Impaired Driving in Canada

Lifesavers Conference
Louisville, Kentucky
March 31 – April 2, 2019
A History of Impaired Driving Reforms

- 1969 – The federal government of Canada approved a 0.08 blood alcohol concentration (BAC) *per se* limit under the *Criminal Code*.
  - The breathalyzer was also approved for use by the police at this time.
- 1979 – The province of Ontario approved a BAC limit of 0.05% under the *Highway Traffic Act*.
  - The penalty for exceeding this limit was a 12-hour suspension.
  - No record of these suspensions was kept on the driver’s licence record.
  - The 0.05% BAC limit had no impact, possibility due to the insignificance of the penalties.
A History of Impaired Driving Reforms

1980-2000 – Most provinces adopted 0.05% BAC laws under their provincial highway traffic legislation. The exception is Quebec, which still does not have 0.05% provincial laws, and Saskatchewan, which has adopted a 0.04% BAC limit.

- The maximum sanction was a 24-hour driver’s licence suspension.
- Some provinces started to record these suspensions on the driver’s licence record and the Registrar of Motor Vehicles would review drivers who had multiple suspensions.
- There was no noticeable change in alcohol-related deaths.

1999 – MADD Canada called upon the Federal Government to lower the Criminal Code 0.08% per se level to 0.05%.

- This review of the impaired driving laws brought change to the penalties for impaired driving, but the criminal BAC level remained at 0.08% due to intense lobbying by the alcohol industry and their various partners.
2000 – The first MADD Canada *Rating the Provinces* Report Card called for a model to enhance 0.05% BAC sanctions at the provincial level.

**Model**

- Suspensions
  - 7 day licence suspension for a first offence
  - 15 day licence suspension for a second offence
  - 30 day licence suspension for a third or subsequent offence
- Reinstatement fee
- Suspensions recorded on the driver’s licence record
- Mandatory alcohol assessment for a second offence
- Mandatory alcohol interlock for a third offence
A History of Impaired Driving Reforms

- 2005 – The Canadian Council of Motor Vehicle Administrators (CCMTA) adopted a provincial template similar to the MADD Canada model and encouraged all provinces to adopt it.
- 2000-2010 – Various provinces enhanced their 0.05% BAC legislation to include components of the CCMTA and the MADD Canada model.
2010 – British Columbia adopted the MADD Canada model but enhanced the model by matching the licence suspension with a vehicle impoundment, which was a game changer.

- There was initial pushback from the hospitality industry, but they backed off.
- The changes to British Columbia’s impaired driving resulted in a perfect balance: there was no drop in hospitality revenue but people’s behaviour changed when it came to drinking and driving.
A History of Impaired Driving Reforms

2018 – Three new *per se* offences were added to the *Criminal Code*:

1. Having 2 but less than 5 ngs of THC per ml of blood;
2. Having 5 or more ngs of THC per ml of blood; and
3. Having a BAC of 0.05% or higher and 2.5 ngs or more of THC per ml of blood.
Impact of the BC Changes to Driver BAC rates

- BAC rates between 2010 and 2012:
  - 34% reduction in drivers positive for alcohol.
  - 21% decrease of drivers with BACs between 0.05 and 0.08.
  - 59% decrease of drivers with BACs over 0.08.
Figure 3: BAC Distribution of Drivers in 2010 and 2012

- BAC Positive: 9.9% in 2010, 6.5% in 2012
- <50 mg/dL: 6.4% in 2010, 4.5% in 2012
- 50 to 80 mg/dL: 1.4% in 2010, 1.1% in 2012
- >80 mg/dL: 2.2% in 2010, 0.9% in 2012
Impact of the BC Changes to Property Only Collisions

- Property Only Collisions between 2010 and 2012:
  - A 19.5% reduction in property damage only collisions.
  - Approximate annual reduction of 508 property damage only collisions.
Impact of the BC Changes to Injuries

- Injuries between 2010 and 2012:
  - A 23.4% reduction in alcohol-related injury collisions.
  - Approximate annual reduction of 487 injury collisions.
Fatalities

- An approximate 44% reduction in fatalities from 2010 to 2012.
- An approximate 38% reduction in fatalities from 2010 to 2014.
- High levels of publicity, increased the perceived rates of apprehension.
- Approximate annual reduction of 43 fatalities between 2010-2015.
### MVI Deaths Involving Alcohol and/or Drugs

