



Office of the Superintendent of Motor Vehicles

British Columbia Ministry of Justice

Office of the Superintendent of Motor Vehicles

May 16, 2012

**National Transportation Safety Board
Substance-Impaired Driving Forum**



Office of the Superintendent of Motor Vehicles

Lead Provincial Agency & Champion for Road Safety

- Coordination & strategic planning
- Overall reporting and accountability for road safety

Policy and Legislation

- Develop provincial road safety policies and legislation

Driver Intervention Programs

- Ignition Interlock
- Education & Counselling (for Impaired Drivers)
- Driver Improvement Program

Administrative Justice

- Through adjudicators hear appeals of Motor Vehicle Act sanctions (e.g. impaired driving, street racing)

Driver Medical Fitness

- Regulation of drivers to ensure they are medically fit to operate a motor vehicle



@RoadSafetyBC



Legal Impaired Driving Framework in Canada

Federal Law –

Criminal Code of Canada Impaired Driving Law

Provincial Laws –

Administrative Impaired Driving Laws



**Enforced at
Provincial
Level**





Federal *Criminal Code* Impaired Laws

Criminal Code of Canada:

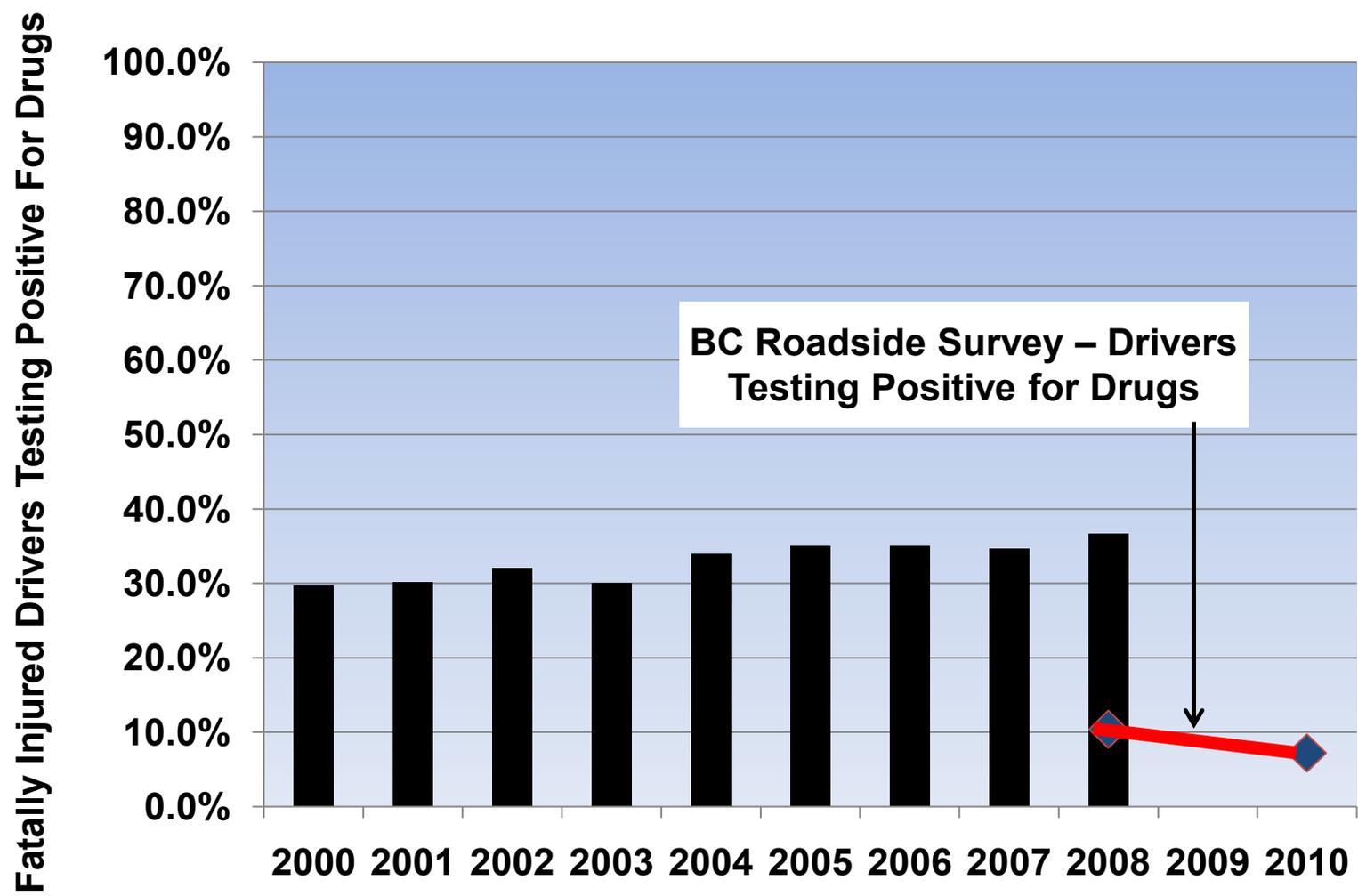
- BAC exceeding 0.08 or Refusing to provide breath or blood sample;
- Operating a motor vehicle impaired by alcohol or a drug.

