any breach of the program conditions.
  7. Violations of the interlock program may result in the order being extended. (*Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, s. 310.18.4(1)(B))
  8. *Highway Traffic Driver Regulations, 1999*, N.L.R. 110/98, s. 27(2). The lookback period for a second or subsequent conviction is 10 years. *Ibid*, Schedule A.
  9. *Ibid*, s. 26.2(1).
  10. *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008: s. 14(1) & (3) – mandatory remedial programs; and s. 21(a) – BAC-based relicensing.
  11. If proclaimed in force, section 22 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would permit the Registrar to make the completion of a prescribed program a condition of licence reinstatement. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
  12. In addition, program violations such as tampering with the interlock or driving a vehicle that is not equipped with an interlock, will result in removal from the program and the resuspension of the driver’s licence. Ontario Ministry of Transportation, *Reduced Suspension with Ignition Interlock Conduct Review Program*, online: <<http://www.mto.gov.on.ca/english/safety/ignition-interlock-conduct-review-program.shtml>>.
  13. *Driver Rehabilitation Regulations*, P.E.I. Reg. EC89/88, ss. 1 and 2(c). Moreover, the Registrar is prohibited from issuing a licence to impaired driving offenders who have 2 or more convictions unless he or she is satisfied that the offender has successfully completed an alcohol and/or drug addiction program, or an alcohol and/or drug consumption management program. *Highway Traffic Act*, R.S.P.E.I. 1998, c. H-5, s. 73(1)(n).
  14. The website of the Department of Transportation and Infrastructure Renewal states that the interlock order may be lifted if there have been no “serious program violations.” Although this term is not defined, failed breath tests would apparently constitute serious program violations, resulting in the extension of the interlock order. Department of Transportation, Infrastructure and Energy, News Release, “Ignition Interlock Program” (17 March, 2016), online: Department of Transportation, Infrastructure and Energy <<http://www.princeedwardisland.ca/en/information/transportation-infrastructure-and-energy/ignition-interlock-program>> (Date accessed: 9 May, 2017).
  15. *The Driver Licensing and Suspension Regulations, 2006*, R.R.S., c. T-18.1, Reg. 2: s. 39(2) – mandatory remedial programs; and s. 40.1(4) – BAC-based relicensing.

**Chart 23: Voluntary Interlock Programs: Inclusion Criteria, Suspension Reductions and Duration**

Prov./ Terr.	Inclusion Criteria	Reduced Suspension	Minimum Duration	
			1st	2nd
AB	No Voluntary Program (Comprehensive Mandatory Program)			
BC	No Voluntary Program (Comprehensive Mandatory Program)			
MB	No Voluntary Program (Comprehensive Mandatory Program)			
NB	No Voluntary Program (Comprehensive Mandatory Program)			
NL	Drivers with a lifetime suspension for impaired causing death or a 10-year suspension for impaired causing bodily harm may apply after 10 and 5 years, respectively. <sup>1</sup>	Yes <sup>2</sup>	Impaired causing death – life (s. 65(1.1)(b)) Impaired causing bodily harm – 10 years (s. 65(1.1)(a))	
NT <sup>3</sup>	Impaired driving offenders drivers may apply	Yes	9 months (ss. 116.14(3)(a) & 120)	2½ years (ss. 116.14(3)(b) & 120)
NS <sup>4</sup>	First-time impaired driving offenders can apply	Yes (s. 67(5A))	9 months	Not Applicable <sup>5</sup>
NU	No Interlock Program <sup>6</sup>			
ON	No Voluntary Program (Comprehensive Mandatory Program)			
PE	No Voluntary Program			
QC <sup>7</sup>	Impaired driving offenders not in mandatory program (ss. 76.1.1 & 64)	Yes (s. 76.1.1)	- 1 year if BAC > .08% (s. 76.1.3) - 2 years if BAC ≥ .16% or refuse a test (s. 76.1.5)	- 2 years if BAC > .08% (s. 76.1.3) - 3 years if BAC ≥ .16% or refuse a test (s. 76.1.5)
SK	No Voluntary Program (Comprehensive Mandatory Program)			
YK	Drivers who receive a mandatory territorial licence disqualification for a federal impaired driving offence (s. 262(4))	Yes (s. 262(4))	9 months (ss. 255(2)(a) & 262(4)(a))	2½ years (ss. 255(2)(b) & 262(4)(b))

