

Rating The Provinces & Territories: The 2009 Report

Ontario A-
Manitoba A-
Prince Edward Island B
Nova Scotia B
Saskatchewan B
Alberta B-
British Columbia C+
Newfoundland C+
Quebec C-
Yukon C-
Northwest Territories D+
New Brunswick D+
Nunavut F

A Comprehensive Review of The Provincial
and Territorial Impaired Driving Laws



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Rating the Provinces and Territories: The 2009 Report

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EXECUTIVE SUMMARY

- MADD Canada has released this study to provide the provinces and territories with information on realistic and effective measures that will reduce impaired driving in their jurisdictions. *Rating the Provinces and Territories: The 2009 Report* will serve as the basis for MADD Canada's ongoing discussions with the provincial and territorial governments on the critical role that they can play in reducing impaired driving.
- Consistent with the expressed preference of the provinces and territories, *The 2009 Report* addresses a narrower range of issues than its predecessors. *The 2009 Report* examines three subject areas: licensing; licence suspensions and revocations; and vehicle sanctions and remedial programs.
- A legislative summary was prepared for each jurisdiction, which included all relevant statutes and regulations, pending legislation, and available administrative policies and practices. A draft of the summary was sent to officials in each jurisdiction and any necessary revisions and updates were included in the final summary. Every effort was made to ensure that the summaries were current as of October 1, 2009.
- The legislation in each jurisdiction was assessed using *The 2009 Rating Scale*. In turn, the scale was based on *The MADD Canada Model 2009*, which provides a fully-referenced review of the relevant traffic safety research from Canada and abroad. *The MADD Canada Model 2009* will be available on MADD Canada's website (www.madd.ca). *The 2009 Rating Scale* also drew upon two other publications which are available on MADD Canada's website: *Youth and Impaired Driving in Canada: Opportunities for Progress*; and *Alcohol, Trauma and Impaired Driving*, 4th ed.
- *The 2009 Rating Scale* identifies traffic safety measures that hold the greatest promise for substantially reducing impaired driving. It also serves as the basis for the assessments of the provincial and territorial legislative summaries that were conducted by two independent traffic research experts.
- In selecting the following five legislative priorities for *The 2009 Report*, MADD Canada considered which measures would likely garner the greatest public support and have the most significant impact on reducing impaired driving deaths and injuries:
 - A comprehensive graduated licensing program lasting at least three years for all new drivers, and express police powers to enforce it.
 - A .00% blood-alcohol concentration (BAC) limit for all drivers under 21 and all drivers with less than five years of driving experience.
 - Enhanced .05% BAC administrative licence suspensions of 7-14 days, including \$150-\$300 licence reinstatement fees, the recording of suspensions on the driver's record, and mandatory remedial programs for repeat breaches.
 - A mandatory alcohol interlock program for all federal impaired driving offenders, including: reduced provincial suspensions to encourage participation; and reliance on the interlock readings and other behavioural criteria in relicensing.

- Administrative vehicle impoundment for uninsured, unlicensed or suspended drivers, and for impaired driving suspects; administrative vehicle forfeiture for repeated impoundments and offences; and mandatory remedial programs.
- MADD Canada is generally pleased with the legislative progress that Ontario, Prince Edward Island, Nova Scotia, Manitoba, and New Brunswick have made since 2006. While British Columbia and Québec enacted modest reforms, the remaining six jurisdictions have done little to strengthen their impaired driving laws in the last three years.
- Since the project began 11 years ago, considerable progress has been made with respect to graduated licensing, .00% BAC limits for young drivers, alcohol interlocks, and remedial programs. In contrast, there has been little progress on police enforcement powers. Of concern as well is that some of the programs have been narrow in scope, complicated or enacted without accompanying enforcement powers.
- Despite the considerable legislative progress that some jurisdictions made, impairment-related traffic deaths have been rising in Canada and, by 2006, exceeded 1999 levels. Moreover, a midterm review of Canada's *Road Safety Vision 2010* reported that no province or territory was on track to meet its targeted reductions in alcohol-related crash deaths, and that Canada's overall record in impaired driving was "unacceptable."
- Consequently, comprehensive provincial and territorial reforms, coupled with more intensive enforcement, are essential to achieve even the modest goal of preventing further increases in impaired driving deaths.
- Table I below sets out the provinces' and territories' 2009 rankings and grades. For a detailed discussion of each jurisdiction's assessment, refer to the provincial and territorial summaries that start on page 12 of this report.

Table I: Rankings and Grades: 2009

Province/Territory	Ranking and Grades	
Ontario	1st	A-
Manitoba	2nd	A-
Prince Edward Island	3rd	B
Nova Scotia	4th	B
Saskatchewan	5th	B
Alberta	6th	B-
British Columbia	7th	C+
Newfoundland & Labrador	8th	C+
Québec	9th	C-
Yukon	10th	C-
Northwest Territories	11th	D+
New Brunswick	12th	D+
Nunavut	13th	F

A MESSAGE FROM MADD CANADA'S PRESIDENT

MADD Canada is a grassroots, volunteer organization dedicated to saving lives by reducing impaired driving and assisting the victims of this violent crime. One way in which we fulfill our mission is by advocating for comprehensive reform of the federal and provincial impaired driving laws.

In 2001, MADD Canada introduced its federal reform agenda, *Taking Back Our Roads: A Strategy to Eliminate Impaired Driving in Canada*. In the interim, representatives of MADD Canada have met with senior Parliamentarians from all parties, and have made submissions before the Senate and House of Commons Justice Committees. While a great deal of work remains to be done at the federal level, the *Rating the Provinces and Territories* project addresses what the provinces and territories can do to reduce impaired driving within their jurisdictions. They should not wait for federal *Criminal Code* amendments when they have the legislative power to significantly improve the situation.



MADD Canada has not produced *The 2009 Report* simply for the purpose of ranking and grading the jurisdictions. The goal from the outset has been to identify measures that the provinces and territories can adopt to reduce alcohol and drug-related deaths on their roads. MADD Canada seeks to strengthen the positive relationships it has with many of the provinces and territories, and to establish a productive dialogue with the remaining jurisdictions. We are far less concerned about a jurisdiction's current rating than with the prospect of working with each government to create a safer future.

Consequently, it is with a sense of urgency that we ask readers to review the report and consider its recommendations. Finally, we want to restate MADD Canada's commitment to work to make all Canadian roads safer.

Margaret Miller

Margaret Miller

THE ASSESSMENT PROCESS

Rating The Provinces and Territories: The 2009 Report is intended to provide the basis for an ongoing dialogue with the provinces and territories on impaired driving legislation. When MADD Canada first began reviewing the Canadian literature in the late 1990s, it recognized that no single document summarized the relevant provincial and territorial legislation. Therefore, a key objective of this project has been to provide a written review of the current legislation in each jurisdiction.

The first step in producing *The 2009 Report* was to undertake a detailed analysis of the impaired driving research from Canada and abroad. This information is summarized in *The MADD Canada Model 2009*, which will be published as part of the far more detailed individualized reports that are being prepared for each province and territory. *The Model*, which will be available on MADD Canada's website, provides readers with a fully-referenced, current review of the research that underlies *The 2009 Report*.

The Model also served as the basis for *The 2009 Rating Scale*, which was the benchmark for assessing the provincial and territorial legislation. *The 2009 Rating Scale* also drew upon two other publications that are available on MADD Canada's website: R. Solomon & E. Chamberlain, *Youth and Impaired Driving in Canada: Opportunities for Progress* (Oakville: MADD Canada, 2006); and R. Solomon, J. Organ, M. Abdoullaeva, L. Gwyer & S. Chiodo, *Alcohol, Trauma and Impaired Driving*, 4th ed. (Oakville: MADD Canada, Centre for Addiction and Mental Health & Canadian Centre on Substance Abuse, 2009). A copy of *The 2009 Rating Scale* and a discussion of several of its key features are included in the Appendix which begins on page 66 of this report.

The measures in *The 2009 Rating Scale* have been drafted to ensure that they are compatible with the *Canadian Charter of Rights and Freedoms*, and the unique constitutional and legislative framework that governs impaired driving in Canada. *The 2009 Rating Scale* was subject to both internal and external review, and was then revised in light of the comments that were received. The weightings assigned to specific initiatives reflect MADD Canada's assessment of each issue's relative importance. As in the past, *The 2009 Rating Scale* reflects the following principles:

- Obtaining and holding a driver's licence is a privilege and not a right.
- Traffic authorities must be empowered to take action to prevent tragedies, not just react after the event by sanctioning offenders.
- The police need broader investigatory authority to efficiently detect impaired drivers and obtain admissible evidence.
- Administrative proceedings are far more expedient, efficient and inexpensive than penal sanctions, and more appropriate for the regulatory issues relating to the licensing of drivers, vehicle sanctions and remedial programs.
- Public safety should be given the highest priority in framing provincial and territorial impaired driving legislation.

A summary of the relevant legislation was then prepared for each province and territory. The summaries included: all relevant legislation and regulations as of August 14, 2009; enacted legislation that had not been proclaimed in force by that date; and related information that was available on the governments' websites. Where appropriate, the statutory language was paraphrased to make the summaries more understandable and to facilitate comparisons among the jurisdictions. The summaries were fully footnoted and included pinpoint references to the relevant statutes, regulations or government websites. The summaries and draft rating scale were forwarded to designated officials in each province and territory.

Detailed comments were received from most of the provinces and territories, often encompassing both the legislative summary and the proposed rating scale. The comments on existing administrative practices were particularly helpful as there was often no public source for this information. We prepared detailed written responses addressing each comment, indicating the revisions that were going to be made. To the best of our knowledge, the summaries are current as of October 1, 2009.

The finalized summaries and rating scale were forwarded on October 8, 2009 to two of Canada's leading traffic research experts: Dr. R. Mann, Senior Research Scientist, Centre for Addiction and Mental Health; and Mr. J. Suggett, Senior Project Manager, HDR/iTRANS. The raters independently assessed the provincial and territorial summaries and provided MADD Canada with a jurisdiction-by-jurisdiction numerical score and written commentary. The compilation, analysis and writing of *The 2009 Report* was undertaken by Professors R. Solomon and E. Chamberlain, and M. Abdoullaeva, L. Gwyer and J. Organ of the Faculty of Law, The University of Western Ontario. Mr. A. Murie (CEO, MADD Canada) and the Board of Directors reviewed the materials and approved the rankings and grades.

The 2009 Report is the fourth comprehensive review of the provincial and territorial legislation that MADD Canada has undertaken in the last 11 years. Consistent with the jurisdictions' expressed preferences, the scope of *The 2009 Report* is narrower than its predecessors in that it addresses three subject areas: licensing; licence suspensions and revocations; and vehicle sanctions and remedial programs.

MADD Canada is preparing an individualized report for each jurisdiction which will include: *The MADD Canada Model 2009*; *The 2009 Rating Scale*; the jurisdiction's legislative summary; a synopsis of the independent raters' reports; and a specific reform agenda. MADD Canada will be contacting government officials in each jurisdiction to arrange a meeting to discuss their individual report and to offer support in implementing the proposed reforms.

In selecting the following five legislative priorities for *The 2009 Report*, MADD Canada considered which measures would likely garner the greatest public support and have the most significant impact on reducing impaired driving deaths and injuries:

- A comprehensive graduated licensing program lasting at least three years for all new drivers, and express police powers to enforce it.
- A .00% blood-alcohol concentration (BAC) limit for all drivers under 21 and all drivers with less than five years of driving experience.

- Enhanced .05% BAC administrative licence suspensions of 7-14 days, including \$150-\$300 licence reinstatement fees, the recording of suspensions on the driver's record, and mandatory remedial programs for repeat breaches.
- A mandatory alcohol interlock program for all federal impaired driving offenders, including: reduced provincial suspensions to encourage participation; and reliance on the interlock readings and other behavioural criteria in relicensing.
- Administrative vehicle impoundment for uninsured, unlicensed or suspended drivers, and for impaired driving suspects; administrative vehicle forfeiture for repeated impoundments and offences; and mandatory remedial programs.

THE RESULTS OF THE 2009 ANALYSIS

In this section, the performance of the jurisdictions is examined from four different perspectives. First, we present the jurisdictions' rankings and grades in 2009 and their performance in the previous three comprehensive reports. Second, a very brief synopsis is provided of each jurisdiction's key initiatives since 2006. Third, we identify the jurisdictions that had the strongest programs in each major area of *The 2009 Rating Scale*. Fourth, we shift the focus from the jurisdictions to MADD Canada's five priorities in *The 2009 Report* and the extent to which they have been enacted across Canada.

(i) RANKINGS AND GRADES

Table II: Rankings and Grades from 2000-2009

Province/Territory	Rankings and Grades				
	2009		2006	2003	2000
Ontario	1st	A-	2nd (B)	2nd (B)	1st (C+)
Manitoba	2nd	A-	1st (A-)	1st (B)	4th (C)
Prince Edward Island	3rd	B	10th (D+)	11th (D+)	8th (D+)
Nova Scotia	4th	B	11th (D+)	5th (C)	3rd (C)
Saskatchewan	5th	B	5th (B-)	4th (C)	5th (C-)
Alberta	6th	B-	4th (B-)	7th (C-)	6th (C-)
British Columbia	7th	C+	8th (C+)	8th (D+)	2nd (C+)
Newfoundland & Labrador	8th	C+	3rd (B-)	9th (D+)	10th (D+)
Québec	9th	C-	9th (C)	3rd (C+)	7th (C-)
Yukon	10th	C-	7th (C+)	6th (C-)	9th (D+)
Northwest Territories	11th	D+	6th (B-)	12th (D+)	12th (F)
New Brunswick	12th	D+	12th (D)	10th (D+)	11th (D)
Nunavut	13th	F	13th (F)	13th (F)	N/A

(ii) MAJOR INITIATIVES BY JURISDICTION SINCE 2006

- Ontario was the first province to enact .05% BAC roadside suspensions of longer than 24 hours. It enacted, but has not yet proclaimed, other progressive measures, including a .00% BAC limit for drivers under 22 years of age and 7-day administrative vehicle impoundments for drivers charged with federal impaired driving offences.
- Manitoba was the first province to enact a .00% BAC for the first five years of driving. It also enacted a mandatory alcohol interlock program, but only for some limited categories of impaired driving offenders.
- Prince Edward Island increased its minimum driving age to 16 and enacted a 3-stage graduated licensing program lasting at least 2¾ years. It also became the first jurisdiction to enact a 7-day administrative licence suspension program for drivers with BACs of .05% to .099%. The administrative suspension increases to 30 and 90 days for second and subsequent infractions, respectively.