Criminal Code of Canada	1st Offence	2nd Offence	3rd Offence
Prohibition	<i>12 – 36 months</i>	<i>24 – 60 months</i>	<i>36 months to life</i>
Fine	<i>\$1,000 to \$5,000</i>		
Jail	<i>Up to 18 months</i>		

- Causing Bodily Harm – Up to 10 year prohibition and/or up to 10 years in jail
- Causing Death – Up to lifetime prohibition and/or up to life imprisonment



Presence of Drugs Detected in Fatally Injured Drivers in Canada



Source: Canadian Centre on Substance Abuse (CCSA), "Drug Use by Fatally Injured Drivers in Canada"



Drug Impairment Approach in BC

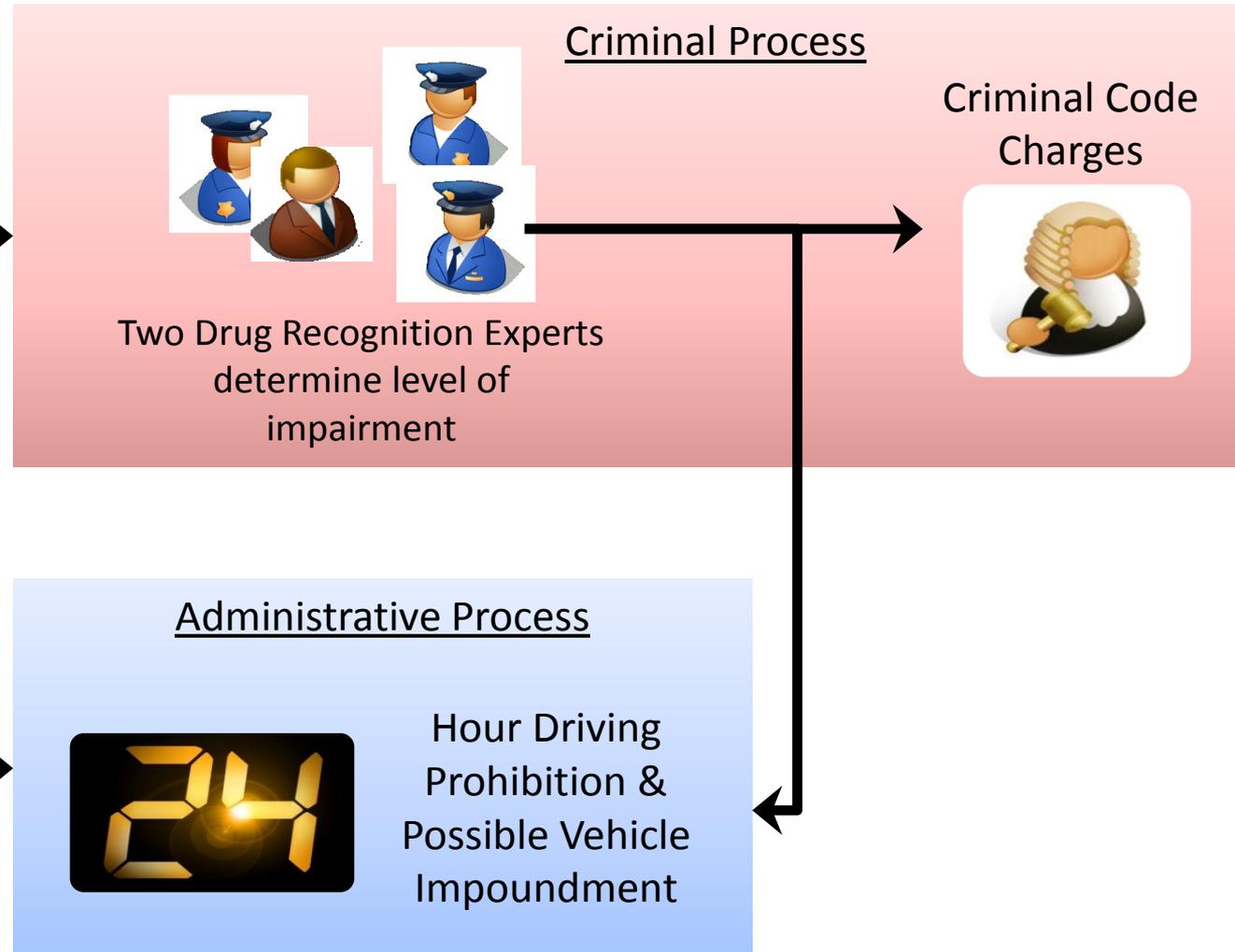
Roadside

Police Station

Officer Performs
Standard Field
Sobriety Test
(SFST)