1. *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 65(1.2); and *Highway Traffic Driver Regulations*, 1999, N.L.R. 100/98, s. 26(1).
2. *Highway Traffic Driver Regulations*, N.L.R. 110/98, s. 26.1(1).
3. *Alcohol Ignition Interlock Device Program Regulations*, N.W.T. Reg. 003-2013: s. 6 – inclusion criteria; and s. 9 – reduced suspensions.
4. *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008: s. 4(1) – inclusion criteria; and ss. 5(2)(b)(i) & 18(3)(a) – minimum duration on first offence.
5. Impaired driving offenders with a second or subsequent conviction are required to participate in the mandatory interlock program. *Ibid*, s. 4(2)(b).
6. If proclaimed in force, s. 22 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would permit the Registrar to make completion of a prescribed program a condition of licence reinstatement. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.
7. The provisions regarding Quebec’s alcohol ignition interlock program are complex and convoluted.

The SAAQ cancels the licence of drivers convicted of an alcohol-related offence. However, upon expiry of a court-ordered “absolute prohibition period,” these drivers may apply for a “restricted licence” which is conditional on the use of an ignition interlock device. Drivers must pass a series of evaluations to be eligible for the restricted licence. *Highway Safety Code, C.Q.L.R., c. C-24.2, s. 64.*

Convicted drivers who do not apply for a restricted licence or who fail these evaluations must wait until their court-ordered suspension and/or cancellation elapses to be eligible for a new licence. Section 76.1.2 requires these drivers to undergo similar assessments. Those who pass a “summary” assessment may acquire a new licence after paying the reinstatement fee and completing an education program. *Ibid.*

Drivers who fail the summary assessment are subject to a comprehensive assessment. Regardless of whether these drivers pass or fail the comprehensive assessment, they are required to equip their road vehicle with an alcohol ignition interlock for a designated period of time prior to receiving a new licence. *Ibid., ss. 76.1.3, 76.1.5 & 76.1.8.*

The lookback period for prior convictions is 10 years. *Ibid., s. 76.*

**Chart 24: Voluntary Interlock Programs: Remedial and Relicensing Measures**

Prov./Terr.	Mandatory Remedial Programs	BAC-Based Relicensing
AB	No Voluntary Program (Comprehensive Mandatory Program)	
BC	No Voluntary Program (Comprehensive Mandatory Program)	
MB	No Voluntary Program (Comprehensive Mandatory Program)	
NB	No Voluntary Program (Comprehensive Mandatory Program)	
NL <sup>1</sup>	First offenders in the voluntary program must complete the “Think First – alcohol education program” and repeat offenders must complete the alcohol and drug dependency assessment/ rehabilitation program. <sup>2</sup>	Interlock order may be extended based on the driver’s data log, program performance, and driving record.
NT <sup>3</sup>	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 <sup>4</sup>	Offenders must participate in an assessment and may be assigned to an education, counselling or treatment program. Following the 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 <sup>5</sup>	
ON	No Voluntary Program (Comprehensive Mandatory Program)	
PE	No Voluntary Program	
QC	First offenders must complete an education program and “summary” alcohol/drug assessment. Repeat offenders must have a “comprehensive” assessment that may result in an individualized treatment program. (s. 76.1.2)	Yes <sup>6</sup>
SK	No Voluntary Program (Comprehensive Mandatory Program)	
YK	Offenders must complete any prescribed remedial/assessment programs (s. 262(3)(b)), but no regulations setting out these programs have been made. Repeat offenders may be required to have an alcohol assessment and take the “IMPACT Program.” <sup>7</sup>	Drivers must have 6 months without a program violation or having “interlock points” imposed ( <i>i.e.</i> a positive BAC). <sup>8</sup>