- Nova Scotia enacted, but has not yet proclaimed, a .00% BAC limit for drivers during their first 4¾ years of driving and administrative vehicle impoundment legislation for suspected impaired driving offenders. Finally, it enacted a mandatory alcohol interlock program, but only for some limited categories of impaired driving offenders.
- British Columbia adopted administrative policies making alcohol interlocks mandatory for all federal impaired driving offenders, specified provincial offenders, and those with two 90-day, or three 24-hour, administrative licence suspensions.
- New Brunswick strengthened its graduated licensing program and proclaimed in force a .00% BAC limit for all drivers under 21 years of age. It also enacted a 90-day administrative licence suspension program.
- Québec increased its .08% BAC administrative licence suspensions to 90 days. It also enacted, but has not yet proclaimed, several other moderately progressive impaired driving amendments.
- Alberta, Newfoundland and Labrador, the Northwest Territories, Nunavut, Saskatchewan, and the Yukon have done little since 2006.
- Several jurisdictions have enacted other reforms concerning hand-held devices, speeding, and civil forfeiture of instruments of crime that may apply to all motorists, including impaired drivers.

(iii) MODEL PROGRAMS 2009

The following table identifies jurisdictions that have the strongest programs in specific areas. Ontario and Manitoba have among the best programs in many areas. Prince Edward Island, Québec, the Northwest Territories, and Newfoundland and Labrador have several highly-rated initiatives. In some areas, such as the Licence Abstract Program, many jurisdictions have strong programs. In contrast, only Prince Edward Island has a 7-day administrative licence suspension for drivers with a BAC of .05% to .099%, and only Manitoba has an administrative vehicle forfeiture program.

Table III: Best Practices

Selected Issues	Jurisdictions
Licensing: <ul style="list-style-type: none"> • Graduated Licensing Program • .00% BAC for the First Five Years of Driving or Until 21 • Enforcement of Graduated Licensing 	NS, ON and PE MB, followed by NB MB and ON
Licence Suspensions and Revocations: <ul style="list-style-type: none"> • 24-Hour Licence Suspensions for Unfitness • 7-14 Day (Short-term) Administrative Licence Suspensions • 90-Day Administrative Licence Suspensions 	NT and NU PE, followed by ON AB, NT, SK, BC and ON
Vehicle and Remedial Programs: <ul style="list-style-type: none"> • Alcohol Interlock Programs • Administrative Vehicle Impoundment and Immobilization • Administrative Vehicle Forfeiture • Remedial Programs 	QC, followed by MB, BC and YK MB and ON MB MB and ON

(iv) PROGRESS ON MADD CANADA’S 2009 LEGISLATIVE PRIORITIES

The following four tables summarize the progress that has been made on MADD Canada’s legislative priorities for 2009. In *The 2006 Report*, a very low threshold was adopted for recognizing the provincial programs. Thus, if a jurisdiction had a program of some kind in an area, even if it was very weak, it was assigned a checkmark.

A more stringent standard has been adopted in the following tables. A province or territory was not assigned a checkmark unless its program met all of the requirements of the recommended initiative. Nevertheless, the tables indicate when: a program comes close to meeting the required criteria; or there is pending legislation which, when proclaimed in force, will meet the recommended requirements.

While Table IV addresses the first two priorities, the remaining three tables each address a single legislative priority. Please note that some short forms have been used in the tables in order to include all of the relevant information.

Table IV: Graduated Licensing Programs & .00% BAC Limits

Prov./ Terr.	Min. Age of 16	Stage 1 12-Months	Stage 2 24-Months	.00% BAC for Longer of 5 Years or Until 21	Special Police Enforcement Powers
AB		✓	✓		
BC	✓	✓			
MB				5 years (min. age 20½)	✓
NB	✓			Min. age 21	
NL	✓				
NT		✓			
NS	✓		✓	Pending: 4 ¾ years min. (min. age 20¾)	
NU	No Graduated Licensing Program				
ON	✓			Pending: min. age 22	
PE	✓		✓		
QC	✓				
SK					
YK					

Table V: 7-14 Day (Short-Term) Administrative Licence Suspensions (ALS)

Prov./ Terr.	7-Day Min. Suspension	Reinstatement Fee	On Driver's Abstract	Progressive Sanctions	Remedial Program for Repeat Offenders
AB			✓		
BC			✓	✓	✓
MB		✓	✓		✓
NB			✓		
NL		✓		✓	✓
NT			✓	✓	
NS		✓	✓		
NU		✓			
ON	3 days	✓	✓	✓	✓
PE	✓	✓		✓	
QC	No Short-term Roadside .05% ALS Program				
SK			✓	✓	✓
YK ¹					

¹ The Yukon has a 24-hour ALS for suspected impaired drivers, but it does not have the listed features.

Table V1: Alcohol Interlock Programs

Prov./ Terr.	Mandatory All Fed. Offenders	Reduced Prov. Suspension	Minimum Duration			Mandatory Remedial	BAC-Based Relicensing
			1st/1 yr.	2nd/3 yr.	3rd/5 yr.		
AB		Discretionary				✓	✓
BC	✓		✓			✓	✓
MB		Vol. Program	✓			✓	✓
NB		✓	✓			✓	✓
NL		✓	✓	✓	✓	✓	✓
NT							
NS		✓				✓	✓
NU	No Interlock Program						
ON	✓	Pending	✓	✓	✓	✓	
PE		✓				✓	Unclear ¹
QC		✓	✓			✓	
SK		✓	✓			✓	✓
YK		✓	✓	✓		✓	✓

¹ "Program violations," such as driving an unequipped vehicle, result in the interlock order being extended, but it is not clear whether this term includes registering a positive BAC.

Table VII: Mandatory Administrative Vehicle Impoundments & Forfeitures

Prov./Terr.	Mandatory Impoundment				Mandatory Forfeiture on 3rd Impoundment or Offence
	Unauthorized Unlicensed	Uninsured	Provincial Suspensions	Impaired Driving Suspects	
AB					
BC			✓		Civil Forfeiture
MB			✓	✓	Discretionary
NB					
NL			✓		
NT					
NS	Pending/disc.		Pending	Pending/disc.	
NU					
ON			✓	Pending	Civil Forfeiture
PE			Discretionary		
QC	Discretionary		Discretionary		Civil Forfeiture
SK	✓		✓		
YK	Discretionary	Discretionary	Discretionary		

**PROVINCIAL AND TERRITORIAL SUMMARIES
AND LEGISLATIVE REFORM PROPOSALS**

ALBERTA

SYNOPSIS: Alberta scored well for its 90-day administrative licence suspension, and relatively well for its interlock and vehicle impoundment programs. It scored poorly for its low minimum driving age, the minimal restrictions during stage two of its graduated licensing program, and its lack of a 7-14 day administrative licence suspension program for drivers who are reasonably believed to be impaired or who have BACs over .05%. It needs to strengthen enforcement powers under the graduated licensing program and introduce administrative vehicle forfeiture. It also needs to introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: Alberta received a B- and ranked 6th in the 2009 report. It received a B- and ranked 4th in *The 2006 Report*, but achieved a rating of “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Alberta is 14, the lowest in Canada.

Alberta has a graduated licensing program which includes time-of-day and passenger restrictions, but no high-speed roadway restrictions. The minimum length of the program is three years, during which learner and probationary drivers (collectively referred to as “novice” drivers) are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

Alberta does not impose a .00% BAC limit on fully-licensed drivers who are under the age of 21 or on drivers during their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if novice drivers are breaching the .00% BAC limit. However, the police may demand that supervising drivers identify themselves and present their licences.

There are no automatic administrative licensing sanctions for novice drivers who have at-fault crashes or commit serious traffic violations. However, Alberta has a demerit point system that contains special provisions for novice drivers, including a one-month suspension for accumulating eight points and longer suspensions for a subsequent accumulation of eight points. These thresholds are considerably lower than those applicable to drivers with full privileges.

Novice drivers who are convicted of the provincial offences of driving with a BAC above .00% or failing to provide a sample are subject to a one-month licence revocation and suspension.

Recommendations:

- **Increase the minimum age of licensed driving on public roads to 16, regardless of whether the applicant is enrolled in a driver education program.**

- **Strengthen the graduated licensing program.**

Alberta's graduated licensing program could be strengthened by: increasing the minimum age of supervising drivers to 21; imposing stricter passenger and late-night driving restrictions on novice drivers; limiting driving on high-speed roads; and implementing a .00% BAC limit for supervising drivers.

- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.**

- **Broaden police powers to enforce the graduated licensing program and the proposed .00% BAC limit for young and new drivers.**

The police should be authorized to demand identification from supervising drivers. Moreover, police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Enact administrative sanctions for new and young drivers.**

Novice drivers who have at-fault collisions or commit serious provincial traffic violations should be subject to automatic administrative licensing sanctions. Novice or young drivers who violate the conditions of the graduated licensing program or the .00% BAC restrictions should be subject to 30 and 90-day administrative licence suspensions for first and second offences, respectively.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, Alberta has a less comprehensive and shorter roadside suspension program for drivers whose ability to drive is reasonably suspected by the police to be adversely affected by alcohol or a drug. The driver is required to surrender his or her licence, and the police request triggers a 24-hour suspension. The police are not expressly required to notify the Registrar or forward the surrendered licence. There are no specific consequences for accumulating 24-hour suspensions. However, the Registrar has broad general powers to disqualify drivers, impose licence conditions, and require drivers to participate in remedial education and treatment programs.

If a driver registers a BAC above .08% or refuses to provide a breath or blood sample, the police are required to suspend his or her licence for 90 days. The driver is required to surrender his or her licence. The police must notify the Registrar of the suspension and destroy the licence. There are no express statutory consequences for accumulating 90-day suspensions. However, as noted, the Registrar has broad authority regarding drivers who are viewed as being unable to drive safely.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
 - **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver: if they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test. Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.
 - **Strengthen the province's 90-day licence suspension program.**

Alberta should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing without a reasonable excuse.

Alberta's 90-day suspension program could also be strengthened by enacting progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures for drivers with multiple 90-day suspensions within a prescribed period of time.
-

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Alberta's mandatory alcohol interlock program does not apply to all federal impaired driving offenders. Rather, the Alberta Transport Safety Board (ATSB) has made participation mandatory for offenders: who have a BAC of .16% or higher; who refuse to provide a breath or blood sample; or who have more than one conviction for driving with a BAC in excess of .08% in the past ten years. Other impaired driving offenders, except those convicted of impaired driving causing bodily harm or death, may apply to the voluntary program.

The ATSB may reduce a driver's suspension to the minimum *Criminal Code* driving prohibition if he or she participates in the interlock program. The minimum duration of the interlock requirement is six months. Moreover, the ATSB and the Registrar can make the use of an interlock a condition of relicensing for any driver.

Alberta does not have a comprehensive vehicle impoundment program. However, the police must seize or immobilize the vehicle of a driver who is charged with driving while unauthorized or disqualified. The vehicle will be seized or immobilized for 30 days.

Alberta does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

The Alberta legislation does not make participation in a remedial program mandatory for all impaired driving offenders. However, both the ATSB and Registrar have broad authority to

require drivers to participate in a remedial program. As a matter of administrative practice, all impaired driving offenders are required to complete a remedial program of some kind.

Recommendations:

- **Strengthen the alcohol interlock program for federal impaired driving offenders.**

Alberta should enact a mandatory alcohol interlock program for all federal impaired driving offenders.

Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock periods should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years. Moreover, driving a vehicle without an interlock should constitute the offence of driving while disqualified.

Once the minimum period ends, the interlock order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems.

- **Expand and strengthen the vehicle impoundment program.**

The police should be required to impound any vehicle they have reasonable grounds to believe is uninsured. Alberta should also increase its current impoundment periods for suspended, prohibited and disqualified drivers to 45 days for a first occurrence and 90 days for a second occurrence within three years.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

The police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

Alberta should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Strengthen the mandatory remedial programs.**

Alberta should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders, and drivers who accumulate multiple 24-hour and 90-day administrative licence suspensions within prescribed periods of time.

BRITISH COLUMBIA

SYNOPSIS: British Columbia scored well for its 90-day administrative licence suspension, and relatively well for its alcohol interlock and vehicle impoundment programs. It scored poorly for its remedial programs, and its lack of a 7-14 day administrative licence suspension program for drivers who are reasonably believed to be impaired or who have BACs over .05%. It needs to strengthen the conditions of its graduated licensing program, including enforcement powers and penalties. It also needs to introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: British Columbia received a C+ and ranked 7th in the 2009 report. It received a C+ and ranked 8th in *The 2006 Report*, and was rated as “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in British Columbia is 16.

British Columbia has a two-stage graduated licensing program which includes supervised driving, passenger and some nighttime restrictions, but no high-speed roadway restrictions. The minimum length of the program is two and a half years. Learner and novice drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

British Columbia does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or on drivers during their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if learner or novice drivers are breaching the .00% BAC limit. Nor are the police authorized to demand that the supervisors of novice drivers identify themselves and present their licences.

There are no automatic administrative licensing sanctions for learner or novice drivers who have at-fault crashes or commit serious provincial traffic violations. However, the Driver Improvement Program contains substantially lower penalty point thresholds for intervention for learner and novice drivers than for fully-licensed drivers.

Learner and novice drivers who receive a 12-hour licence suspension for driving with a positive BAC or for refusing to provide a breath sample may be subject to a driving prohibition of between one and six months.

Recommendations:

- **Strengthen the graduated licensing program.**

British Columbia’s graduated licensing program could be strengthened by: increasing the second stage of licensing to 24 months, even for drivers who have completed a driver education program; introducing high-speed roadway restrictions; introducing nighttime restrictions for novice drivers; and implementing a .00% BAC limit for supervising drivers.

- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.**
- **Broaden police powers to enforce the graduated licensing program and the proposed .00% BAC limit for young and new drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Enact stronger sanctions for new and young drivers.**

Learner and novice drivers who have at-fault collisions or commit serious provincial traffic violations should be subject to automatic administrative licensing sanctions. Drivers who breach the conditions of the graduated licensing program or the extended .00% BAC limit should be subject to mandatory administrative 30 and 90-day suspensions for first and second offences, respectively.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, the police may “prohibit” any driver who they have reasonable grounds to believe is impaired by alcohol or a drug from driving for 24 hours, and may demand the surrender of his or her licence. The police must report the suspension to the Insurance Corporation of British Columbia (ICBC), but they do not have to forward the surrendered licence. There are no mandatory consequences for an accumulation of 24-hour prohibitions. However, a driver who accumulates three 24-hour suspensions may be prohibited from driving for three months and required to use an alcohol interlock for one year.

If the police have reasonable and probable grounds to believe that a driver’s BAC exceeds .08% or that he or she has failed to provide a sample, they must issue him or her a “notice of driving prohibition.” The driver may drive for 21 days using a temporary licence, and is then prohibited from driving for 90 days. There are no statutorily-mandated consequences for accumulating 90-day prohibitions. However, as a matter of administrative practice, the Superintendent requires drivers with two 90-day administrative prohibitions within five years to participate in a remedial program and install an alcohol interlock on their vehicle for one year.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver’s ability to drive is impaired by alcohol or

drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test. Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.

- **Strengthen the province's 90-day licence suspension program.**

British Columbia should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing, without a reasonable excuse.