Drug
Impaired

Drug
Affected





Provincial and Territorial Impaired Laws

Administrative Sanctions .05 BAC - .08 BAC						
	BAC Level	Immediate Roadside Prohibition	Mandatory Vehicle Impoundment	Administrative Penalty	Education/ Counselling	Ignition Interlock
British Columbia	0.05	3-7-30 Day	3-7-30 Day	\$200-400	3rd Offence	3rd Offence: 1 Year
Ontario	0.05	3-7-30 Day	No	\$150	2nd/3rd Offence	3rd Offence: 6 Months
Newfoundland		7 Day				
New Brunswick						
Nova Scotia		7-15-30 Day				
Prince Edward Island		7-30-90 Day				
Manitoba		24hrs, 15-30-60 Day				
Alberta		24 hr Roadside Prohibition Only				
Northwest Territories						
Saskatchewan						
Saskatchewan	0.04					
Yukon*	x					
Quebec		No				

* 24hr Roadside Prohibition if reasonable grounds to believe that the driver is impaired

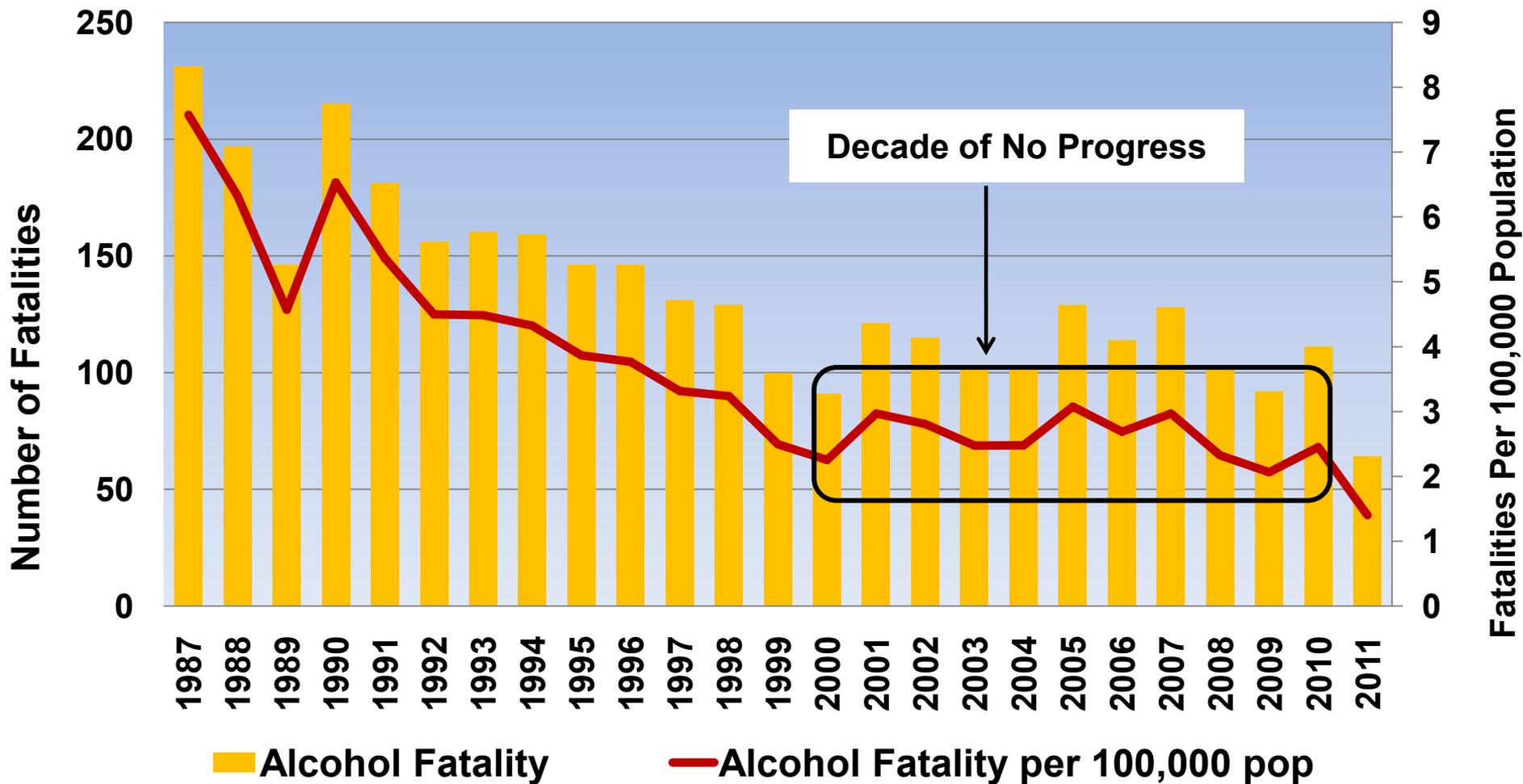


Provincial and Territorial Impaired Laws

Administrative Sanctions Above .08 BAC or Refusing to Provide a Breath Sample					
	Prohibition	Mandatory Vehicle Impoundment	Administrative Penalty	Education/ Counselling	Ignition Interlock