1. *Highway Traffic Driver Regulations, 1999*, N.L.R. 110/98: s. 27(1) – mandatory remedial programs; and s. 26.2(1) – BAC-based relicensing. The lookback period for a second or subsequent conviction is 10 years. *Ibid*, Schedule A.
2. As indicated, the voluntary interlock program applies to those convicted of impaired driving causing death and bodily harm. Nevertheless, they are subject to the same mandatory remedial programs as drivers in the mandatory program who have been convicted of far less serious impaired driving offences. However, the Registrar has discretion to impose additional conditions on drivers convicted of impaired driving causing death or bodily injury *Highway Traffic Act*, R.S.N.L. 1990, c. H-3, s. 65(1.2).
3. Section 77.1(2) and *Alcohol Ignition Interlock Device Program Regulations*, N.W.T. Reg. 003-2013 (AIIDP), s. 7(7)(e) – mandatory remedial programs; and AIIDP, s. 14(2)(b) – BAC-based relicensing.
4. *Alcohol Ignition Interlock Program Regulations*, N.S. Reg. 298/2008, s. 14(1) & (3) – mandatory remedial programs; and NT MVA, s. 21(a) – BAC-based relicensing.
5. If proclaimed in force, section 22 of Bill 29, *An Act to Amend the Motor Vehicle Act*, 3rd Sess., 4th Leg., Nunavut, 2017 (Assented to 8 June, 2017) would permit the Registrar to make completion of a prescribed

program a condition of licence reinstatement. The government has sought public input on the Bill which is not scheduled to come into force until December 31, 2018. J. George, “With new Traffic Safety Act, rules of the road change in Nunavut” (12 June, 2017), online: <[http://www.nunatsiaqonline.ca/stories/article/65674with\\_new\\_traffic\\_safety\\_act\\_rules\\_of\\_the\\_road\\_change\\_in\\_nunavut/](http://www.nunatsiaqonline.ca/stories/article/65674with_new_traffic_safety_act_rules_of_the_road_change_in_nunavut/)>.

6. A breach of the program conditions, which includes driving an unequipped vehicle and apparently registering a positive BAC, may result in a 3-month licence suspension or revocation. *Highway Safety Code*, C.Q.L.R. c. C-24.2, s. 195.2.
7. Phone communication with the staff of Yukon Driver Control Board, May 27, 2015.
8. Yukon, Highways and Public Works, “Alcohol Ignition Interlock Program Frequently Asked Questions,” online: <[http://www.hpw.gov.yk.ca/dcb/aiip\\_facts.html#12](http://www.hpw.gov.yk.ca/dcb/aiip_facts.html#12)> (Date accessed: 9 May, 2017).

## **SECTION VI: ADMINISTRATIVE VEHICLE IMPOUNDMENT AND FORFEITURE**

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**Chart 25: Mandatory Administrative Impoundment for Driving While Unauthorized/Unlicensed or Uninsured**

Prov./ Terr.	Unauthorized/Unlicensed	Uninsured
AB	No <sup>1</sup>	No, but if police reasonably believe that a driver is uninsured, they may seize his or her vehicle pending any <i>TSA</i> prosecution. (s. 171(1))
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. <sup>2</sup>	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. (s. 242(1))	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. (s. 17.1(3.2))
NL	No	No, but police may impound for 90 days the vehicle of a driver who is convicted of driving uninsured. (s. 75(6.1)(b))
NS	No, but police must impound 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 discretion to order the vehicle released or impounded for 90 days. (s. 291A(2) & (3)(a))	No, but the police may detain a vehicle used in any <i>MVA</i> offence (including driving without insurance) or any <i>Criminal Code</i> traffic offence. <sup>3</sup>
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. <sup>4</sup>
PE	No, but a judge may impose a 3-week impoundment on a driver convicted of driving without a valid licence. (ss. 68 & 255(1))	No
QC	No, but if police reasonably believe that a driver is unlicensed, they may impound his or her vehicle for 30 days. (s. 209.1)	No
SK	Police must impound for 30 days the vehicle of a driver who they reasonably believe is “unauthorized” (includes unlicensed). <sup>5</sup> (ss. 160(2) & 163(1))	No
YK	No, but if police reasonably believe that a driver is unlicensed or uninsured, they may impound his or her vehicle for 30 days. (ss. 235(1)(a) & 238(1)(a))	