British Columbia's program could also be strengthened by the legislative enactment of progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures for drivers with multiple 90-day suspensions within a prescribed period of time.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Participation in an alcohol interlock program is not mandatory for all federal impaired driving offenders. However, as a matter of administrative practice, the Superintendent makes participation in an interlock program mandatory for drivers with: (i) an alcohol-related conviction under the *Criminal Code* or the *Motor Vehicle Act (MVA)*; (ii) three 24-hour prohibitions within five years; (iii) two 90-day administrative driving prohibitions within five years; or (iv) one 90-day administrative driving prohibition and two 24-hour prohibitions within five years. The minimum period of participation is one year. For those with two and three *Criminal Code* or *MVA* convictions, the minimum participation period is two and three years, respectively.

British Columbia does not have a comprehensive vehicle impoundment program. However, provincial law provides several very specific bases for vehicle impoundment. For example, the police must impound the vehicle of a driver they have reasonable grounds to believe is unlicensed and has had a specified notice placed on his or her driving record for a prior conviction for driving without a licence. Moreover, the police may impound for 24 hours the vehicle of any driver who they have reasonable grounds to believe is driving while suspended.

British Columbia does not have an administrative vehicle forfeiture program for drivers with multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified. However, under the *Civil Forfeiture Act*, a judge may grant the Crown's application to order the forfeiture of "an instrument of unlawful activity" which could, in certain limited circumstances, include the vehicle of an impaired driving offender.

British Columbia does not have a mandatory remedial program. However, as a matter of administrative policy, the Superintendent requires drivers to participate in a remedial program if they have an alcohol-related *Criminal Code* conviction, two 90-day administrative driving

prohibitions within five years, three 24-hour suspensions within five years, or an indefinite driving suspension of which they have served at least five years.

Recommendations:

- **Strengthen the alcohol interlock program.**

British Columbia should enact a mandatory alcohol interlock program for all federal impaired driving offenders.

In order to encourage participation, the provincial licence suspension that would otherwise apply should be reduced to the length of the minimum *Criminal Code* driving prohibition. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum period ends, the interlock order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems.

- **Strengthen the vehicle impoundment program.**

Police in British Columbia should be empowered to impound any vehicle they have reasonable grounds to believe is being driven by an uninsured, unlicensed, suspended, prohibited or disqualified person. The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

Police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

British Columbia should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Establish a mandatory remedial program for all impaired driving offenders.**

British Columbia should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders, and drivers who accumulate multiple 24-hour and 90-day administrative licence suspensions within prescribed periods of time.

MANITOBA

SYNOPSIS: Manitoba scored well for its .00% BAC limit during the first five years of licensure, its 24-hour and 90-day administrative licence suspension programs, and its vehicle forfeiture provisions. It scored relatively well for its vehicle impoundment program. It needs to enhance the conditions of its graduated licensing program, and increase the minimum licensing age to 16. Manitoba should also enact a 7-14 day administrative licence suspension for drivers who are reasonably believed to be impaired or have BACs over .05%.

GRADES AND RANKINGS: Manitoba received an A- and ranked 2nd in the 2009 report. It received an A- and ranked 1st in *The 2006 Report*, and achieved a rating of “setting a good example” and “needs improvement” in *The 2007* and *2008 Progress Reports*, respectively.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Manitoba is 15½.

Manitoba has a three-stage graduated licensing program which includes passenger restrictions, but no high-speed roadway or nighttime restrictions. The minimum length of the program is three years. Novice drivers are subject to a .00% BAC limit and supervising drivers are subject to a .05% BAC limit.

Manitoba imposes a .00% BAC limit on drivers during their first five years of licensed driving.

Manitoba is the only jurisdiction that authorizes the police to demand, in the absence of reasonable suspicion or grounds, a roadside screening test from novice drivers or other drivers who have not held a full licence (a “Class 5F licence”) for at least three years. The police may also demand that supervising drivers submit to a roadside screening test, produce their licences and identify themselves.

There are no automatic administrative licensing sanctions for novice drivers who have at-fault crashes or commit serious provincial traffic violations. However, novice drivers who violate the conditions of the graduated licensing program, are involved in an at-fault collision, or are convicted of a driving-related offence may be required to attend a “Show Cause Hearing.” Following the hearing, the novice driver may be required to take a driver course or examination, or may be subject to additional licence restrictions or a licence suspension.

Recommendations:

- **Increase the minimum age of licensed driving on public roads to 16, regardless of whether the applicant is enrolled in a driver education program.**
- **Strengthen the graduated licensing program.**

Manitoba’s graduated licensing program could be strengthened by: increasing the learner stage to 12 months and the intermediate stage to 24 months; introducing nighttime and high-

speed roadway restrictions; lowering the BAC limit to .00% for supervising drivers; and requiring drivers to pass an exit test to obtain full driving privileges.

- **Extend its .00% BAC limit by six months to include all drivers under 21 years of age.**
- **Enact stronger sanctions for new and young drivers who violate the graduated licensing program and .00% BAC restrictions.**

Novice drivers who have at-fault collisions or commit serious provincial traffic violations should be subject to automatic administrative licensing sanctions. Novice and young drivers who violate the .00% BAC restrictions should be subject to 30 and 90-day administrative licence suspensions for first and second offences, respectively.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

Nor are police are authorized to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that his or her ability to drive is impaired by alcohol or drugs; or the driver registers a BAC of .05% or higher on a breath, blood or urine test.

However, Manitoba has a comprehensive 24-hour short-term suspension program. The police must immediately request the surrender of the licence of any driver who registers a BAC of .05% or more, or who fails to provide a breath or blood sample, without a reasonable excuse. The police must also immediately request the surrender of the licence of any driver: (i) who, based on an SFST, they believe is unable to drive safely; (ii) who fails to take an SFST; or (iii) who they believe is so impaired by alcohol or drugs as to be unable to provide a sample or take an SFST. In each case, the driver is required to surrender his or her licence and the police request triggers a 24-hour licence suspension. The police are required to notify the Registrar of Motor Vehicles of the suspension, but do not have to forward the surrendered licence. Drivers are required to pay a \$50 reinstatement fee. The Registrar must require any driver who receives two 24-hour suspensions within three years to undergo an impaired driver's assessment conducted by a recognized agency. Moreover, the Registrar may also require the driver to successfully complete an educational or treatment program.

The police must seize and suspend for 90 days the licence of any driver that they have reason to believe: (i) has a BAC above .08%; (ii) has failed, without a lawful excuse, to provide breath or blood samples; or (iii) has refused to take an SFST. Prior to reinstating the driver's licence, the Registrar must require the driver to provide a copy of an impaired driver's assessment conducted by a recognized agency and to successfully complete any recommended educational or treatment program.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver's ability to drive is impaired by alcohol or

drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test. Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees.

- **Strengthen the province’s 90-day licence suspension program.**

Manitoba should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to drug recognition testing without a reasonable excuse.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Manitoba’s “mandatory” alcohol interlock program does not apply to all federal impaired driving offenders. Rather, specified categories of federal impaired driving offenders who want to drive during the “prescribed period” following their licence suspensions must apply to the mandatory program. If accepted, they will be issued a restricted licence which allows them to drive a vehicle equipped with an interlock. The categories encompass: offenders convicted of impaired driving causing death or bodily harm; repeat offenders; and first impaired driving offenders who were carrying a passenger under 16. The prescribed period is one year for a first or second offence, three years for a third offence within ten years, and the offender’s lifetime for a fourth conviction within ten years. Although the program is described as being “mandatory,” the legislation provides that the first three categories of offenders can sit out the prescribed period and then apply for an unrestricted licence.

Other impaired driving offenders may apply for a restricted licence, which will allow them to drive a vehicle with an interlock prior to the end of the federal driving prohibition and provincial suspension that would otherwise apply. Offenders must show that they will suffer exceptional hardship if not accepted and that their participation in the interlock program is not contrary to the public interest.

The Registrar also has broad general powers to require drivers to participate in the program, even if they have not been charged with or convicted of an impaired driving offence.

The police must seize and impound a vehicle if they have reason to believe that the driver is prohibited or disqualified, has a BAC above .08%, has failed to provide breath or blood samples without a reasonable excuse, or has failed to take an SFST. There is no explicit impoundment program for uninsured vehicles. In most situations, the vehicle is impounded for 30 days.

Vehicles involved in three or more specified offences committed by the same offender within five years may be subject to administrative forfeiture. These offences include: impaired driving; driving with a BAC above .08%; failing to provide samples; driving while prohibited; and willfully attempting to evade police pursuit. Vehicles involved in more serious offences, such as impaired driving causing bodily harm or death, criminal negligence causing bodily harm or

death, manslaughter, and willfully attempting to evade police pursuit causing bodily harm or death, may be forfeited to the province upon a first offence.

The Registrar has the power to require any applicant or licensed driver to submit to an alcohol or drug assessment conducted by a recognized agency. Moreover, the Registrar must require drivers to submit to an assessment if they have two or more 24-hour suspensions, a 90-day suspension, or a suspension for a federal impaired driving offence. Based on the driver's assessment, the Registrar may then require the driver to participate in a treatment program.

Recommendations:

- **Strengthen the alcohol interlock program.**

Manitoba should enact a mandatory alcohol interlock program for all federal impaired driving offenders. Drivers should not have the option of sitting out the interlock program.

Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum period ends, the interlock order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems. As part of this decision-making process, the Registrar should carefully review the offender's interlock data log and participation in any required remedial programs.

- **Strengthen the administrative vehicle impoundment program for driving while uninsured, unlicensed, suspended, prohibited, or disqualified.**

The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years. Moreover, the police should be empowered to impound any vehicle they have reasonable grounds to believe is uninsured.

- **Strengthen the administrative vehicle impoundment program for suspected federal impaired driving offenders.**

Manitoba's current 30-day impoundment program should be expanded to apply to drivers: who fail to submit to a drug recognition evaluation required by federal law; or who the police reasonably believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol.

- **Expand the administrative forfeiture program to include the vehicle of a driver who has been responsible for three or more vehicle impoundments within ten years.**

NEW BRUNSWICK

SYNOPSIS: New Brunswick scored well for its .00% BAC limit for all drivers under 21, and relatively well for its graduated licensing program. It scored poorly for its alcohol interlock, vehicle impoundment and remedial programs. New Brunswick needs to introduce a 7-14 day administrative licence suspension program for drivers who are reasonably believed to be impaired or who have BACs over .05%, including record-keeping procedures and tiered consequences for repeat occurrences.

GRADES AND RANKINGS: New Brunswick received a D+ and ranked 12th in the 2009 report. It received a D and ranked 12th in *The 2006 Report*, but achieved a rating of “promising” and “setting a good example” in *The 2007* and *2008 Progress Reports*, respectively.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in New Brunswick is 16.

New Brunswick has a two-stage graduated licensing program which includes supervised driving, passenger and nighttime restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years, during which the “novice” driver must have a .00% BAC. There is no BAC restriction on supervising drivers.

New Brunswick also imposes a .00% BAC limit on all drivers under the age of 21, but not on older fully-licensed drivers during their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if novice drivers are breaching the .00% BAC limit. Nor are the police authorized to demand that the supervisors of novice drivers identify themselves and present their licences.

There are no automatic administrative licensing sanctions for novice drivers who have at-fault crashes or commit serious traffic violations. However, New Brunswick has a demerit point system that contains lower point thresholds for drivers with fewer than four years experience (“newly-licensed” drivers), which includes novice drivers. Newly-licensed drivers suspended under this program are required to restart the entire graduated licensing program.

Novice drivers who are convicted of the provincial offences of driving with a BAC above .00% or failing to provide a sample, or are convicted of a *Criminal Code* impaired driving offence, are subject to a one-year licence revocation and suspension. The Registrar may also suspend or revoke the licence of any driver under the age of 21 who breaches the .00% BAC restriction.

Recommendations:

- **Strengthen the graduated licensing program.**

New Brunswick’s graduated licensing program could be strengthened by: requiring beginning drivers to remain at the initial stage for 12 months, regardless of their participation in a driver’s education program; lengthening stage two to 24 months; introducing high-speed

roadway restrictions; implementing a .00% BAC limit for supervising drivers; and requiring novice drivers to pass an “exit” test to obtain full driving privileges.

- **Extend the .00% BAC limit to all drivers during their first five years of licensed driving.**
- **Broaden police powers to enforce the graduated licensing program and the .00% BAC limit for young and new drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, New Brunswick does have a less comprehensive and shorter roadside suspension for drivers who register a BAC of .05% or more, or are charged with a *Criminal Code* impaired driving offence. The driver is required to surrender his or her licence, and the police request triggers a 24-hour suspension. The police are not expressly required to notify the Registrar or forward the surrendered licence. There are no specific consequences for accumulating 24-hour suspensions. However, the Registrar has broad general powers: to require drivers to submit to medical examinations; and to suspend, or impose restrictions on, the licence of a driver who is believed to be unable to drive safely.

If a driver registers a BAC above .08% or refuses to provide a sample, the police are required to suspend his or her licence for “three months” (hereafter referred to as 90 days). The police are required to forward the licence to the Registrar. There are no express statutory consequences for accumulating 90-day suspensions. However, as noted, the Registrar has broad authority regarding drivers who are viewed as being unable to drive safely.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver’s ability to drive is impaired by alcohol or drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test.

Drivers with second or subsequent suspensions within three years should be subject to 30 or 90-day suspensions, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.

- **Strengthen the province's 90-day licence suspension program.**

New Brunswick should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing, without a reasonable excuse.

Drivers with multiple 90-day suspensions should be subject to mandatory progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

New Brunswick does not have a mandatory alcohol interlock program.

Federal impaired driving offenders, other than those with a novice licence, may apply to the Registrar to participate in the provincial interlock program. If accepted, the offender is issued a licence that is subject to an interlock order ("probationary" licence). The provincial suspension that would otherwise apply is reduced to the length of the minimum *Criminal Code* driving prohibition. The minimum participation period in the interlock program is the length of the driver's original provincial suspension.

New Brunswick has a very limited vehicle impoundment program. The vehicle of a driver who cannot provide proof of insurance may be impounded, but only if the owner has been convicted, within the past two years, of driving an uninsured vehicle or permitting someone else to do so.

The province does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

Every driver whose licence is suspended for a *Criminal Code* impaired driving offence must successfully complete an approved "drinking driver re-education course." Novice drivers who breach the .00% BAC restriction must also take this course.

Recommendations:

- **Strengthen the alcohol interlock program.**

New Brunswick should enact a mandatory alcohol interlock program for all federal impaired driving offenders.

Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum period ends, the interlock order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems. As part of this decision-making process, the

Registrar should carefully review the offender's interlock data log and participation in any required remedial programs.

The Registrar should have explicit authority to impose an interlock order on any driver that he or she reasonably believes poses a significant risk of impaired driving.

- **Enact a comprehensive administrative vehicle impoundment program for driving while uninsured, unlicensed, suspended, prohibited, or disqualified.**

Police should be required to impound any vehicle they have reasonable grounds to believe is uninsured, or is being driven by an unlicensed, suspended, prohibited, or disqualified driver. The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

Police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

New Brunswick should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Strengthen the mandatory remedial programs.**

New Brunswick should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders, and drivers who accumulate multiple 24-hour and 90-day administrative licence suspensions within prescribed periods of time.