Immediate Roadside Prohibition					
British Columbia	90 Day Immediate at Roadside	30	\$500	Yes	Yes
Administrative Driving Prohibitions					
Ontario	90 Day (Immediate)	7	\$150	If criminally convicted	If criminally convicted
Quebec		30 day (Over .16 BAC)		If criminally convicted	
Manitoba		30		Yes	Optional if criminally convicted
New Brunswick	90 Day (Delayed by 7 days)	No	No	If criminally convicted	If criminally convicted
Prince Edward Isl.				If criminally convicted	
Saskatchewan				If criminally convicted	
Nova Scotia				No	No
Northwest Territories				No	No
Newfoundland	90 Day (Delayed by 14 days)	No	No	Education	Optional if criminally convicted
Yukon				No	If criminally convicted
Alberta				If criminally convicted	



Alcohol Fatalities in BC 1987-2011





Past BC Deterrents (Pre September 2010)

1. Criminal Code Sanctions for Over 0.08 BAC
2. Administrative 90 Day Prohibition for over 0.08 BAC (21 Day Delay) - Driver Processed at Police Station)
3. Administrative Roadside Prohibition for 24 Hours - Over 0.05 BAC



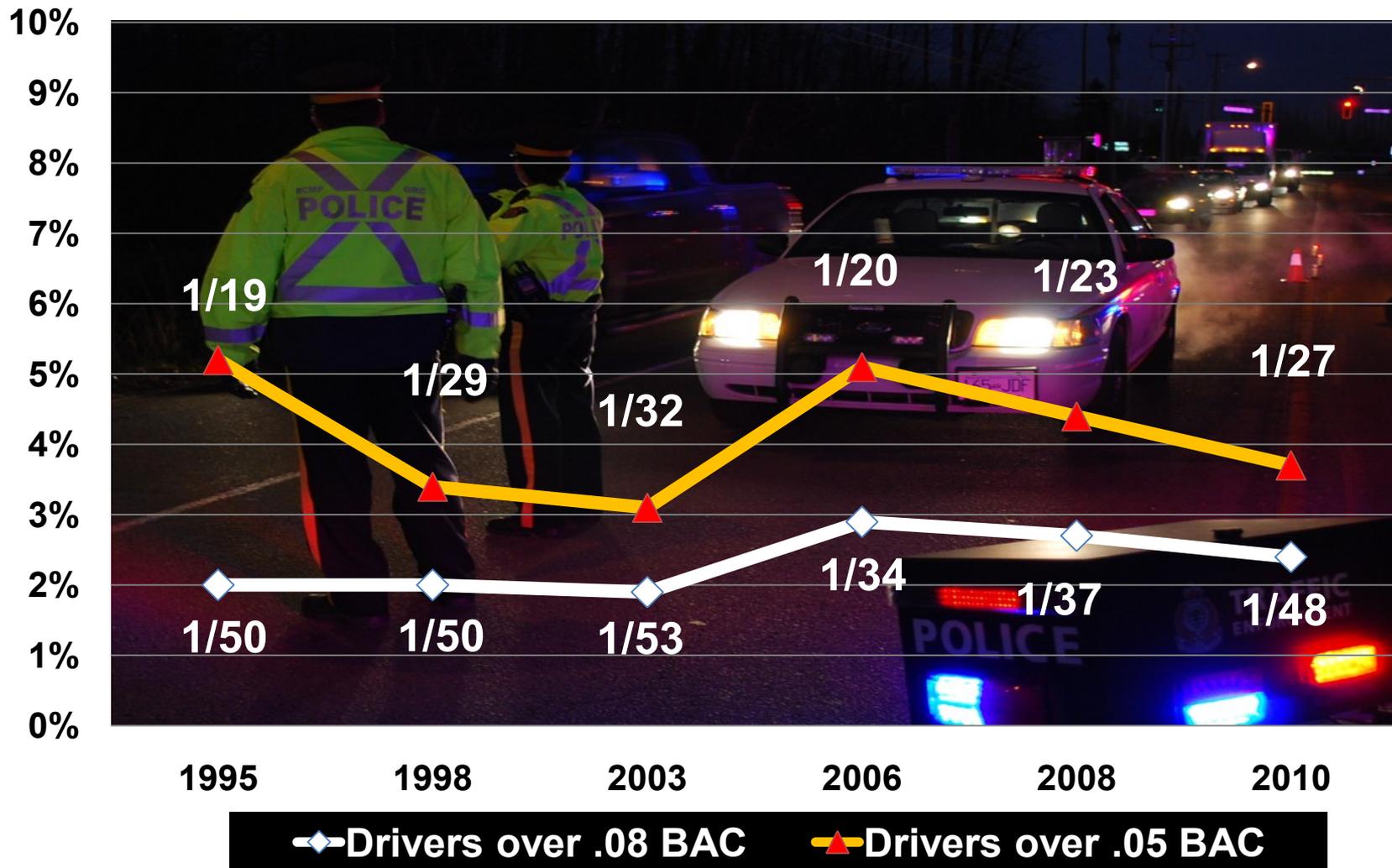


Challenges ...