- Section 173(1) of the *Traffic Safety Act*, R.S.A. 2000, c. T-6 states 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.
- British Columbia, *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 251(1)(c) & 253(2). If the owner of the vehicle has been the owner of an impounded vehicle in the past 2 years, the vehicle will be impounded for 30 days. *Ibid*, s. 253(3).

3. The vehicle may be detained until the final disposition of the case. NS *MVA*, s. 273(1).
4. Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25, s. 2(7).
5. The impoundment period is 60 days for a second occurrence within 2 years. *Traffic Safety Act*, S.S. 2004, c. T-18, s. 163(3)(a).

**Chart 26: Mandatory Administrative Impoundment for Driving While Suspended, Prohibited or Disqualified**

Prov./ Terr.	Driving While Suspended, Prohibited or Disqualified Under Provincial Law
AB	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. <sup>1</sup> (s. 173(2)(a))
BC <sup>2</sup>	Police must impound for 7 days, subject to certain exceptions, the vehicle of a driver who they reasonably believe has driven while suspended or 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. <sup>3</sup> (ss. 251 & 253(2))
MB <sup>4</sup>	Police must impound for 30 days the vehicle of a driver they reasonably believe is prohibited or disqualified. (s. 242.1(7.1)(a))
NB	No
NL	Police must impound for 30 days the vehicle of a driver they reasonably believe is disqualified or prohibited. <sup>5</sup>
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 released or impounded for 90 days. (s. 291(A)(2) & (3))
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. (s. 302.1(1) & (4))
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. The duration of a second or subsequent impoundment is 90 and 180 days, respectively. (s. 55.1(3))</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<sup>6</sup> (s. 55.2(1)), subject to specified exceptions<sup>7</sup> (s. 55.2(v)) or in breach of an interlock or “conduct review program” condition.<sup>8</sup> (s. 41.4(1))</p>
PE	No, but 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> . (ss. 255.1(1) & 255.2(1))
QC	No, but 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 specified grounds. <sup>9</sup> (s. 209.2)
SK <sup>10</sup>	Police must impound for 30 days the vehicle of a driver they reasonably believe is driving while “unauthorized” (includes prohibited, suspended & disqualified). (ss. 160(2)(a) & 163(1))
YK <sup>11</sup>	No, but police may impound for 30 days the vehicle of a driver they reasonably believe is suspended or disqualified. (ss. 235(1) & 238(1)(a))

1. The impoundment period is 60 days for a second occurrence within 3 years. Section 173(3). 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. Section 95(1)(a).
2. British Columbia, *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, ss. 251(1)(a) & (b), and 253(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. *Ibid*, s. 253(3).
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. Section 215.46(1). Moreover, the police must impound for 30 days the vehicle of a driver who receives a 30 or 90-day IRP. Section 215.46(2). British Columbia, Ministry of Public Safety and Solicitor General, RoadSafetyBC, *Immediate Roadside*

*Prohibition: Fact Sheet* (Victoria: RoadSafetyBC, 2016), online: <<http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/factsheet-immediate-roadside-prohibition.pdf>> (Date accessed: 4 July, 2017).