NEWFOUNDLAND AND LABRADOR

SYNOPSIS: Newfoundland and Labrador scored well for its remedial programs, and relatively well for its alcohol interlock and vehicle impoundment programs. It scored poorly for its lack of a 7-14 day administrative licence suspension for drivers who are reasonably believed to be impaired or who have BACs over .05%. It needs to strengthen its graduated licensing program, including enforcement powers and penalties. It also needs to introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: Newfoundland and Labrador received a C+ and ranked 8th in the 2009 report. It received a B- and ranked 3rd in *The 2006 Report*, but received a rating of “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Newfoundland and Labrador is 16.

The province has a two-stage graduated licensing program which includes supervised driving, passenger and nighttime restrictions, but no high-speed roadway provisions. The minimum length of the program is 20 months, during which novice drivers must have a .00% BAC. Supervising drivers cannot have a BAC of .05% or more.

Newfoundland and Labrador does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or on drivers during their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if novice drivers are breaching the .00% BAC limit. However, if the police reasonably suspect that the supervising driver has alcohol in his or her body, they can demand that he or she take a breath test. Moreover, supervising drivers are required to comply with a police request to produce their licences.

There are no automatic administrative licensing sanctions for novice drivers who have at-fault crashes or commit serious traffic violations. However, Newfoundland and Labrador has a demerit point system, and novice drivers are subject to lower point thresholds than fully-licensed drivers.

Novice drivers who fail to provide a breath sample or have a BAC of .08% or more are subject to a licence suspension of at least 90 days. Novice drivers who otherwise test positive for alcohol receive a two-month suspension for a first occurrence, a four-month suspension for a second occurrence, and six-month suspensions for third and subsequent occurrences. Novice drivers with a second or subsequent violation must complete a remedial program prior to licence reinstatement.

RECOMMENDATIONS:

- **Strengthen the graduated licensing program.**

Newfoundland and Labrador's graduated licensing program could be strengthened by: requiring beginning drivers to remain at the initial stage for 12 months, regardless of their participation in a driver's education program; lengthening stage two to 24 months and imposing stricter passenger limits; introducing high-speed roadway restrictions; enacting a .00% BAC limit for supervising drivers; and requiring novice drivers to pass an "exit" test to obtain full driving privileges.

- **Enact a .00% BAC limit for all drivers under the age of 21 and for all drivers during their first five years of licensure.**
- **Broaden police powers to enforce the graduated licensing program and the proposed .00% BAC limit for young and new drivers.**

The police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Novice drivers who have at-fault collisions or commit serious provincial traffic violations should be subject to automatic administrative licensing sanctions.**
-

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, Newfoundland and Labrador does have a less comprehensive and shorter roadside suspension program. If a driver registers a BAC of .05% or more, or refuses to provide a breath sample, the police must request the surrender of his or her licence. Similarly, the police must request the surrender of the licence of any driver who is charged with a *Criminal Code* impaired driving offence. The driver is required to surrender his or her licence and the police request triggers a 24-hour licence suspension. The police are required to notify the Registrar but they are not required to forward a surrendered licence. If a driver incurs three, four or more 24-hour suspensions within two years, his or her licence will be suspended for two, four or six months, respectively. Drivers who receive multiple 24-hour suspensions within two years are also required to complete either an educational or remedial program prior to licence reinstatement. Drivers who receive a 24-hour suspension must pay a \$100 licence reinstatement fee.

A driver who refuses or fails to submit to a test required under section 254 of the *Criminal Code*, or who registers a BAC of .08% or more on an approved screening device or instrument is subject to both a 24-hour licence suspension and a 90-day suspension. The 90-day suspension takes effect 14 days after the 24-hour suspension expires. The driver is required to complete a prescribed driver education program. A driver who receives two or more 90-day suspensions within two years is required to complete a remedial program prior to licence reinstatement.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver: if they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test.

Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.
- **Strengthen the province's 90-day licence suspension program.**

Newfoundland and Labrador should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

The province does not have a mandatory alcohol interlock program.

Rather, a driver whose licence has been suspended for a *Criminal Code* impaired driving offence may apply to the Registrar for a licence with an interlock restriction. If the application is accepted, the provincial licence suspension that would otherwise apply is reduced to the length of the *Criminal Code* minimum driving prohibition. The interlock restriction lasts for the length of the original provincial suspension, although the Registrar has discretion to extend the interlock restriction, based on the driver's record and his or her performance in the interlock program.

The police must seize and impound the vehicle of uninsured drivers for 90 days, unless it was being driven without the owner's consent. If the police have a reasonable belief that a driver is disqualified or prohibited from driving, they must seize and impound the driver's vehicle for 30 days.

The province does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

Newfoundland and Labrador has comprehensive remedial programs. Drivers suspended for a *Criminal Code* offence must successfully complete a remedial program before their licences will be reinstated. A driver with a 90-day suspension is required to complete an educational program prior to licence reinstatement, and a driver who receives two or more 90-day suspensions within two years must complete a remedial program. Drivers with two 24-hour suspensions in two years must attend an educational program. Similarly, drivers with three or more 24-hour suspensions must attend an alcohol dependency assessment and may be ordered by the Registrar to complete an alcohol rehabilitation program. In addition, the Registrar can require applicants

and licensed drivers to have a medical examination to determine if they are physically and mentally competent to drive.

Recommendations:

- **Strengthen the alcohol interlock program.**

Newfoundland and Labrador should enact a mandatory alcohol interlock program for all federal impaired driving offenders.

Moreover, even offenders who do not apply or are not accepted for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum period ends, the interlock order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems.

- **Strengthen the vehicle impoundment program for driving while unlicensed, suspended, disqualified, or prohibited.**

The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

Police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

Newfoundland and Labrador should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired driving or other *Criminal Code* traffic convictions within ten years.

THE NORTHWEST TERRITORIES

SYNOPSIS: The Northwest Territories scored well for its 90-day administrative licence suspension, and relatively well for its short-term licence suspensions for drivers who are reasonably believed to be impaired or who have BACs over .05%. It scored poorly for its alcohol interlock and remedial programs. It needs to raise its minimum licensing age to 16 and strengthen its graduated licensing program. It also needs to introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: The Northwest Territories received a D+ and ranked 11th in the 2009 report. It received a B- and ranked 6th in *The 2006 Report*, and achieved a rating of “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in the Northwest Territories is 15.

The Northwest Territories has a two-stage graduated licensing program which includes passenger and nighttime restrictions, but no high-speed roadway limits. The minimum length of the program is two years, during which novice drivers are subject to a .00% BAC restriction. Supervising drivers are also subject to a .00% BAC restriction and their ability to drive cannot be impaired by drugs.

The Northwest Territories does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or on drivers during their first five years of licensed driving.

The territorial legislation does not give the police any special enforcement powers to determine if novice drivers are breaching the .00% BAC limit. Nor are the police authorized to demand that the supervisors of novice drivers identify themselves and present their licences.

There are no automatic administrative licensing sanctions for novice drivers who have at-fault crashes or commit serious traffic violations. However, under the territorial demerit point system, novice drivers are subject to lower point thresholds than fully-licensed drivers. Moreover, the Registrar has broad powers to extend a novice driver’s probationary period.

Recommendations:

- **Increase the minimum age of licensed driving on public roads to 16, regardless of whether the applicant is enrolled in a driver education program.**

- **Strengthen the graduated licensing program.**

The Northwest Territories’ graduated licensing program could be strengthened by: increasing the second stage to 24 months; introducing high-speed roadway restrictions; enacting nighttime restrictions for stage-two drivers; and requiring them to pass an “exit” test to obtain full driving privileges.

- **Enact a .00% BAC limit for all drivers under the age of 21 and for all drivers during their first five years of licensure.**

- **Broaden police powers to enforce the graduated licensing program and the proposed .00% BAC limit for young and new drivers.**

The police should be authorized to demand identification from supervising drivers. Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Enact stronger sanctions for new and young drivers who violate the graduated licensing program and the proposed .00% BAC restriction.**

Novice drivers who have at-fault collisions or commit serious provincial traffic violations should be subject to automatic administrative licensing sanctions. Novice and young drivers who violate the .00% BAC restriction should be subject to 30 and 90-day administrative licence suspensions for first and second offences, respectively.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police are authorized to suspend a driver's licence for 24 hours if they reasonably believe that he or she is fatigued. Beyond this, police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The territory does not have a 7-14 day administrative licence suspension for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, the Northwest Territories does have a less comprehensive and shorter roadside suspension program. If the police reasonably believe that a driver's ability to drive is adversely affected by alcohol or a drug, they may suspend his or her licence for 24 hours. The police are not required to take a breath or blood sample, and there is no minimum BAC required. The police do not have to forward the surrendered licence to the Registrar and there are no standard consequences for accumulating short-term suspensions. However, the Registrar can cancel a driver's licence for up to two years if he or she has reasonable grounds to believe the driver has an unsatisfactory driving record or endangers public safety.

If, pursuant to a demand under the *Criminal Code*, a driver registers a BAC above .08% or refuses to provide a sample, the police must suspend his or her licence for 90 days. There are no standard consequences for accumulating 90-day suspensions. However, as noted, the Registrar has broad authority to cancel the licence of a driver who is believed to have an unsatisfactory driving record or to endanger public safety.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or the driver registers a BAC of .05% or higher on a breath, blood or urine test. Drivers with a second or subsequent suspension within three years should be subject to 30

and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for a period of ten years.

- **Strengthen the territory's 90-day licence suspension program.**

The Northwest Territories should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing without a reasonable excuse.

The program could also be strengthened by enacting progressive sanctions, driver record reviews, and mandatory assessments and other remedial measures for drivers with multiple 90-day suspensions within a prescribed period of time.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

The Northwest Territories does not have a mandatory alcohol interlock program.

If a driver has been suspended for 90 days or convicted of a *Criminal Code* impaired driving offence, the Registrar may require the driver to participate in the territory's alcohol interlock program. More generally, the Registrar has the power to impose conditions on a driver's licence at any time, which could include participation in an interlock program.

The police may impound for 30 days the vehicle of a driver who has been charged with driving while prohibited, suspended or disqualified, if that prohibition, suspension or disqualification arose from a prior *Criminal Code* impaired driving offence.

The territory does not have a vehicle forfeiture program, even for drivers who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

The Northwest Territories does not have any statutorily-mandated remedial programs. However, the Registrar may impose mandatory conditions when issuing or reinstating the licence of a driver with a 90-day suspension or a *Criminal Code* impaired driving conviction. These conditions may include undergoing a driver or alcohol dependency assessment, and completing a driver improvement, alcohol dependency awareness, or alcohol treatment program. If the Registrar reasonably believes that a driver cannot drive safely because of a "physical or mental disability or disease," he or she can require the driver to undergo a medical examination. Based on the examination, the Registrar can cancel the driver's licence or impose conditions on it.

Recommendations:

- **Strengthen the alcohol interlock program.**

Participation in an interlock program should be a mandatory condition of licence reinstatement for all federal impaired driving offenders. In order to encourage participation, drivers who enroll in an interlock program should be eligible for early licence reinstatement

once the minimum *Criminal Code* driving prohibition ends. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum interlock period ends, the order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems. As part of this decision-making process, the Registrar should carefully review the offender's interlock data log and participation in any required remedial programs.

- **Strengthen the administrative vehicle impoundment program.**

The police should be required to impound any vehicle they have reasonable grounds to believe is uninsured, or is being driven by an unlicensed, suspended, prohibited, or disqualified driver. The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

The police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

The Northwest Territories should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Establish a mandatory remedial program for all impaired driving offenders.**

The Northwest Territories should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders, and drivers who accumulate multiple 24-hour and 90-day administrative licence suspensions within prescribed periods of time.

NOVA SCOTIA

SYNOPSIS: Nova Scotia scored well for its 90-day administrative licence suspension, and relatively well for its graduated licensing, alcohol interlock and remedial programs. It needs to proclaim in force its .00% BAC limit for drivers during their first 4¾ years of licensure. The province should enact a 7-14 day administrative licence suspension program for drivers who are reasonably believed to be impaired or who have BACs over .05%. Nova Scotia should also introduce an administrative vehicle forfeiture program for drivers with multiple vehicle impoundments and federal impaired driving convictions.

GRADES AND RANKINGS: Nova Scotia received a B and ranked 4th in the 2009 report. It received a D+ and ranked 11th in *The 2006 Report*, but achieved a rating of “setting a good example” and “promising” in *The 2007 and 2008 Progress Reports*, respectively.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Nova Scotia is 16.

Nova Scotia has a two-stage graduated licensing system which includes passenger and nighttime restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years and three months, during which learners and newly-licensed drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers. However, when proclaimed in force, legislation enacted 2007 will subject supervising drivers to a .05% BAC restriction.

Nova Scotia does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or on drivers during their first five years of driving. However, when proclaimed in force, legislation enacted in 2007 will require drivers to have a .00% BAC for two years after completing the newly-licensed driver stage. Thus, the minimum length of the .00% BAC restriction will be 4¾ years for drivers who successfully completed a driver’s education course during the learner stage, and 5 years for those who did not.

The provincial legislation does not give the police any special enforcement powers to determine if novice drivers are breaching the .00% BAC limit. Nor are the police authorized to demand that supervising drivers identify themselves and present their licences. When proclaimed in force, 2007 legislation will authorize the police to demand a breath or blood sample from any supervising driver who they have reasonable and probable grounds to believe has a BAC above .05%.

There are no automatic administrative licensing sanctions for learners and newly-licensed drivers who have at-fault crashes or commit serious traffic violations. However, under Nova Scotia’s demerit point system, learners and newly-licensed drivers are subject to lower point thresholds than fully-licensed drivers. Moreover, the licences of learners and newly-licensed drivers are suspended for 24 hours if they are alcohol-positive or fail to provide a sample. This conduct also constitutes a provincial offence which carries a minimum fine of \$250 and six

demerit points. In turn, the accumulation of this number of demerit points results in a six-month licence suspension.

Recommendations:

- **Strengthen the graduated licensing program.**

Nova Scotia's graduated licensing program could be strengthened by: requiring learners to remain at the initial stage for 12 months, regardless of their participation in a driver's education program; enacting high-speed road restrictions; strengthening the passenger limits for newly-licensed drivers; requiring supervising drivers to have a .00% BAC and be at least 21 years of age; and requiring newly-licensed drivers to pass an "exit" test to obtain full driving privileges.

- **Extend by three months and proclaim in force the pending .00% BAC limit so that it applies to all drivers during their first five years of licensed driving.**

- **Broaden police powers to enforce the graduated licensing program and the proposed .00% BAC limit for young and new drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, Nova Scotia does have a less comprehensive and shorter roadside suspension. The police are authorized to suspend for 24 hours the licence of a driver who registers a BAC of .05% or more, or who is charged with refusing to provide a sample. The police forward a record of the suspension to the Registrar, but not the surrendered licence. There are no standard consequences for accumulating 24-hour suspensions. However, the Registrar has broad powers to require drivers to submit to an examination and to successfully complete a driver improvement program.