- **Consistent high levels of alcohol impaired driving - roadside prevalence surveys**
- **Poor outcomes - no real progress in fatalities**
- **High recidivism rates**
- **Ineffective & inefficient use of police resources**
- **Pressure on Court system**



Prevalence – B.C. Roadside Survey





Recidivism Rates and System Workload

Recidivism

- **Criminal Code Sanctions = Over 20%**
- **24 Hour Roadside Prohibitions = Over 30%**

System Workload

- **Impaired Driving Cases – Over 30% of Total Provincial Court Hours**
- **Criminal Code Cases Consume 4- 5 Days of Police Effort**



Inspiration ...



Alexa Middelaer
October 9, 2003 to May 17, 2008

B.C.'s new impaired driving law

September 2010



Penalties, that are:

- ✓ **Clear.**
- ✓ **Swift.**
- ✓ **Severe.**





Sanctions for 0.05 to 0.08 BAC – *Warn Range*



Escalating Immediate Sanctions

Prohibitions (3/7/30 Days)

Vehicle Impoundment (3/7/30 Days)

Monetary Penalties \$200 - \$400

Remedial Programs - 3 *Warn Range* Sanctions in 5 Years

Mandatory User Pay Remedial Programs

Ignition Interlock
1 year requirement to have a breathalyzer device installed on vehicle ignition

+

Responsible Driver Program
Impaired Driver Education and Counselling Program



Sanctions for Over 0.08 BAC – *Fail Range*



Immediate Sanctions

Prohibition (90 Days)

Vehicle Impoundment (30 Days)

Monetary Penalty \$500

Remedial Programs - 1 *Fail Range* Sanction

Mandatory User Pay Remedial Programs

Ignition Interlock

1 year requirement to have a breathalyzer device installed on vehicle ignition

+

Responsible Driver Program

Impaired Driver Education and Counselling Program



BC Supreme Court November 2011 Ruling

- Most of the new IRP law upheld
- Court called for a more meaningful process for a citizen to challenge the *fail range* (over 0.08 BAC) results of the roadside Approved Screening Device (ASD)



Court suspended its declaration of invalidity until June 30, 2012 to allow time for government to amend legislation



BC Response to Supreme Court

- On May 3, 2012, in response to the BC Supreme Court ruling, BC introduced a Bill to amend the IRP legislation – changes to become effective June 15, 2012.