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. Section 242(1).
5. Vehicle Seizure and Impoundment Regulations, N.L.R. 62/12, s. 5.
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 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 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. If proclaimed in force, the *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer)*, 2015, S.O. 2015, c. 14 would increase the vehicle impoundment period to 45, 90 and 180 days for a first, second and subsequent contravention of an interlock condition or a licence suspension imposed for a prescribed reason.
9. The specified grounds include a suspension or cancellation resulting from: a *Criminal Code* offence; accumulated demerit points; a breach of an interlock program requirement; a 90-day administrative suspension for driving with a BAC above .08% or failing to provide a sample; and a suspension order imposed by Société de l'assurance automobile du Québec (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 refuses/fails to take a required test under s. 254 of the *Criminal Code*, but only if the driver has a prior licence cancellation for specified impaired driving or traffic offences within the past 10 years. Section 209.2.1.2.
10. Moreover, the police may seize the vehicle of a driver who is charged with a *Criminal Code* offence or who is charged for specified offences under the *TSA* if the driver has a prior offence within the previous 12 months. *The Vehicle Impoundment (General) Regulations, 2014*, c. T-18.1, Reg. 17, s. 20(1)(b), (c) & (d).
11. Moreover, the police may detain the vehicle of a driver they reasonably believe has committed specified *MVA* offences until the conclusion of the case.

**Chart 27: Mandatory 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. (s. 172.1(1)(a) & (b))
BC	The police must impound for 30 days the vehicle of a driver who receives a 90-day IRP for registering a fail on an ASD. (s. 215.46(2))
MB <sup>1</sup>	If the 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 a SFST, DRE or has a BAC ≥ .16%, the police must impound the vehicle for 60 days. (s. 242.1(7.1)(b)-(f))
NB	No <sup>2</sup>
NL	No, but the 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> . (s. 203(1)(a))
NS	No, but the police may impound a vehicle until the end of the case if they reasonably believe that the driver has committed an <i>MVA</i> offence or a vehicle-related <i>Criminal Code</i> offence. <sup>3</sup> (s. 273(1))
NT	No, but the 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. <sup>4</sup> (ss. 297 & 294)
NU	No, but the 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. <sup>5</sup> (ss. 297 & 294)
ON	The police must impound for 7 days a vehicle if they are satisfied that the driver: refused/failed to take a required test under s. 254 of the <i>Criminal Code</i> ; or had a BAC ≥ .08%, based on a breath or blood test. <sup>6</sup> (s. 48.4(1))
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. (ss. 255.1(1.1) &amp; 255.2(2.1))</p> <p>- Moreover, a judge may issue a 3-week impoundment order if a driver is convicted of a federal impaired driving offence. (s. 255(1))</p>
QC	The police must impound the vehicle of a driver who: has a BAC > .16% or refuses/fails to take a required test under s. 254 of the <i>Criminal Code</i> (30 days) (s. 209.2.1); and has a BAC > .08% & has a prior licence cancellation for an alcohol-related driving offence or for fleeing the scene (90 days) (s. 209.2.1.1).
SK	The police must impound for 30 days a vehicle if they reasonably believe that, based on a breath test, the driver's BAC > .08% and the driver is charged with this offence under the <i>Criminal Code</i> . Sixty-day impoundments are imposed on: drivers charged with refusing/failing to take a required test; and drivers charged with an > .08% BAC offence whose BAC exceeds .16%. (s. 148(5)(b)) <sup>7</sup>
YK	No, but the 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. (ss. 235(1)(b) & 238(1)(a))

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. Section 242(1).
2. When proclaimed in force, s. 12 of Bill 16, *An Act to Amend the Motor Vehicle Act*, 2nd Sess., 58th Leg., New Brunswick, 2016 would permit officers to impound for 3 days the vehicle of a driver whose licence has been

suspended due to being charged with refusing/failing to take a required test under s. 254 of the *Criminal Code*, if impounding the vehicle is necessary to prevent him or her from driving it before the suspension expires.