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>96</td>
<td>83</td>
<td>90</td>
<td>77</td>
<td>46</td>
<td>44</td>
<td>41</td>
<td>45</td>
<td>47</td>
</tr>
<tr>
<td>Alcohol &amp; Drugs</td>
<td>38</td>
<td>45</td>
<td>29</td>
<td>34</td>
<td>20</td>
<td>18</td>
<td>24</td>
<td>24</td>
<td>30</td>
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<tr>
<td>Drugs</td>
<td>31</td>
<td>23</td>
<td>25</td>
<td>28</td>
<td>15</td>
<td>18</td>
<td>27</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>Total Alcohol and/or Drugs</td>
<td>165</td>
<td>151</td>
<td>144</td>
<td>139</td>
<td>81</td>
<td>80</td>
<td>92</td>
<td>85</td>
<td>102</td>
</tr>
<tr>
<td>% of MVI Deaths</td>
<td>39.0</td>
<td>40.1</td>
<td>36.9</td>
<td>36.4</td>
<td>26.0</td>
<td>27.4</td>
<td>31.9</td>
<td>27.8</td>
<td>33.4</td>
</tr>
</tbody>
</table>

*Note: Alcohol/drug data for 2016 are not currently available.*
# Current Provincial Warn Range Efforts for a First Occurrence

<table>
<thead>
<tr>
<th>Province</th>
<th>Warn Range BAC Level</th>
<th>Warn Range Licence Suspension</th>
<th>Warn Range Vehicle Impoundment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NL</td>
<td>≥ 0.05</td>
<td>7 days</td>
<td>7 days</td>
</tr>
<tr>
<td>PE</td>
<td>≥ 0.05 but ≤ 0.10</td>
<td>7 days</td>
<td>3 days</td>
</tr>
<tr>
<td>NS</td>
<td>≥ 0.05</td>
<td>7 days</td>
<td>N/A</td>
</tr>
<tr>
<td>NB</td>
<td>≥ 0.05</td>
<td>7 days</td>
<td>3 days</td>
</tr>
<tr>
<td>QC</td>
<td>No general short-term ALS for BAC ≥ .05</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>ON</td>
<td>≥ 0.05</td>
<td>3 days</td>
<td>N/A</td>
</tr>
<tr>
<td>MB</td>
<td>≥ 0.05</td>
<td>3 days</td>
<td>3 days</td>
</tr>
<tr>
<td>SK</td>
<td>≥ 0.04</td>
<td>3 days</td>
<td>3 days</td>
</tr>
<tr>
<td>AB</td>
<td>≥ 0.05</td>
<td>3 days</td>
<td>3 days</td>
</tr>
<tr>
<td>BC</td>
<td>≥ 0.05 &amp; Reasonable Belief</td>
<td>3 days</td>
<td>3 days</td>
</tr>
</tbody>
</table>
Lessons Learned

- Lowering the BAC level to 0.05% had its greatest impact when the sanctions included a short-term vehicle impoundment.
- Alcohol related fatalities have been dramatically reduced in Canada.
Alcohol-Related Crash Deaths in Canada: 1990-2014

Data based on information from Transport Canada and the Traffic Injury Research Foundation.
Lessons Learned

- It has taken a long time to achieve this level of success because MADD Canada had to work with each individual province.
- The advantage of this process was that MADD Canada’s comparison charts could be used, which would often motivate the poorer performing provinces to improve their efforts.
- This process is mostly a political process, which involves working with the key Ministers responsible for road safety and impaired driving.
- Currently the provinces do not support a lower *Criminal Code* BAC level of 0.05%. They want to continue their success with their provincial sanctions.
Lessons Learned

- MADD Canada is not sure what impact a lower criminal BAC level would have today considering the number and breadth of the provincial changes over the past 20-30 years.
- MADD Canada still supports a Federal *Criminal Code* BAC of 0.05% and it may still happen in the future.
  - MADD Canada’s is currently focused on ensuring that Mandatory Alcohol Screening and the new *Criminal Code* drug-impaired driving provisions are upheld as constitutional and that the provinces adopt effective measures to combat drug-impaired driving.
Questions?
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