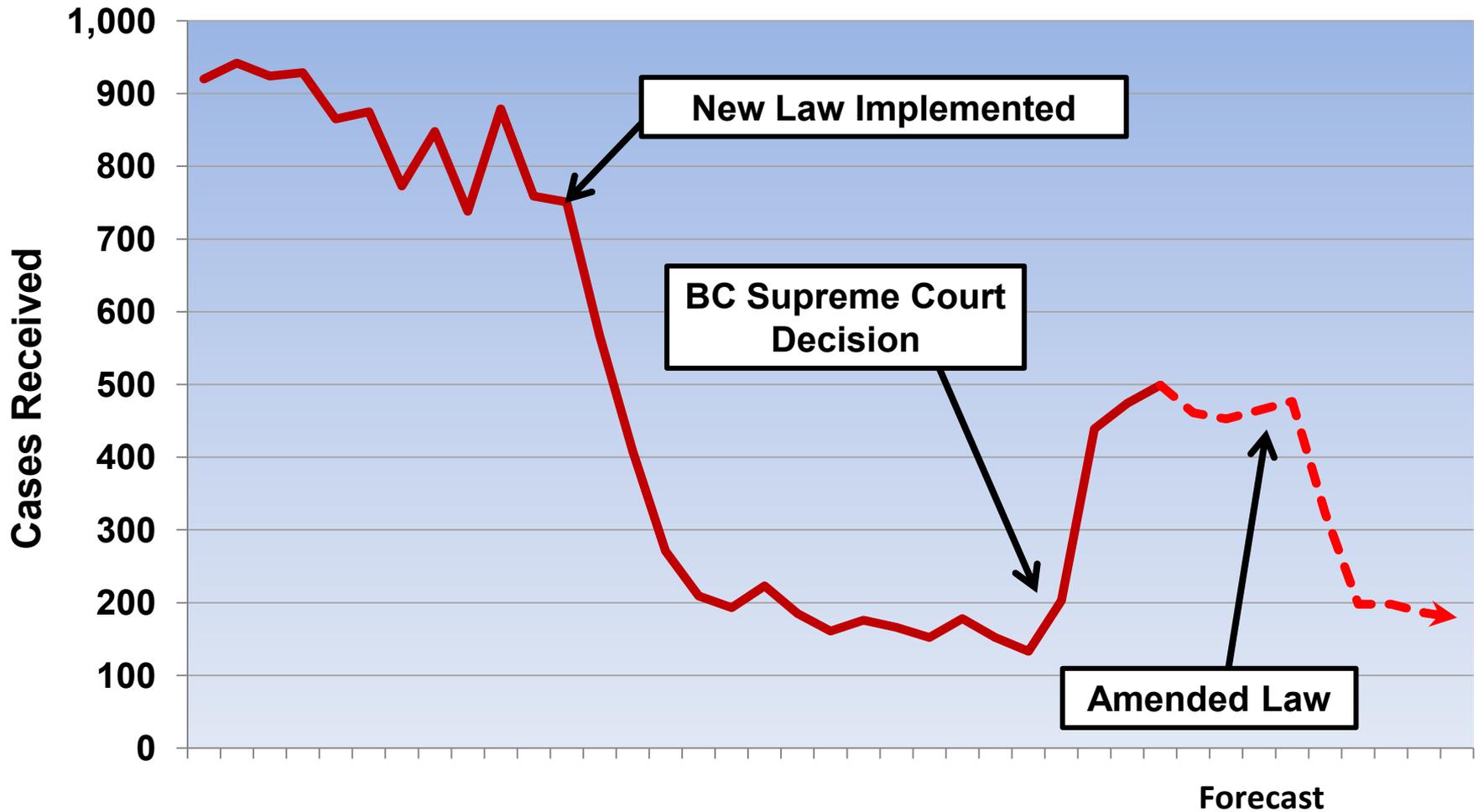


Enhanced Appeal Process and Grounds for Review

- **Modified roadside processes: citizen can challenge the alcohol screening device at roadside – is offered a 2nd test on a different device**
- **New ability to specifically challenge the validity of the alcohol screening device on appeal.**



Impact on Court Workload





Greater Police Efficiency with Roadside Model

Total Police Effort

Criminal Code Sanctions:

➤ 4 to 5 Days

90 day Administrative Driving Prohibitions:

➤ 4 to 5 Hours

Total Police Effort for New IRP Sanctions

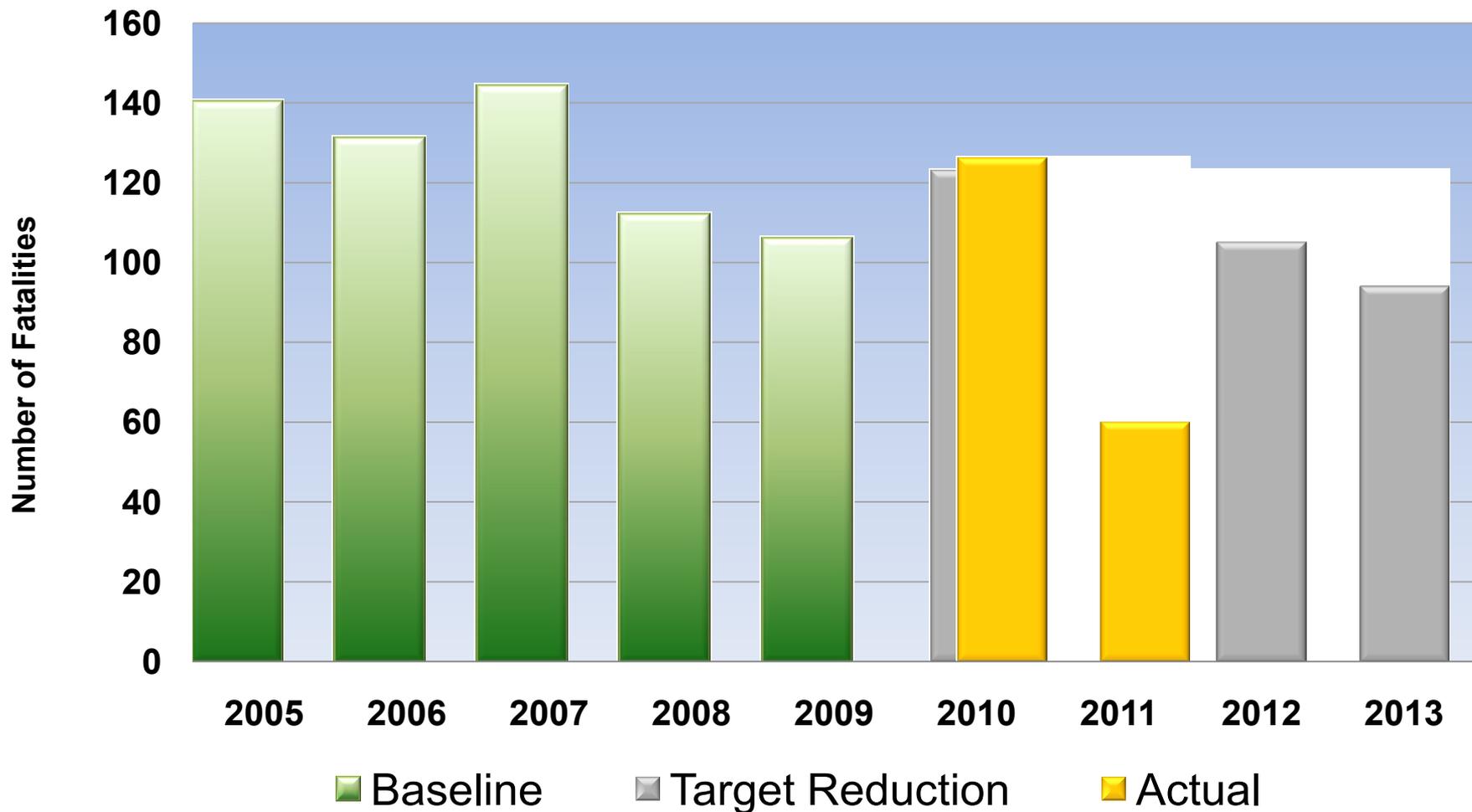
➤ Under 1 Hour

- Ability to do more enforcement with the same level of resources
- Less time in Court & office