Section 15 of the Bill provides for mandatory 30-day impoundments, but the grounds for imposing them are convoluted and inconsistent with the Act. While the Act is phrased in terms of simply failing/refusing to take a required breath or blood test or having a BAC > .08%, the amendment is framed in terms of an “offence of driving under the influence of alcohol under the *Criminal Code*.” This conflict creates at least two problems. First, it is unclear if a vehicle can be impounded based solely on the driver’s failure/refusal to take a required test or having a BAC > .08%, or if the driver must be charged with the corresponding *Criminal Code* offence. Second, the meaning of “offence of driving under the influence of alcohol” is open to several interpretations. Would it apply to s. 253(a) (driving while one’s ability is impaired by alcohol) and s. 253(1)(b) (driving with a BAC > .08%)? Contrary to the apparent purpose of the amendment, the phrase “offence of driving under the influence of alcohol” would not include those charged under s. 254 (failing/refusing to take a required breath or blood test).

The Bill had not been proclaimed in force as of July 24, 2017.

3. Nova Scotia, *Motor Vehicle Act*, R.S.N.S. 1989, c. 293, s. 273(1). The police must impound the vehicle of a person whose licence has been revoked under the *MVA* for a *Criminal Code* offence and notify the Registrar who has discretionary authority to order the vehicle released or impounded for 90 days. *Ibid*, s. 291A(2) & (3).
4. The police may also seize for 24 hours a vehicle involved in a *MVA* offence, if the seizure is in the public interest Section 300(3).
5. The police may also seize for 24 hours a vehicle involved in a *MVA* offence, if the seizure is in the public interest Section 300(1)(d).
6. 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. Section 220(1) & (2).
7. The police may seize the vehicle of a driver who is charged with a *Criminal Code* offence, or who is charged for specified offences under the *TSA* if the driver has a prior offence within the previous 12 months. *The Vehicle Impoundment (General) Regulations, 2014*, c. T-18.1, Reg. 17, s. 20(1)(b), (c) & (d).

**Chart 28: Mandatory Administrative Forfeiture for Three or More Vehicle Impoundments Within 10 Years**

Prov./ Terr.	Administrative	Other <sup>1</sup>
AB	No	No
BC	No	No <sup>2</sup>
MB	No, but vehicles involved in the most serious federal driving offences, <sup>3</sup> or in 3 or more specified offences <sup>4</sup> 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 <sup>5</sup>
PE	No	No
QC	No	No <sup>6</sup>
SK	No	No
YK	No	No

1. 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.
2. *Civil Forfeiture Act*, S.B.C. 2005, c. 29. The Crown may seek forfeiture of an “instrument of unlawful activity,” which would ostensibly include the vehicles of impaired driving offenders. However, the court has broad discretion under the Act to deny the application if ordering forfeiture is “contrary to the interests of justice.”
3. 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. Section 242.3(2).
4. 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. Section 242.3(3).
5. *Civil Remedies Act*, 2001, S.O. 2001, c. 28, s. 11.2. 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.”
6. *An Act Respecting the Forfeiture, Administration and Appropriation of Proceeds and Instruments of Unlawful Activity*, C.Q.L.R. c. C-52.2, s. 14. 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 VII: THE PROVINCIAL AND TERRITORIAL HIGHWAY TRAFFIC LEGISLATION**

Alberta, *Traffic Safety Act*, R.S.A. 2000, c. T-6.

British Columbia, *Motor Vehicle Act*, R.S.B.C. 1996, c. 318.

Manitoba, *The Highway Traffic Act*, C.C.S.M., c. H60.

New Brunswick, *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17.

Newfoundland and Labrador, *Highway Traffic Act*, R.S.N.L. 1990, c. H-3.

Northwest Territories, *Motor Vehicles Act*, R.S.N.W.T. 1988, c. M-16.

Nova Scotia, *Motor Vehicle Act*, R.S.N.S. 1989, c. 293.

Nunavut, *Motor Vehicles Act*, R.S.N.W.T. (Nu) 1988, c. M-16.

Ontario, *Highway Traffic Act*, R.S.O. 1990, c. H.8.

Prince Edward Island, *Highway Traffic Act*, R.S.P.E.I. 1988, c. H-5.

Quebec, *Highway Safety Code*, C.Q.L.R. c. C-24.2.

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

Yukon, *Motor Vehicles Act*, R.S.Y. 2002, c. 153.