The police must suspend for 90 days the licence of any driver who: they have reasonable and probable grounds to believe, by reason of breath or blood analysis, has a BAC above .08%; or has failed to provide a sample. Drivers are required to successfully complete an alcohol rehabilitation program prior to reinstatement. There are no prescribed consequences for drivers who accumulate 90-day suspensions. However, as indicated, the Registrar has broad powers to mandate examinations and participation in remedial programs.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver’s ability to drive is impaired by alcohol or drugs; or the driver registers a BAC of .05% or higher on a breath, blood or urine test.

Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver’s record and included on all driver abstracts for ten years.
- **Strengthen the province’s 90-day licence suspension program.**

Nova Scotia should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing without a reasonable excuse.

Drivers with multiple 90-day suspensions should be subject to progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Nova Scotia does not have a mandatory alcohol interlock program for all federal impaired driving offenders.

Participation is mandatory for: “high-risk first offenders;” drivers with multiple *Criminal Code* impaired driving convictions; drivers convicted of impaired driving causing bodily harm or death; and drivers ordered to participate by the Registrar. Other federal impaired driving offenders may apply to the program. If accepted, they are issued an “interlock licence” and the provincial licence suspension that would otherwise apply is reduced to the length of the minimum *Criminal Code* driving prohibition. Voluntary participants must remain in the program for the time remaining in the one-year provincial revocation. High-risk first offenders, second offenders, and third offenders must participate for at least one, two and three years, respectively.

Once the minimum interlock participation period ends, the driver must apply to the Registrar to be released from the program. Based on a review of the authorized service provider’s reports, the Registrar may reject the application and extend the length of the interlock requirement.

Nova Scotia does not have a comprehensive vehicle impoundment program for unlicensed, suspended, prohibited, disqualified, or uninsured drivers. Nor does it provide for impoundment for suspected federal impaired driving offenders.

The police are required to detain the vehicle of a person who is driving while his or her licence or privilege to obtain a licence has been revoked for a *Criminal Code* offence. The police must notify the Registrar, who may order the vehicle impounded for 90 days. Nova Scotia

enacted legislation in 2008 which, when proclaimed in force, will permit the police to seize and impound a vehicle in a broad range of situations, including if: they have reason to believe that the driver has committed a *Motor Vehicle Act* or traffic-related *Criminal Code* offence; the driver does not have a valid licence; or the driver's licence is suspended or revoked.

The province does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

Every driver whose licence is revoked or suspended for a federal impaired driving offence or who receives a 90-day administrative licence suspension must participate in a rehabilitation program prior to licence reinstatement. Federal impaired driving offenders who re-offend or receive a 90-day suspension are required to submit to an assessment conducted by Addiction Services.

Recommendations:

- **Strengthen the alcohol interlock program.**

Nova Scotia should enact a mandatory alcohol interlock program for all federal impaired driving offenders.

Moreover, even offenders who do not apply or are not accepted for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

- **Proclaim in force the 2008 vehicle impoundment legislation.**

- **Introduce a mandatory administrative vehicle forfeiture program.**

Nova Scotia should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Strengthen the mandatory remedial programs.**

Nova Scotia should extend its remedial programs to require drivers with multiple 24-hour licence suspensions to participate in an alcohol/drug assessment and successfully complete any recommended remedial program.

NUNAVUT

SYNOPSIS: Nunavut scored relatively well for its short-term licence suspension for drivers who are reasonably believed to be impaired. It scored poorly for its lack of a graduated licensing program, 90-day administrative licence suspension, and alcohol interlock program. It needs to raise the minimum licensing age to 16, strengthen its vehicle impoundment program, and introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADE AND RANKINGS: Nunavut received an F and ranked 13th in the 2009 report. It received an F and ranked 13th in *The 2006 Report*, and achieved a rating of “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Nunavut is 15.

Nunavut does not have a graduated licensing program. Learner drivers must be accompanied, but there are no high-speed roadway, nighttime or passenger restrictions. Learners are not required to maintain a lower BAC than drivers with full driving privileges, and there is no BAC restriction on supervising drivers. Drivers can receive full driving privileges at the age of 16.

Nunavut does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or on drivers during their first five years of driving.

Nunavut has a demerit point system, under which learners are subject to special sanctions.

Recommendations:

- **Increase the minimum age of licensed driving on public roads to 16, regardless of whether the applicant is enrolled in a driver education program.**
- **Introduce a formal graduated licensing program.**

The program should be three years in length and apply to all beginning drivers, regardless of age, and include: passenger, nighttime, and high-speed driving restrictions; a .00% BAC limit for beginning and supervising drivers; low demerit point thresholds; and an “exit” test to obtain full driving privileges.
- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.**
- **Broaden police powers to enforce the proposed graduated licensing program and .00% BAC limit for new and young drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

Nunavut should create significant sanctions for violating the conditions of the proposed graduated licensing program. For example, drivers who violate the .00% BAC limit should be suspended, required to complete a remedial program and their stage of licensing should be extended.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police are authorized to suspend a driver's licence for 24 hours if they reasonably believe that he or she is adversely affected by fatigue. Beyond this, police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

Nunavut does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs, or who register a BAC of .05% or higher on a breath, blood or urine test.

However, Nunavut does have a less comprehensive and shorter roadside suspension for drivers who the police reasonably believe are adversely affected by alcohol or a drug. The police are not required to take a breath or blood sample, and there is no minimum BAC required. The test results on an ASD typically provide the police with the necessary grounds to believe that a driver's ability to drive is impaired. The suspension is for four to 24 hours, as determined by the police. The police are not required to forward the surrendered licence to the Registrar, and there are no specific consequences for accumulating short-term suspensions. However, the Registrar can cancel a driver's licence for up to two years if the Registrar has reasonable grounds to believe that the driver has an unsatisfactory driving record or endangers public safety.

Nunavut is the only jurisdiction that does not have a 90-day administrative licence suspension program.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or the driver registers a BAC of .05% or higher on a breath, blood or urine test. Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive short-term licence suspensions should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.
- **Introduce a comprehensive 90-day administrative licence suspension program.**

Nunavut should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a blood, breath or urine sample, have a BAC of .08% or above; the police have reason to believe, based on a drug recognition

evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to provide a sample, or to submit to standard field sobriety or drug recognition testing, without a reasonable excuse.

The police should be required to seize the driver's licence and report the suspension to the Registrar. Drivers with multiple 90-day suspensions should be subject to progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Nunavut does not have an alcohol interlock program.

Nunavut does not have a vehicle impoundment program for unlicensed, suspended, prohibited, disqualified, or uninsured drivers. Nor does it provide for impoundment for suspected federal impaired driving offenders.

The territory does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

Nunavut does not have any mandatory remedial programs, and the Registrar does not have broad authority to require drivers to undergo assessments or complete remedial programs. However, if the Registrar has reasonable grounds to believe that a driver cannot drive safely because of a "physical or mental disability or disease," the Registrar may require the driver to undergo a medical examination. Based on the examination, the Registrar may cancel the driver's licence or impose conditions on it.

Recommendations:

- **Introduce a mandatory alcohol interlock program for all federal impaired driving offenders.**

Participation in an interlock program should be a mandatory condition of licence reinstatement for all federal impaired driving offenders. In order to encourage participation, drivers who enroll in an interlock program should be eligible for early licence reinstatement once the minimum federal driving prohibition ends. Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum interlock period ends, the order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems. As part of this decision-making process, the Registrar should carefully review the offender's interlock data log and participation in any required remedial programs.

The Registrar should have explicit authority to impose an interlock order on any driver that he or she reasonably believes poses a significant risk of impaired driving.

- **Enact an administrative vehicle impoundment program for driving while uninsured, unlicensed, suspended, prohibited, or disqualified.**

The police should be required to impound any vehicle they have reasonable grounds to believe is uninsured, or is being driven by an unlicensed, suspended, prohibited, or disqualified driver. The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years. Further occurrences within ten years should result in vehicle forfeiture. The driver and the owner of the vehicle should be liable for any related costs.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

The police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

Nunavut should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Establish a mandatory remedial program for all impaired driving offenders.**

Nunavut should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders, and drivers who accumulate multiple 24-hour and 90-day administrative licence suspensions.

The Registrar should be given explicit authority to require any driver who he or she reasonably believes has an alcohol or drug problem to undergo an assessment and successfully complete any recommended treatment or other remedial programs.

ONTARIO

SYNOPSIS: Ontario scored well for its graduated licensing program, its three-day administrative licence suspension program for drivers with BACs above .05%, and its vehicle impoundment program. It also scored relatively well for its alcohol interlock and remedial programs. It needs to enhance the enforcement powers under the graduated licensing program and the penalties for drivers who violate the conditions of the program, and proclaim in force its .00% BAC limit for all drivers under 22.

GRADES AND RANKINGS: Ontario received an A- and ranked 1st in the 2009 report. It received a B and ranked 2nd in *The 2006 Report*, but achieved a rating of “setting a good example” and “needs improvement” in *The 2007* and *2008 Progress Reports*, respectively.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Ontario is 16.

Ontario has a two-stage graduated licensing program which includes supervised driving, passenger, nighttime, and high-speed roadway restrictions. The minimum length of the program is 20 months, during which new drivers must have a .00% BAC. The Ministry of Transportation has stated it will lengthen the program to 30 months. Supervising drivers must have a BAC of less than .05%.

Ontario does not impose a .00% BAC limit on fully-licensed drivers under the age of 21 or on drivers during their first five years of licensed driving. However, recent legislation, when proclaimed in force, will make it an offence for those under 22 years of age to drive with a BAC above .00%.

The provincial legislation does not give the police any special enforcement powers to determine if novice drivers are breaching the .00% BAC limit. However, the police are authorized to demand breath samples from supervising drivers who are reasonably suspected of having alcohol in their bodies, and supervising drivers must produce their licences when requested to do so by a police officer.

There are no automatic administrative licensing sanctions for novice drivers who have at-fault crashes or commit serious provincial traffic offences. However, Ontario has a demerit point system, under which novice drivers are subject to lower point thresholds and special sanctions. The government has also announced plans to impose escalating sanctions on novice drivers who are convicted of certain provincial traffic offences. Upon conviction, drivers would receive 30 and 90-day licence suspensions for a first and second offence, respectively.

Recommendations:

- **Strengthen the graduated licensing program.**

Ontario’s graduated licensing program could be strengthened by: increasing the first stage to one year, even for drivers who have completed a driver education program; increasing the

second stage to two years; enacting stricter passenger restrictions; and implementing a .00% BAC limit for supervising drivers.

- **Proclaim in force the pending .00% BAC limit for drivers under the age of 22 and extend it to all drivers during their first five years of licensed driving.**
- **Broaden police powers to enforce the graduated licensing program and the .00% BAC limit for young and new drivers.**

The police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Enact the proposed escalating sanctions for novice drivers who commit specified provincial offences.**

Novice and young drivers who have at-fault collisions or commit serious provincial traffic offences should be subject to automatic administrative licensing sanctions. Moreover, if they violate the .00% BAC restrictions they should be subject to 30 and 90-day administrative licence suspensions for first and second offences, respectively.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, Ontario was the first province to enact .05% BAC roadside suspensions of longer than 24 hours. If a driver registers a BAC of .05% or more on an ASD or approved instrument, the police may request the surrender of his or her licence. The driver is required to surrender his or her licence, and the police request triggers a three-day licence suspension for a first infraction, a seven-day licence suspension for a second infraction within five years, and a 30-day licence suspension for a third or subsequent infraction within five years. Police officers are required to notify the Registrar of Motor Vehicles of the suspension. Drivers with two or more suspensions within five years must undergo an alcohol education program. Drivers with three or more suspensions within five years must undergo a more extensive alcohol treatment program, and are subject to an alcohol interlock condition for six months. Drivers are required to pay a \$150 administrative “monetary penalty” for each suspension.

Drivers who register a BAC above .08% or who fail to provide a sample without a reasonable excuse are subject to 90-day administrative licence suspensions. There are no specific consequences for accumulating 90-day suspensions. However, the Registrar has broad powers to suspend or cancel licences, which could be invoked in cases of multiple 90-day suspensions. Amendments to provincial legislation, when proclaimed in force, will also impose a 90-day suspension on drivers who refuse a demand for standard field sobriety or drug recognition testing.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
 - **Lengthen the three-day administrative licence suspensions to 7-14 days.**

Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions. The program should also be broadened to apply to drivers who the police reasonably believe are impaired by alcohol or drugs.
 - **Strengthen the 90-day licence suspension program.**

Ontario should enact legislation requiring the police to issue 90-day suspensions to drivers who the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol.

Drivers with multiple 90-day suspensions should be subject to statutorily-mandated progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.
-

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Federal impaired driving offenders must participate in the province's alcohol interlock program as a condition of licence reinstatement. The minimum participation period is one year for a first offence and three years for a second offence. On a third conviction, the use of an interlock is a permanent requirement. At the end of the minimum interlock period, drivers can apply to be removed from the program and returned to full driving privileges. Drivers who receive three or more short-term licence suspensions must also participate in the interlock program for six months.

The police must detain a driver's vehicle and notify the Registrar if they are satisfied that the driver has driven while suspended or prohibited for any *Criminal Code* impaired driving or traffic offence. The Registrar may then order the vehicle impounded for 45 days for a first occurrence. In addition, judges can order the vehicle of a driver impounded for three months if he or she is convicted of specified federal impaired driving or other traffic offences, or of the provincial offences of driving while suspended or uninsured.

Ontario has enacted legislation which, when proclaimed in force, will authorize the police to impound for seven days the vehicles of drivers in a broad range of circumstances. For example, the police will be authorized to impound a vehicle when they are satisfied that a driver: has registered a BAC above .08%, failed to provide a sample, or failed to submit to standard field sobriety or drug recognition testing; is driving in contravention of an interlock order; or is driving while subject to any provincial suspension, with some limited exceptions.

The province does not have an administrative vehicle forfeiture program for drivers with multiple impoundments or multiple *Criminal Code* impaired driving convictions. However, under the *Civil Remedies Act, 2001*, a judge must grant a Crown's application to order the forfeiture of a vehicle if: it was used in a "vehicular unlawful activity" (which includes the federal impaired driving or other traffic offences, and the provincial offence of driving while suspended); and the licence of the owner or driver has been suspended for a "vehicular unlawful activity" two or more times in the previous ten years. There is an exception for "responsible vehicle owners" and judges have discretion to deny the application if forfeiture "would clearly

not be in the interests of justice.”

Every driver whose licence is suspended for a *Criminal Code* impaired driving offence must undergo an assessment and successfully complete a remedial program prior to licence reinstatement. This requirement also applies to drivers whose licence is suspended for a *Criminal Code* offence other than impaired driving, if they have been convicted of an impaired driving offence within the previous ten years. If an offender has two prior impaired driving convictions or is viewed as being at high risk of re-offending, he or she will be referred to a treatment program. As indicated, drivers with two short-term suspensions within five years must participate in an education program and those with three or more suspensions in five years must participate in a treatment program.

