British Columbia’s Administrative Impaired Driving Regime

Reducing Impaired Driving and its Effects
Canada’s Division of Powers

• Drinking and driving sanctions are divided between:
  • Federal Sanctions – Criminal – Criminal Code
  • Provincial/territorial Sanctions – Administrative – Highway Traffic Act/Motor Vehicle Act

• The federal and provincial/territorial governments can only legislate within their respective heads of power
  • I.E. A province/territory cannot create a criminal offence and the federal government cannot legislate a driver’s licence requirement
Who Sanctions When

• Federal Criminal Sanctions – > 0.08% BAC and driving while ability impaired (based on observable and physical signs of impairment)
• Provincial Administrative Sanctions – ≥ 0.04% – ≤ 0.08% BAC
• Provincial Licensing Sanctions for New and Young Drivers – anything greater than 0% BAC
British Columbia’s New Regime

• Implemented in 2010 due to the tragic death of a 4-year-old girl
• Administrative in nature. Independent of criminal system.
• Significant changes were made to the *Motor Vehicle Act*
• Based on the deterrence model. It is the perceived and actual rates of apprehension that have the greatest deterrent impact.
  • Certainty
  • Swiftness
  • Severity
British Columbia’s Sanctions

• Sanctions split between different BAC levels
  • Reasonable Grounds to Believe Driver’s Ability is Affected by Alcohol
    • 24 hour driver’s licence suspension (no BAC evidence required)
  • ≥ 0.05% and ≤ 0.08% BAC and Reasonable Belief that Driver’s Ability Affected by Alcohol
    • Immediate 3 day driver’s licence suspension
    • Possible vehicle impoundment
  • > 0.08% BAC, Register a Fail on an Approved Screening Device, or Refuse/Fail to Take a Breath or Blood Test
    • Immediate 90 day roadside licence suspension/prohibition and 90 day administrative license suspension based on evidentiary breath test
    • Mandatory 30 day vehicle impoundment
Impact – Driver BAC rates

• BAC rates
  • 34% reduction in drivers positive for alcohol between 2010 and 2012
  • 21% decrease of drivers with BACs between 0.05 and 0.08
  • 59% decrease of drivers with BACs over 0.08
Impact - Fatalities

• Fatalities
  • An approximate 44% reduction in fatalities from 2010 to 2012
  • High levels of publicity, increased the perceived rates of apprehension
  • Approximate annual reduction of 43 fatalities between 2010-2015
Deaths in Alcohol-Related Crashes 2010 and 2012

Impact - Injuries

• Injuries
  • A 23.4% reduction in alcohol-related injury collisions
  • Approximate annual reduction of 487 injury collisions
Impact – Property Only Collisions

• Property Only Collisions
  • A 19.5% reduction in property damage only collisions
  • Approximate annual reduction of 508 property damage only collisions
Comparator Provinces: Manitoba and Ontario

- Fatalities
  - Ontario
    - 233 in 2010 vs 207 in 2012
    - Approximate 11% reduction
  - Manitoba
    - 46 in 2010 vs 50 in 2012
    - Approximate 9% increase
  - British Columbia
    - 111 in 2010 vs 62 in 2012
    - Approximate 44% reduction
Deaths in Alcohol-Related Crashes 2010 and 2012

Impact on the other Provinces

• Alberta
  • Vehicle impoundment, increased duration, mandatory interlock, etc.

• Saskatchewan
  • Vehicle impoundment, increased duration, fines, mandatory interlock, etc.

• New Brunswick
  • Vehicle impoundment, increased duration, etc.

• Prince Edward Island
  • Vehicle impoundment, mandatory interlock, coded licence plates, etc.

• Newfoundland and Labrador
  • Vehicle impoundment, mandatory interlock, etc.
Administrative Cannabis Sanctions

• Awaiting passage of *Bill C-46: An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*

• Three tiers of sanctions proposed by Government of British Columbia
  1. Current - 24-hour Administrative Driving Prohibition and Impoundment if police believe a driver’s driving ability is impaired by a drug, other than alcohol
  2. Proposed - 90-day Administrative Driving Prohibition for drug affected driving
  3. Proposed - Zero Tolerance for New and Young Drivers
MADD Canada Proposes that every province and territory implement:

- 24-hr immediate suspension if reasonable grounds to believe driver’s physical or mental ability affected by drugs;
- A prohibition on being positive for any illicit psychoactive drug for all drivers under 22 and all drivers with less than five years of driving experience;
- A 7 day administrative licence suspension and 7 day vehicle impoundment for any driver that fails an oral fluid screening test or standard field sobriety test;
- A 90 day administrative licence suspension and 30 day vehicle impoundment upon the result of the evidentiary blood test for any driver charged with a criminal drug impaired driving or THC *per se* level offence