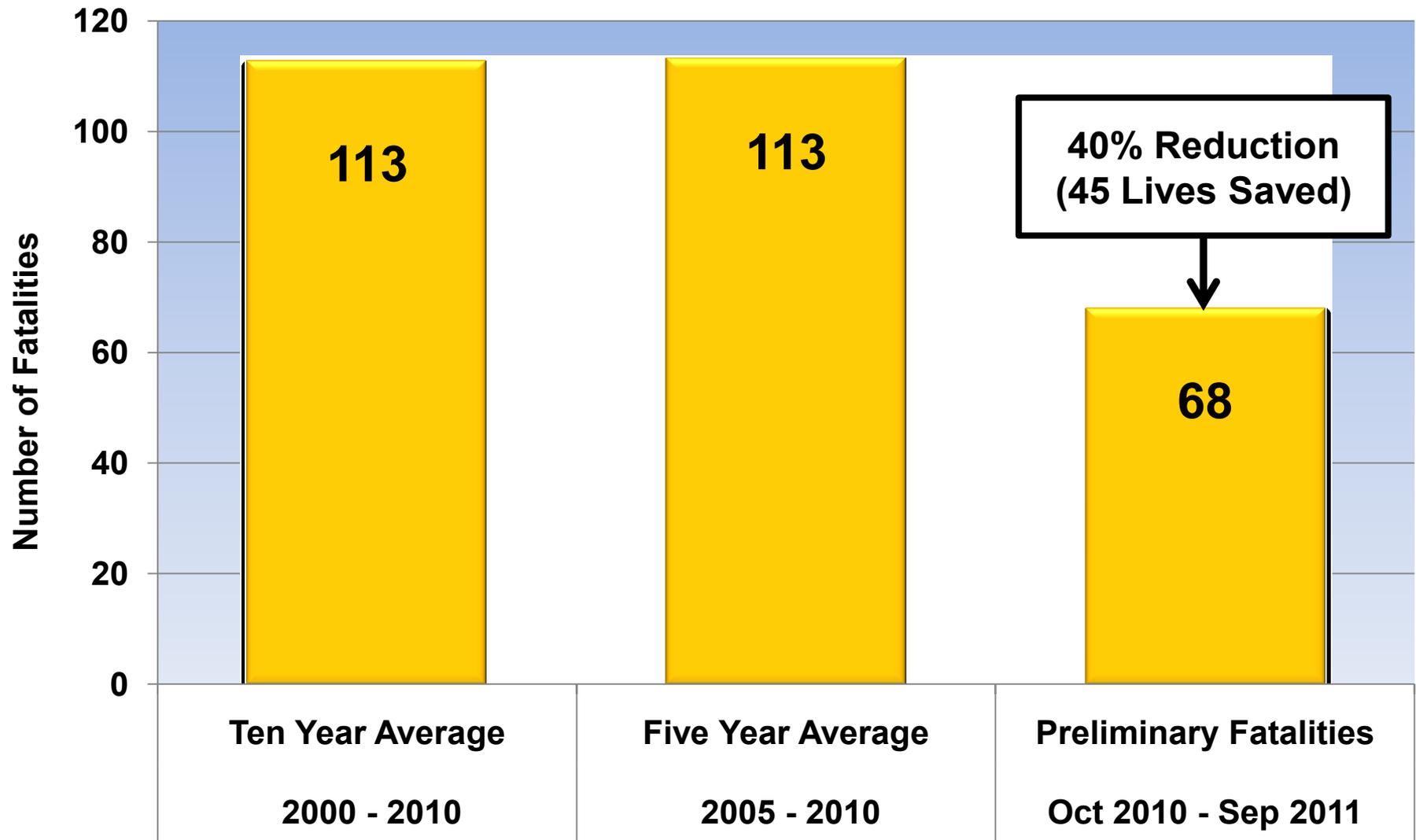


Provincial Goal: 35% Reduction by 2013





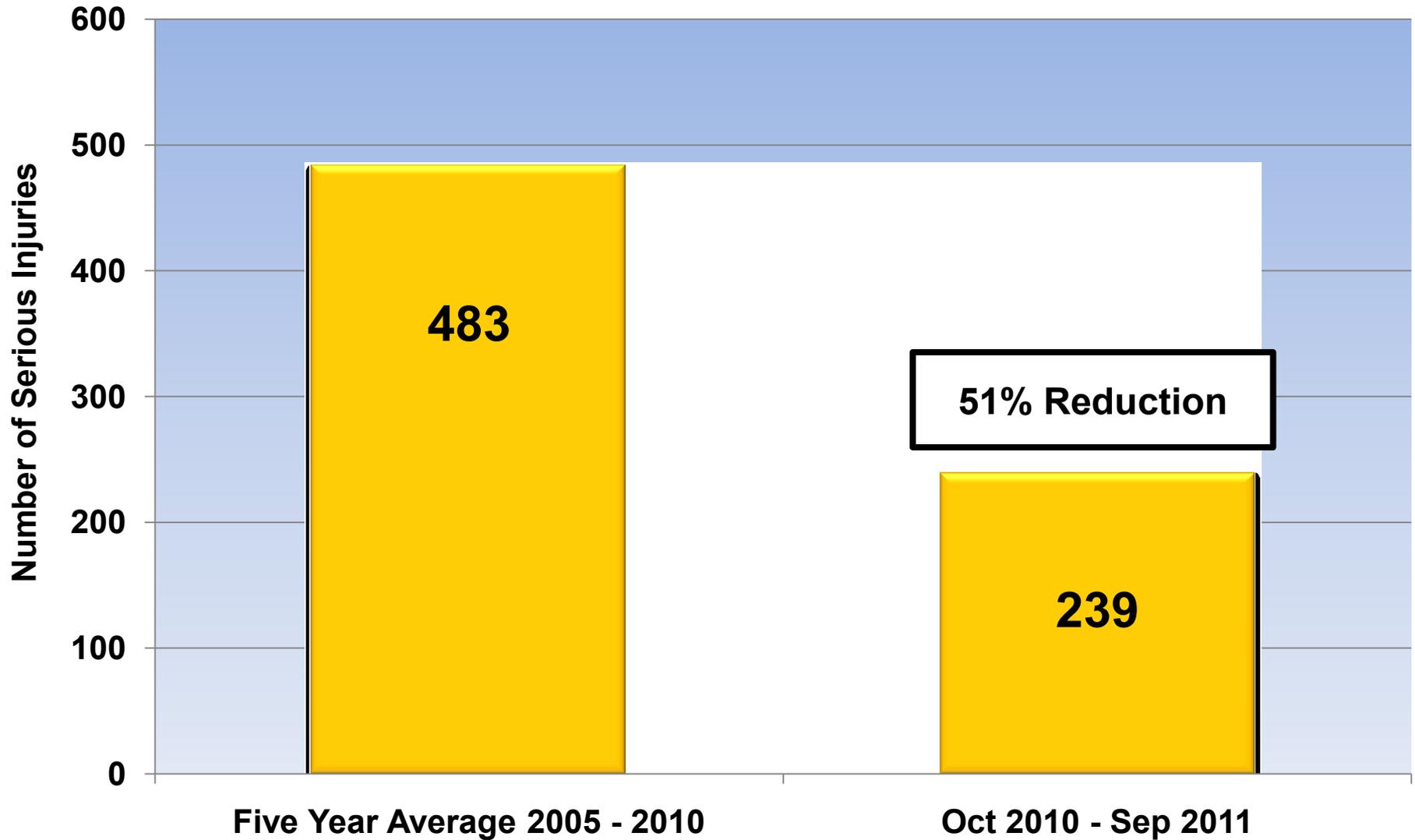
40% Decrease in MV Alcohol Fatalities



The graph above compares the 1 year period after IRP implementation to the previous 5 & 10 year averages for the same 12 month period.



51% Reduction in Major MV Alcohol Injuries



The graph above compares the 1 year period after IRP implementation to the previous 5 year average.



Working As One Integrated System





In the first year since the introduction of the New Approach, there were 45 Fewer Fatalities





Towards 0 Fatalities – Our Vision



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