Recommendations:

- **Strengthen the alcohol interlock program.**

In order to encourage participation, drivers who enroll in the interlock program should be eligible for early licence reinstatement once the minimum *Criminal Code* driving prohibition ends. While recent amendments will permit the Registrar to take such action, the necessary accompanying regulations have not yet come into force.

- **Introduce an administrative vehicle forfeiture program.**

Ontario should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

PRINCE EDWARD ISLAND

SYNOPSIS: Prince Edward Island scored well for its graduated licensing and seven-day administrative licence suspension programs, and relatively well for its remedial programs. It needs to strengthen its alcohol interlock program and introduce administrative vehicle forfeiture. The province should also introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: Prince Edward Island received a B and ranked 3rd in the 2009 report. It received a D+ and ranked 10th in *The 2006 Report*, but achieved a rating of “setting a good example” and “needs improvement” in *The 2007* and *2008 Progress Reports*, respectively.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Prince Edward Island is 16.

Prince Edward Island has a three-stage graduated licensing program which includes passenger and nighttime restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years and nine months, during which those with “instruction” permits and “newly-licensed” drivers are subject to a .00% BAC restriction. Supervising drivers must not have a BAC above .05%.

Prince Edward Island does not impose a .00% BAC limit on all drivers under the age of 21 and all drivers during their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if drivers in the graduated licensing program are breaching the .00% BAC limit. However, if the police suspect that a driver is violating the graduated licensing program, they may demand that the passengers identify themselves and produce their licences.

There are no automatic administrative licensing sanctions for drivers in the graduated licensing program who have at-fault crashes or commit serious traffic violations. However, Prince Edward Island has a demerit point system that includes substantially lower thresholds for these drivers. For example, stage-one drivers who receive any demerit points are subject to a one-month licence suspension and are put on probation for a year. These same provisions apply to stage-two drivers with six demerit points.

Recommendations:

- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.**
- **Broaden police powers to enforce the graduated licensing program and the .00% BAC limit for young and new drivers.**

The police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

Prince Edward Island is the first jurisdiction to enact a seven-day administrative licence suspension for drivers who register a BAC between .05% and .099% on an ASD or who refuse to provide a sample. Drivers who obtain a second or third seven-day suspension within two years are subject to 30 and 90-day licence suspensions, respectively. In addition, the Registrar has broad powers to suspend or cancel licences, disqualify drivers, or put them on probation for provincial traffic violations arising from the use of intoxicants, reckless or negligent driving, or any other reason that renders a person unfit to drive.

If a driver registers a BAC above .08% on a breath or blood test or refuses to produce a sample without a reasonable excuse, the police must seize his or her licence and issue the driver a “notice of driving prohibition.” The driver can drive for seven days under a temporary licence and is then prohibited from driving for 90 days. There are no prescribed statutory consequences for drivers who accumulate 90-day prohibitions. However, as noted, the Registrar has broad powers to suspend or cancel the licences of drivers.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**

- **Strengthen the seven-day administrative licence suspension program.**

The program should be extended to drivers who are reasonably believed to be impaired by alcohol or drugs.

Drivers with a second or subsequent suspension within three years should be subject to mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an alcohol interlock on their vehicle for 12 months as a condition of relicensing.

All short-term licence suspensions should be recorded on the driver’s “operating record” and included on all driver abstracts for ten years.

- **Strengthen the 90-day licence suspension program.**

Prince Edward Island should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing, without a reasonable excuse.

Drivers with multiple 90-day suspensions should be subject to statutorily-mandated progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Prince Edward Island does not have a mandatory alcohol interlock program for all federal impaired driving offenders. Rather, drivers with two or more federal convictions must participate in the program for at least 12 months as a condition of relicensing.

Other federal impaired driving offenders may apply to the voluntary interlock program. If accepted, they are issued a licence which is subject to an interlock restriction and the provincial driving disqualification that would otherwise apply is reduced to the length of the minimum *Criminal Code* driving prohibition. The legislation does not impose minimum interlock participation periods. However, program violations will result in lengthening the interlock restriction.

Prince Edward Island does not have a comprehensive vehicle impoundment program. However, the police are authorized to impound a vehicle if they are satisfied that the driver's licence is suspended or cancelled, and the driver has been convicted within the past two years of the provincial offence of driving with a suspended or cancelled licence, or the federal offence of driving while disqualified. In addition, judges may impose a three-week vehicle impoundment on drivers convicted of a federal impaired driving offence or the provincial offence of driving without a valid licence.

The province does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while insured, unlicensed, suspended, prohibited, or disqualified.

Every driver whose licence is suspended for a *Criminal Code* impaired driving offence must successfully complete the Driver Rehabilitation Program prior to licence reinstatement. Repeat offenders are required to take an automated assessment test. Based on the results, they are assigned to an eight-hour program of films, lectures and discussions, or to a more intensive assessment and treatment program. Drivers convicted of dangerous driving, manslaughter, dangerous driving causing bodily harm or death, criminal negligence causing bodily harm or death, or failing to stop at the scene of an accident must complete the Driver Improvement Program. In addition, the Registrar has authority to require any applicant or licensed driver to have a medical examination to determine if he or she is physically and mentally competent to drive.

Recommendations:

- **Strengthen the alcohol interlock program.**

Prince Edward Island should enact a mandatory alcohol interlock program for all federal impaired driving offenders.

Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum period ends, the interlock order should remain in effect until the Registrar is satisfied that the offender does not pose a significant risk of re-offending and has

overcome any underlying alcohol problems. As part of this process, the Registrar should carefully review the offender's interlock data log and participation in any required remedial programs.

- **Enact an administrative vehicle impoundment program for driving while uninsured, unlicensed, suspended, prohibited, or disqualified.**

The police should be required to impound any vehicle they have reasonable grounds to believe is uninsured, or is being driven by an unlicensed, suspended, prohibited, or disqualified driver. The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

The police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

Prince Edward Island should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired driving or other *Criminal Code* traffic convictions within ten years.

- **Strengthen the mandatory remedial programs.**

Prince Edward Island should enact legislation making participation in a comprehensive alcohol or drug assessment, and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders and drivers who have multiple seven-day and 90-day suspensions.

QUÉBEC

SYNOPSIS: Québec scored well for its alcohol interlock program, and relatively well for its vehicle impoundment and remedial programs. It scored poorly for its graduated licensing program and lack of short-term roadside licence suspensions for drivers with BACs above .05%. It needs to strengthen enforcement powers under the graduated licensing program, and introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure. Québec should also enact a seven-day vehicle impoundment program for suspected impaired driving offenders and mandatory administrative vehicle forfeiture for drivers with multiple impoundments and federal impaired driving convictions.

GRADES AND RANKINGS: Québec received a C- and ranked 9th in the 2009 report. It received a C and ranked 9th in *The 2006 Report*, and achieved a rating of “needs improvement” and “setting a good example” in *The 2007* and *2008 Progress Reports*, respectively.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Québec is 16.

Québec has a two-stage graduated licensing program, but it does not have any high-speed roadway, passenger or nighttime restrictions. The minimum length of the program is two years and eight months for drivers under 25, but only eight months for drivers over 25. During the program, “learners” and “probationary” drivers are subject to a .00% BAC restriction. There is no BAC restriction on supervising drivers.

Québec does not impose a .00% BAC limit on all drivers under the age of 21 and all drivers during their first 5 years of licensure.

The provincial legislation does not give the police any special enforcement powers to determine if learners or probationary drivers are breaching the .00% BAC restriction. Nor are the police authorized to demand that supervising drivers identify themselves and present their licences.

There are no automatic administrative licensing sanctions for learners or probationary drivers who have at-fault crashes or commit serious provincial traffic violations. However, Québec has a demerit point system, and learners and probationary drivers are subject to substantially lower thresholds than fully-licensed drivers. Learners who drive without an accompanying driver, and learners and probationary drivers who violate the .00% BAC restriction or fail to provide a sample, can be charged with a provincial offence which, on conviction, carries four demerit points. In turn, this point threshold triggers a three-month licence suspension. Moreover, the police may issue a 90-day administrative licence suspension to any learner or probationary driver who has a BAC above .00% or who fails to provide a sample.

Recommendations:

- **Strengthen the graduated licensing program.**

Québec's graduated licensing program could be strengthened by: requiring beginning drivers to remain at the initial stage for 12 months, regardless of their participation in a driver education program; introducing passenger, high-speed roadway and nighttime driving restrictions; implementing a .00% BAC limit for supervising drivers; and requiring novice drivers to pass an "exit" test to obtain full driving privileges.

- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensed driving.**

- **Broaden police powers to enforce the graduated licensing program and the .00% BAC limit for young and new drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

Québec is the only jurisdiction in Canada that does not have a short-term (*i.e.* 24-hour) roadside suspension for drivers with BACs above .05%.

The police must issue a 90-day licence suspension to any driver who: registers a BAC above .08%; or refuses to provide a sample, or submit to standard field sobriety or drug recognition evaluation testing. Québec does not have a 90-day administrative licence suspension for a driver who the police reasonably believe is, based on a drug recognition evaluation, impaired by drugs or drugs in combination with alcohol. The police are not required to forward the driver's licence to the Société de l'assurance automobile du Québec (SAAQ). There are no prescribed statutory consequences for drivers who accumulate 90-day prohibitions.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**

- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver: if they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test.

Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive a short-term licence suspension should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.

- **Strengthen the 90-day licence suspension program.**

Québec should enact legislation requiring the police to issue 90-day suspensions to drivers who the police have reason to believe are, based on a drug recognition evaluation, impaired by drugs or drugs in combination with alcohol.

Drivers with multiple 90-day suspensions within a prescribed period of time should be subject to progressive sanctions, driving record reviews, and a mandatory assessment and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

In Québec, participation in an alcohol interlock program is not mandatory for all federal impaired driving offenders.

Most federal impaired driving offenders can apply for a restricted licence under the province's voluntary alcohol interlock program. If accepted, they are allowed to drive a vehicle equipped with an interlock and the provincial cancellation that would otherwise apply is reduced to the length of the *Criminal Code* minimum driving prohibition. If the SAAQ is not satisfied that the driver can drive safely at the end of this period, it can extend the interlock requirement.

Offenders who do not apply or are ineligible for the voluntary program are required to participate in the interlock program as a condition of licence reinstatement when their provincial licence cancellation ends. This interlock requirement is one year for first offenders, two years for second offenders, and three years for third or subsequent offenders. However, this condition does not apply to first offenders who satisfy the SAAQ, based on a summary alcohol assessment, that they can drive safely. When proclaimed in force, legislation enacted in 2007 will increase the length of interlock orders for offenders who registered a BAC above .16% or who had refused to provide a sample.

The police have authority to seize and impound a vehicle for 30 days if they have reasonable grounds to believe that the driver is unlicensed, or that the driver's licence has been suspended or cancelled due to a *Criminal Code* offence, demerit points, medical unfitness, breach of the interlock program, and other specified criteria.

Québec does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified. However, under the province's civil forfeiture legislation, the Attorney General may apply to a court seeking the forfeiture of any "proceeds or instruments" of crime, which may include the vehicle of an impaired driving offender.

Drivers convicted of a first federal impaired driving offence must complete an education program before their licences will be reinstated. Second and subsequent offenders are required to undergo a comprehensive assessment and establish that they are able to drive safely. The SAAQ

also has broad authority to require drivers to submit to examinations and assessments, and to restrict their licences accordingly. Thus, SAAQ could restrict drivers with alcohol problems to driving vehicles equipped with an interlock.

Recommendations:

- **Introduce a mandatory alcohol interlock program for all federal impaired driving offenders.**

Participation in an interlock program should be a mandatory condition of licence reinstatement for all federal impaired driving offenders. In order to encourage participation, drivers who enroll in the interlock program should be eligible for early licence reinstatement once the minimum federal driving prohibition ends. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum interlock period ends, the order should remain in effect until the SAAQ is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems. As part of this decision-making process, the SAAQ should carefully review the offender's interlock data log.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

Police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with a *Criminal Code* traffic or impaired driving offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

Québec should enact legislation requiring the administrative forfeiture of the vehicle of any driver responsible for three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Strengthen the mandatory remedial programs.**

Québec should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all *Criminal Code* impaired driving offenders and all drivers who accumulate multiple 90-day administrative licence suspensions.

SASKATCHEWAN

SYNOPSIS: Saskatchewan scored well for its 90-day administrative licence suspension and its short-term (*i.e.* 24-hour) suspension for drivers with BACs above .04%. It scored relatively well for its alcohol interlock, vehicle impoundment and remedial programs. The province needs to raise the driving age, strengthen the conditions of its graduated licensing program and introduce administrative vehicle forfeiture. It should also introduce a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: Saskatchewan received a B and ranked 5th in the 2009 report. It received a B- and ranked 5th in *The 2006 Report*, but received a rating of “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in Saskatchewan is 15.

Saskatchewan has a three-stage graduated licensing program which includes supervised driving and passenger restrictions, but no nighttime or high-speed roadway restrictions. The minimum length of the program is two years and three months, during which drivers must have a .00% BAC. Supervising drivers must have a BAC below .04%.

Saskatchewan does not impose a .00% BAC limit on all drivers under the age of 21 and all drivers during their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if drivers in the graduated licensing program, collectively referred to as “new” drivers (*i.e.* “learners,” “novice-1” and “novice-2” drivers), are breaching their .00% BAC limits. Nor are the police authorized to demand that supervising drivers identify themselves and present their licences.

Various statutory licensing sanctions are imposed on new drivers who are 50% or more at-fault in a collision or who commit provincial traffic offences. Moreover, if the police have reasonable grounds to believe that a new driver has a BAC above .00% or fails to provide a sample without a reasonable excuse, they must issue a 30-day suspension order, seize the driver’s licence, and forward it to Saskatchewan Government Insurance (SGI). The driver will be required to complete the “Driving Without Impairment” (DWI) course and may be required to attend an interview.

Recommendations:

- **Increase the minimum age for licensed driving on public roads to 16, regardless of whether the driver is enrolled in a driver education program.**
- **Strengthen the graduated licensing program.**

The program could be strengthened by increasing stage one to 12 months and the combined length of stages two and three to 24 months; introducing high-speed roadway and

nighttime restrictions; implementing a .00% BAC limit for supervising drivers, and requiring drivers to pass an “exit” test to obtain full driving privileges.

- **Broaden police powers to enforce the graduated licensing program and the .00% BAC limit for all young and beginning drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.**
-

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension for drivers: who the police have reasonable grounds to believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, Saskatchewan does have a less comprehensive and shorter roadside suspension program. The police may suspend for 24 hours the licence of any driver who they have reasonable grounds to believe has a BAC above .04%. As a matter of administrative policy, the police are required to forward a notice of the suspension to SGI. If a driver receives a second 24-hour suspension within five years, he or she is automatically suspended for 15 days and must successfully complete the DWI course. Drivers with three or more 24-hour suspensions within five years receive an automatic administrative licence suspension of at least 90 days.

The police must suspend for 90 days the licence of any driver who they have grounds to believe has: based on a breath or blood analysis, a BAC above .08%; failed to provide a breath or blood sample; or refused to submit to standard field sobriety or drug recognition testing. There are no prescribed statutory consequences for accumulating 90-day prohibitions. However, SGI has broad powers to interview drivers, mandate alcohol and drug assessments, and suspend drivers' licences.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**
- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or the driver registers a BAC of .05% or higher on a breath, blood or urine test.

Drivers with a second or subsequent suspension should be subject to mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive a short-term licence suspension should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.

- **Strengthen the 90-day licence suspension program.**

Saskatchewan should enact legislation requiring the police to issue 90-day suspensions to drivers who the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol.

Drivers with multiple 90-day suspensions within a prescribed period of time should be subject to progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Participation in an alcohol interlock program is not mandatory for all federal impaired driving offenders. However, judges can order a driver convicted of a *Criminal Code* impaired driving offence to participate in an interlock program.

Other federal impaired driving offenders may apply to participate in the province's voluntary interlock program. Applicants must first complete an addictions assessment and any recommended remedial program. If accepted, the offender is issued a licence that is subject to an interlock order. The provincial suspension that would otherwise apply is reduced to the length of the minimum *Criminal Code* driving prohibition. The minimum interlock participation period is one year from the date of sentencing for a first conviction, two years for a second conviction and three years for any subsequent convictions.

Driving an unequipped vehicle while subject to an interlock requirement constitutes unauthorized driving, and the vehicle will be subject to impoundment. Breaches of the program result in three-month extensions of the interlock requirement.

The police must impound for 30 days the vehicle of a driver they have reasonable and probable grounds to believe is unauthorized. The term "unauthorized drivers" includes drivers who: (i) are prohibited or disqualified, or whose licence is suspended; (ii) have not obtained a new licence following a prohibition, disqualification or suspension; (iii) drive without a required ignition interlock; and (iv) are unlicensed and who have been convicted, in the past five years, of driving without a licence.

The province does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

Saskatchewan has comprehensive remedial programs. For example, new drivers with multiple .00% BAC violations, drivers with three or more 24-hour suspensions, and disqualified drivers must undergo an addictions assessment and successfully complete any recommended education, driver safety or treatment program, prior to being eligible for licence reinstatement. Moreover, SGI has express authority to require any licence applicant or holder to obtain and file a report from an addictions counsellor.

Recommendations:

- **Introduce a mandatory alcohol interlock program for all federal impaired driving offenders.**

Participation in an interlock program should be a mandatory condition of licence reinstatement for all federal impaired driving offenders. In order to encourage participation, drivers who enroll in an interlock program should be eligible for early licence reinstatement once the minimum federal driving prohibition ends. Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

Once the minimum interlock period ends, the order should remain in effect until SGI is satisfied that the offender does not pose a significant risk of re-offending and has overcome any underlying alcohol problems.

- **Lengthen the administrative vehicle impoundments for driving while uninsured, unlicensed, suspended, prohibited, or disqualified.**

The impoundment period should be 45 days for a first occurrence and 90 days for a second occurrence within three years.

- **Enact an administrative vehicle impoundment program for suspected federal impaired driving offenders.**

The police should be required to impound for seven days the vehicle of any driver who: (i) fails to submit to any test for impairment required by federal or provincial law; (ii) the police have reasonable grounds to believe, based on a breath, blood or urine sample, has a BAC at or above .08%; (iii) the police have reasonable grounds to believe, based on a drug recognition evaluation, is impaired by drugs or drugs in combination with alcohol; or (iv) is charged with an impaired driving or other *Criminal Code* traffic offence.

- **Introduce a mandatory administrative vehicle forfeiture program.**

Saskatchewan should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments or three or more impaired or other *Criminal Code* traffic convictions within ten years.

YUKON

SYNOPSIS: The Yukon scored well for its 90-day administrative licence suspension, and reasonably well for its alcohol interlock and vehicle forfeiture programs. It scored relatively poorly for aspects of its graduated licensing program. The Yukon needs to introduce a 7-14 day administrative licence suspension for drivers who are reasonably believed to be impaired or who have BACs over .05%. It should also enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.

GRADES AND RANKINGS: The Yukon received a C- and ranked 10th in the 2009 report. It received a C+ and ranked seventh in *The 2006 Report*, and received a rating of “needs improvement” in both *The 2007* and *2008 Progress Reports*.

SECTION I: LICENSING

Summary:

The minimum age of licensed driving in the Yukon is 15.

The Yukon has a two-stage graduated licensing program that includes supervised driving, passenger and nighttime restrictions, but no high-speed roadway restrictions. The minimum length of the program is two years. “Learners,” “novice” and supervising drivers are subject to a .00% BAC restriction and must not be impaired by drugs. To progress to the novice stage, new drivers are required to hold a learners permit for six months and to have at least 50 hours of driving experience, as attested to by a parent, guardian or co-driver.

The Yukon does not impose a .00% BAC limit on all drivers under the age of 21 and all drivers in their first five years of licensed driving.

The provincial legislation does not give the police any special enforcement powers to determine if drivers in the graduated licensing program are breaching the .00% BAC limit. Nor are the police authorized to demand that supervising drivers identify themselves and present their licences.

There are no automatic administrative licensing sanctions for learners and novice drivers who have at-fault crashes or commit serious territorial traffic violations. However, the Yukon has a demerit point system, under which learners and novice drivers are subject to substantially lower point thresholds than fully-licensed drivers. Learners and novice drivers who accumulate seven points are subject to a one-month licence suspension and must restart their stage. Upon restarting, they will have three points assessed against them.

Recommendations:

- **Increase the minimum age for licensed driving on public roads to 16, regardless of whether the driver is enrolled in a driver education program.**
- **Strengthen the graduated licensing program.**

The program could be improved by: lengthening stage one to 12 months and stage two to 24 months; enhancing the passenger restrictions for novice drivers; and requiring novice

drivers to pass an “exit” test to obtain full driving privileges.

- **Enact a .00% BAC limit for all drivers under 21 and all drivers during their first five years of licensure.**
- **Broaden police powers to enforce the graduated licensing program and .00% BAC limit for new and young drivers.**

The police should be authorized to demand identification from supervising drivers.

Moreover, the police should be authorized to demand a test on an approved screening device (ASD) from all drivers and supervisors who are subject to a .00% BAC restriction, even in the absence of a reasonable suspicion of alcohol consumption.

- **Enact administrative sanctions for drivers who violate the graduated licensing program and .00% BAC restrictions.**

Learners and novice drivers who have at-fault collisions or commit serious provincial traffic violations should be subject to automatic administrative licensing sanctions. Learner and novice drivers who violate the .00% BAC restrictions should be subject to prosecution for unlicensed or unauthorized driving, and should receive 30 and 90-day administrative licence suspensions for first and second offences, respectively.

SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

Summary:

The police lack authority to suspend the licence of a driver who they reasonably believe is unfit to drive for reasons other than alcohol or drug impairment.

The province does not have a 7-14 day administrative licence suspension program for drivers: who the police reasonably believe are impaired by alcohol or drugs; or who register a BAC of .05% or higher on a breath, blood or urine test.

However, the Yukon does have a less comprehensive and shorter roadside suspension program. If the police have grounds to believe that a driver’s ability to drive is impaired by alcohol, drugs or another substance, they may suspend his or her licence for 24 hours. The police are not required to forward the surrendered licence to the Registrar. There are no prescribed consequences for drivers who accumulate 24-hour suspensions. However, the Registrar has the power to report a driver to the Driver Control Board to determine if he or she should continue to hold a licence. In turn, the Board may suspend the driver’s licence, impose licence conditions, and order remedial education or treatment. As a matter of administrative practice, the Registrar reports drivers who accumulate two or more 24-hour suspensions to the Board.

The police may issue a 90-day suspension to any driver who: they have grounds to believe, by reason of a breath or blood analysis, has a BAC above .08%; or fails to provide a breath or blood sample without a reasonable excuse. There are no express statutory consequences for accumulating 90-day suspensions. However, the Registrar has broad powers to cancel the licence of a driver who cannot drive safely because of a medical condition and to suspend or cancel a driver’s licence for statutory violations. As indicated, the Registrar can also report a driver to the Board to determine if he or she should continue to hold a licence.

Recommendations:

- **Introduce a 24-hour licence suspension for unfitness.**

- **Introduce a 7-14 day administrative licence suspension for alcohol/drug impairment.**

The police should be required to issue a 7-14 day administrative licence suspension to a driver if: they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs; or if the driver registers a BAC of .05% or higher on a breath, blood or urine test.

Drivers with a second or subsequent suspension within three years should be subject to 30 and 90-day suspensions, respectively, and mandatory alcohol/drug assessments. Drivers with three or more short-term, alcohol-related suspensions within three years should be required to install an alcohol interlock on their vehicle for 12 months as a condition of licence reinstatement.

Drivers who receive a short-term licence suspension should be required to pay \$150-\$300 licence reinstatement fees. These suspensions should be recorded on the driver's record and included on all driver abstracts for ten years.

- **Strengthen the 90-day licence suspension program.**

The Yukon should enact legislation requiring the police to issue 90-day suspensions to drivers who: the police have reason to believe, based on a drug recognition evaluation, are impaired by drugs or drugs in combination with alcohol; or fail to submit to standard field sobriety or drug recognition testing, without a reasonable excuse.

Drivers with multiple 90-day suspensions within a prescribed period of time should be subject to progressive sanctions, driving record reviews, and mandatory assessments and other remedial measures.

SECTION III: VEHICLE AND REMEDIAL PROGRAMS

Summary:

Participation in an alcohol interlock program is not mandatory for all federal impaired driving offenders. However, the Driver Control Board can require drivers who do not volunteer or qualify for the voluntary program to use an interlock as a condition of licence reinstatement, following the end of the territorial disqualification.

Federal impaired driving offenders may apply to the territory's voluntary interlock program. If accepted, the offender is allowed to drive a vehicle equipped with an alcohol interlock and the territorial licence disqualification that would otherwise apply is reduced to the length of the minimum *Criminal Code* driving prohibition. The Board establishes an initial program length for each driver, which is at least as long as the original disqualification period and cannot be shorter than six months for a first time offender and 2½ years for a second offender. Drivers will not be released from the program until they have six consecutive months without a program violation or any "interlock points" being assessed against them. The Board can also suspend or cancel a driver's licence for accumulating interlock points.

The police may impound for 30 days a vehicle if they have reasonable grounds to believe that the driver is unlicensed, suspended, disqualified, or uninsured. They may also impound a vehicle if they have reasonable grounds to believe that the driver committed an impaired driving offence or failed to remain at the scene of an accident. Second and subsequent occurrences within three years result in 60 and 120-day impoundments, respectively.

The territory does not have a vehicle forfeiture program, even for those who have multiple impaired driving convictions, or who have repeatedly driven while uninsured, unlicensed, suspended, prohibited, or disqualified.

The Yukon does not have a mandatory remedial program for all federal impaired driving offenders. However, offenders who apply for early termination of their territorial licence disqualification are required to complete any prescribed assessment and remedial programs. Moreover, most repeat offenders will not be issued a new licence unless they complete an alcohol assessment program and the three-day “Driving Without Impairment” course. As well, both the Registrar and a judge can report drivers to the Driver Control Board, which has authority to suspend a driver’s licence, impose licence conditions, and order remedial education and treatment.

Recommendations:

- **Introduce a mandatory alcohol interlock program for all federal impaired driving offenders.**

Participation in an interlock program should be a mandatory condition of licence reinstatement for all federal impaired driving offenders. In order to encourage participation, drivers who enroll in an interlock program should be eligible for early licence reinstatement once the minimum federal driving prohibition ends. Moreover, even offenders who do not apply or are not eligible for early reinstatement of their driving privileges should be required to participate in the interlock program as a condition of relicensing. The minimum statutory interlock period should be one year for a first offence, three years for a second offence within ten years, and five years for a third offence within ten years.

- **Introduce a mandatory administrative vehicle forfeiture program.**

The Yukon should enact legislation requiring the administrative forfeiture of the vehicle of any driver with three or more vehicle impoundments, or three or more impaired or other *Criminal Code* traffic convictions within ten years.

- **Enact mandatory remedial programs.**

The Yukon should enact legislation making participation in an alcohol or drug assessment and the successful completion of any recommended treatment a mandatory condition of licence reinstatement for all federal impaired driving offenders and drivers who accumulate multiple 24-hour and 90-day administrative licence suspensions.

CONCLUSIONS AND NEXT STEPS

MADD Canada is generally pleased with the legislative progress that Ontario, Prince Edward Island, Nova Scotia, Manitoba, and New Brunswick have made since 2006. While British Columbia and Québec enacted some modest reforms, the remaining six jurisdictions have done little or nothing to strengthen their impaired driving laws in the last three years. Similarly, there have been broad discrepancies in the progress made across subject areas. For example, considerable progress has been made with respect to graduated licensing, .00% BAC limits for young drivers, alcohol interlocks and remedial programs. However, the little progress on police enforcement powers and administrative vehicle forfeiture has been disappointing.

MADD Canada is also concerned about the often long delays between the passing of legislation and its coming into force, and the enactment of legislation that lacks effective means of enforcement. Finally, some reforms have had a limited impact because the legislation was narrow in scope, complicated, time-consuming to invoke, and/or subject to exceptions.

The legislative progress that has been made should not be viewed in the abstract. Rather, some consideration must be given to Canada's ongoing impaired driving problem. Both the number and the percentage of impairment-related traffic deaths and injuries have been rising in Canada. By 2006, the latest year for which there is national data, impairment-related deaths exceeded 1999 levels. It was conservatively estimated that, in 2006, alcohol and/or drugs were involved in 1,278 traffic deaths, 75,374 injuries and 163,891 property-only-damage collisions. Thus, impaired driving remained Canada's single largest criminal cause of death, with impairment-related crashes claiming twice as many lives annually as all types of homicide combined.

An external midterm review of Canada's Road Safety Vision 2010 (RSV) noted that no province or territory was on track to meet its targeted reductions in alcohol-related crash deaths, and that Canada's overall record was 'unacceptable.' An internal assessment reported that the RSV had achieved only 19% of its impaired driving targets by the end of 2006. Recent survey data are equally troubling. Binge drinking has increased, particularly among the young. Moreover, the percentage of Canadians who reported driving after drinking in the past 30 days rose from 14.7% in 2005 to 18.1% in 2008 (representing over 4 million drivers).

Given these ominous trends in impaired driving, MADD Canada is calling upon all provinces and territories to take a more active role in the fight against impaired driving. *Rating The Provinces And Territories: The 2009 Report* has identified measures that the provinces or territories can implement immediately to strengthen their legislation, reduce impaired driving deaths and injuries, and make our roads safer for all Canadians.

MADD Canada will be seeking a meeting with officials in each jurisdiction to discuss *The 2009 Report*. MADD Canada will be offering its assistance and support to any province or territory that wishes to strengthen its impaired driving legislation.

APPENDIX: THE 2009 RATING SCALE

We have included a copy of *The 2009 Rating Scale*, which was used by the two independent experts to rate the provincial and territorial legislation. The scale enables readers to understand the bases upon which the jurisdictions were ranked and graded. The total possible points for each initiative and section of *The 2009 Rating Scale* are included. As previously indicated, these weightings reflect MADD Canada's priorities for reform and its assessment of the relative importance of the specific issues. There are several aspects of the rating scale that warrant elaboration.

First, there is little consistency among the 13 jurisdictions in the use of terminology. Consequently, the raters were advised to focus on the impact of a provision and not on whether it was expressed in the terms used in the rating scale. In other words, the raters were asked to determine whether a provision brought about the result sought by the corresponding recommendation in *The 2009 Rating Scale*.

Second, MADD Canada's proposals regarding the enforcement of the graduated licensing program and .00% BAC limits require some explanation. We recommended that the police be authorized to demand, in the absence of reasonable suspicion or grounds, roadside screening and standard field sobriety testing from drivers and supervisors who are subject to a .00% BAC restriction. In the absence of this broad power to demand testing, the .00% BAC restrictions are largely unenforceable. Many provinces have not given the police any special authority to enforce the graduated licensing program and .00% BAC limits. Other provinces have enacted legislation giving the police authority to demand a roadside screening test from any driver who they have reason to suspect has alcohol in his or her body. Since section 254(2)(b) of the *Criminal Code* has long given the police this power, the provincial legislation does little to assist the police in enforcing the graduated licensing program and the .00% BAC limits.

Third, some background information is necessary on the enhanced "7-14 Day (Short-term) Administrative Licence Suspensions." MADD Canada initially developed a short-term administrative licence suspension initiative for drivers with BACs at or above .05%, as part of its earlier provincial research. Working with a committee of the Canadian Council of Motor Transport Administrators (CCMTA), a model 7-14 day administrative licence suspension was developed and subsequently adopted by the CCMTA. The 7-14 day administrative licence suspension in *The 2009 Rating Scale* is based on this model.

Fourth, MADD Canada realizes that only PEI has proclaimed in force a 7-day .05% BAC administrative licence suspension. However, every jurisdiction, with the exception of Québec, has some form of short-term (4 hours to 3 days) administrative licence suspension for drivers suspected of alcohol impairment. In most jurisdictions, these suspensions are triggered by a .05% BAC (.04%-.06%). Obviously, only PEI could receive full points under this heading. Nevertheless, a jurisdiction with a strong .05% administrative licence suspension of 3-days should score far higher than jurisdictions with a weak .05% administrative licence suspension of 24 hours.

Fifth, MADD Canada's preference for administrative forfeiture should also be explained. An administrative system allows for the automatic and immediate forfeiture of a vehicle following its third impoundment. Several provinces have enacted general civil forfeiture legislation for the proceeds or instruments of crime. While this legislation could be used to seek

the forfeiture of an impaired driving offender's vehicle, the process is quite involved and the provisions are complex. The provincial Attorney General must apply to the courts and the proceedings are subject to the full range of *Charter* protections. The legislation appears to be geared to large-scale commercial frauds, organized crime and other major criminal enterprises. Given the complexities of civil forfeiture, it is unlikely to be invoked except in egregious impaired driving cases. It is for these reasons that MADD Canada advocates administrative forfeiture instead.

THE RATING SCALE 2009

SECTION I: LICENSING

(a) Minimum Age for Beginning to Drive

- Is 16 the minimum age of licensed driving, even for those enrolled in a driver education program?

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(b) Graduated Licensing Program

- Is there a graduated licensing program for all novice drivers, regardless of age?

	1
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- Are stage-1 drivers:

- prohibited from driving between 10 p.m. and 6 a.m.?
- prohibited from driving on high-speed roadways?
- prohibited from carrying more than one non-family passenger under 20?
- required to submit a signed statement from their supervisor(s) attesting to a minimum number of hours of supervised driving during stage 1?
- required to pass a stage-1 road test in order to obtain a stage-2 licence?

	3
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- Is there a .00% BAC restriction for:

- all stage-1 drivers, regardless of their age?
- supervisors of stage-1 drivers?

	2
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- Does stage 1 of the graduated licensing program last at least 12 months, even for those enrolled in a driver education program?

	3
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- During the first 12 months of stage 2, are drivers:

- required to be supervised when driving between 10 p.m. and 6 a.m.?
- required to be supervised when driving on high-speed roadways?
- prohibited from carrying more than one non-family passenger under 20?
- required to submit a signed statement from their supervisor(s) attesting to a minimum number of hours of supervised nighttime driving (after dark) and supervised driving on high-speed roads?

	3
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- Is there a .00% BAC restriction for:

- all stage-2 drivers, regardless of their age?
- supervisors of stage-2 drivers?

	2
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- Are stage-2 drivers required to pass a stage-2 road test that includes driving on a high-speed roadway in order to obtain a licence with full privileges?

	2
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- Does stage 2 of the graduated licensing program last at least 24 months, even for those who have completed a driver education program?

	3
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(c) A .00% BAC Limit for all Novice Drivers

- Is there a .00% BAC requirement for all drivers:
 - under the age of 21, even if they have full driving privileges; or
 - during their first five years of licensed driving, whichever is longer?

	8
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(d) Enforcement of the Graduated Licensing Program and the .00% BAC Limits

- Are the police authorized to demand, in the absence of reasonable suspicion or grounds, a roadside screening test or standard field sobriety test from:
 - any stage-1 or stage-2 driver?
 - any supervisor of a stage-1 or stage-2 driver?
 - any driver under the age of 21 or any driver during their first five years of licensed driving?
- Are the police authorized to demand that supervisors of stage-1 and stage-2 drivers identify themselves and present their licences when requested to do so?
- Are any licensing sanctions or restrictions (*i.e.* extended periods of supervised driving) applied to stage-1 and stage-2 drivers who:
 - have an at-fault crash?
 - commit a serious violation of the provincial traffic legislation?
- Are stage-1 and stage-2 drivers subject to lower demerit point thresholds or otherwise more closely monitored by licensing authorities than experienced drivers?

	2
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	1
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	2
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	1
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(e) Penalties for Violating the Graduated Licensing and .00% BAC Programs

- Are stage-1 and stage-2 drivers who violate the terms of the graduated licensing program subject to:
 - prosecution for unlicensed or unauthorized driving?
 - an administrative licence suspension of 30 days for a first infraction?
 - an administrative licence suspension of 90 days for a second infraction?
 - an administrative licence suspension of 120 days for a third or subsequent infraction, and required to restart the graduated licensing program?
- Are fully-licensed drivers who violate the .00% BAC restriction subject to:
 - prosecution for unlicensed or unauthorized driving?
 - an administrative licence suspension of 30 days for a first infraction and a one-year extension of the .00% BAC restriction?
 - an administrative licence suspension of 90 days for any subsequent infraction and a two-year extension of the .00% BAC restriction?

	3
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	3
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SECTION I: TOTAL

	41
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SECTION II: LICENCE SUSPENSIONS AND REVOCATIONS

(a) 24-Hour Licence Suspensions for Unfitness

- Are the police required to suspend a driver's licence for 24 hours if they reasonably believe that the driver is unfit to drive for any reason other than alcohol or drug impairment?

	1
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(b) 7-14 Day (Short-term) Administrative Licence Suspensions for Alcohol and/or Drug Impairment

- Are the police required to issue a 7-14 day licence suspension to a driver if:
 - they reasonably believe that the driver's ability to drive is impaired by alcohol or drugs?
 - the driver registers a BAC of .05% or higher on a breath, blood or urine test?

	1
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	6
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- Are the police required to:
 - demand the surrender of the driver's licence?
 - file a report of the suspension with the licensing authority?

	2
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- Are drivers who obtain a second or subsequent short-term suspension within three years subject to a 30 and 90-day licence suspension, respectively?

	3
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- Are drivers who receive two or more short-term, alcohol-related suspensions within three years required to submit to an impaired driver assessment from a recognized agency?

	3
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- Are drivers who receive three or more short-term, alcohol and/or drug-related suspensions within three years required to install, at their own expense, an alcohol interlock on their vehicle for twelve months as a condition of licence reinstatement?

	3
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- Are drivers who receive a short-term licence suspension required to pay:
 - a licence reinstatement fee of between \$150 and \$300 for a first suspension?
 - an increased reinstatement fee for any subsequent suspension within three years?

	2
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- Is the licensing authority required to record all short-term licence suspensions on the driver's record and include them on all driver abstracts for a period of ten years?

	3
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(c) 90-Day Administrative Licence Suspensions

- Are the police required to issue a 90-day licence suspension to a driver if:
 - the driver fails, without a reasonable excuse, to submit to any test for impairment required by federal or provincial law?
 - they have reasonable grounds to believe, based on a breath, blood or urine sample, that the driver's BAC was .08% or higher?
 - they have reasonable grounds to believe, based on a drug recognition evaluation, that the driver's ability to drive was impaired by drugs, or drugs in combination with alcohol?

	5
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Are the police required to send the driver's licence to the licensing authority, from whom the driver may obtain his or her licence after 90 days if no additional suspension has been imposed?

	2
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Does the accumulation of 90-day licence suspensions within a prescribed period of time result in a mandatory review of the driver's record and additional sanctions?

	2
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SECTION II: TOTAL

	33
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SECTION III: VEHICLE AND REMEDIAL PROGRAMS

(a) Alcohol Interlock Program

Is use of an alcohol interlock a mandatory condition for re-licensing all *Criminal Code* impaired driving offenders?

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Is the use of interlocks encouraged by reducing the length of the mandatory provincial licence suspension or disqualification for:
▪ *Criminal Code* offenders who qualify for a shorter federal driving prohibition by participating in an interlock program?
▪ other *Criminal Code* offenders?

	2
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What was the ratio between the number of drivers in the provincial/territorial interlock program at the end of 2008 and the number of drivers convicted of a federal impaired driving offence in 2006/07? (which is the latest available data)

	4
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Is there a provincial agency that provides for ongoing:
▪ servicing of the interlocks and downloading of the data logs?
▪ analysis of the offender's performance in the interlock program, based on the data log?
▪ reviews of the offender's participation in any remedial programs?

	2
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Is the minimum duration of the interlock requirement:
▪ one year for a first offence?
▪ three years for a second offence within ten years?
▪ five years for a third offence within ten years?

	2
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Regardless of the minimum prescribed period, does the interlock requirement remain in effect until the licensing authority is convinced, based on the offender's performance in the interlock program and any remedial program, that the offender no longer poses a significant risk of re-offending and has overcome any underlying alcohol problem?

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Does the licensing authority have explicit authority to impose an interlock requirement on any driver that it reasonably believes poses a significant risk of impaired driving?

	2
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Does driving a vehicle without an interlock, while subject to an interlock requirement, expressly constitute driving while unlicensed, unauthorized or disqualified?

	1
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(b) Vehicle Impoundment and Immobilization

- Are the police required to impound or immobilize:
 - any vehicle they have reasonable grounds to believe is uninsured?
 - any vehicle driven by a driver they have reasonable grounds to believe is unlicensed, suspended, prohibited, or disqualified?

- Is the impoundment or immobilization period at least:
 - 45 days for a first occurrence?
 - 90 days for a second occurrence within three years involving the same vehicle or the same owner?

- Does the legislation:
 - make both the driver and owner of the vehicle liable for any towing, impounding, storage, or immobilization costs?
 - allow owners to recover their vehicles before the end of the impoundment or immobilization period if they can prove that:
 - (i) the vehicle was taken without their implicit or explicit permission; or
 - (ii) they took reasonable steps to verify that the driver had a valid licence?
 - allow owners of impounded or immobilized vehicles to recover their expenses from the driver?
 - allow storage companies to sell impounded vehicles to recover fees that have remained unpaid after the impoundment period?

- Are the police required to impound or immobilize for 7 days the vehicle of any driver if:
 - the driver fails, without a reasonable excuse, to submit to any test for impairment required by federal or provincial law?
 - they have reasonable grounds to believe, based on a breath, blood or urine sample, that the driver's BAC was .08% or higher?
 - they have reasonable grounds to believe, based on a drug recognition evaluation, that the driver's ability to drive was impaired by drugs, or drugs in combination with alcohol?
 - the driver is charged with any federal impaired driving or traffic offence?

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(c) Licence Abstract Program

- Has the province established a system that allows drivers to obtain a government-issued abstract of their driving record and licence status as of a stated date that can be shown to a vehicle owner, such as an employer or car rental firm, whose vehicle they wish to drive?

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(d) Vehicle Forfeiture

- Does provincial legislation require the administrative forfeiture of the vehicle owned by a driver who has been responsible for three or more vehicle impoundments or immobilizations during a ten-year period?

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(e) Remedial Programs

- Is undergoing an alcohol/drug assessment and successfully completing any recommended treatment program a mandatory condition of licence reinstatement or reissuance for:
 - all *Criminal Code* impaired driving offenders?
 - all drivers who, within five years, have two or more mandatory administrative licence suspensions or revocations for failing to take a required impairment test?
 - all drivers with two or more alcohol or drug-related 90-day administrative licence suspensions within five years?
 - all drivers with two or more alcohol or drug-related 7-14 day administrative licence suspensions within three years?

- Does the licensing authority have explicit authority to require any driver it reasonably believes has an alcohol or drug problem to:
 - undergo an alcohol or drug assessment?
 - successfully complete any component(s) of a remedial program?

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SECTION III: TOTAL

	41
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SECTION I – LICENSING

	41
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SECTION II – LICENCE SUSPENSIONS & REVOCATIONS

	33
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SECTION III – VEHICLE AND REMEDIAL PROGRAMS

	41
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GRAND TOTAL

	115
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MADD CANADA

MADD Canada is a charitable, volunteer organization that strives to make our roads safer. MADD Canada's mission is to stop impaired driving and to support the victims of this violent crime.

MADD Canada's local chapters are run by volunteers and include mothers, fathers, friends, business professionals, police officers, experts in the impaired driving field, and concerned citizens. They share the common goals of helping victims and preventing impaired driving.

MADD Canada has grown to over 100 Chapters and Community Leaders from coast to coast. It continues to promote changes that will make our roads safer and provide a voice for the victims of this crime. Our comprehensive approach to public policy includes:

- federal and provincial legislative reforms to strengthen impaired driving laws and facilitate effective enforcement;
- increased support for the police, prosecutors and the judiciary;
- programs to better identify and treat impaired driving offenders who have alcohol or drug problems;
- vehicle sanctions that prevent those who have been drinking from driving, and deny recalcitrant offenders ready access to vehicles;
- education and public awareness initiatives documenting the risk and seriousness of impaired driving; and
- counselling and educational programs for youth on responsible drinking.

MADD Canada is committed to taking action on all fronts to reduce drinking and driving. *Rating The Provinces And Territories: The 2009 Report Card* is a major component of this broad campaign.

For further information on MADD Canada and our goals, programs and services, visit our website at www.madd.ca or phone our National Office at 1-800-665-MADD (6233).

