

### Drinking and Driving in British Columbia

**Definition:** An impaired driver is anyone who operates a motor vehicle (car, truck, motorcycle, boat, snowmobile etc) while their ability is impaired by drugs or alcohol. A person can be charged under the *Criminal Code* if he or she is impaired while “in care and control” of a vehicle, meaning that you only need to be in a vehicle with access to the ignition key to be charged.

**Q: What are the consequences of impaired driving?**

A: Alcohol and other substances impact your ability to make accurate judgments and can slow down your reflexes, making accidents much more likely. In 2004, alcohol was a contributing factor in 23% of all police-reported motor vehicle fatal collisions. In one year in British Columbia, 93 people were killed in alcohol-related collisions and approximately 3,200 people were injured. Studies from Transport Canada indicate that even if you are not over the legal limit, the risk of crashes causing death is more than the average sober driver.

**Q: What is the legal limit?**

A: When a person’s Blood Alcohol Content (BAC) is over 80 mg of alcohol per 100 ml of blood (.08mg) they are legally impaired and can be charged under the *Criminal Code of Canada*. In British Columbia, a “warning” range of 50mg and 80mg (.05mg to .08mg) is also in effect and the driver can be penalized. There is no set number of drinks that will lead to this level of blood-alcohol content – the number of drinks it takes someone to be impaired depends on factors such as body weight, gender, metabolism, and the number of hours spent drinking. If you are unsure about whether you’re okay to drive – don’t! It’s the safest thing to do.

**Q: What can the police do if they suspect someone is drinking and driving?**

A: If a police officer suspects that you are an impaired driver, they can pull you over and ask you to submit to a roadside screening test. If you fail the roadside screening test, you will be required to submit to an additional breath test at the police station. Under the *Motor Vehicle Act*, if the police suspect that you are impaired they can immediately give you a 24 hour driving prohibition and may impound your car for that period. If your BAC is over .08mg you will be fined \$500, have your car impounded for 30 days, and receive an immediate 90-day driving ban. You may also be charged criminally.

**Penalties for impaired driving convictions in British Columbia:**

1<sup>st</sup> time offence:

- ❖ Automatic one-year driving prohibition
- ❖ Minimum fine of \$600

2<sup>nd</sup> offence:

- ❖ Driving prohibition of 2 years
- ❖ Minimum 14 days in prison
- ❖ Possible fine

Subsequent offences:

- ❖ Driving prohibition of 3 or more years
- ❖ Minimum 90 days in prison
- ❖ Possible fine

**Source:**

<http://www.justice.gc.ca/eng/pi/pcvi-cpcv/id-cafa.html>

**Common myths about drinking and driving:**

*"Coffee will help sober me up quickly"*  
The body metabolizes alcohol at a rate of approximately 1 drink per hour. Only time will sober you up.

*"Eating a big meal will stop me from getting too drunk"*

Food may slow the absorption of alcohol but it doesn't stop it from entering your bloodstream.

*"Eating a breath mint will help me to pass the breath test"*

The smell of your breath has no effect on the breath test; it's the alcohol in your lung breath that is measured.

*"Beer doesn't affect driving as much as other alcoholic drinks"*

A glass of beer has the same amount of alcohol as a glass of wine or a cocktail.

**Q: What are the new penalties for impaired driving in British Columbia?**

A: If your BAC is between the warn range of .05 and .08, you will receive a \$200 fine and an immediate three-day driving ban. If you are caught driving while impaired again within five years, even in the warn range, you will be banned from driving for seven days and receive a \$300 fine. A third time results in a \$400 fine and a 30-day ban. One fail or three "warnings" within five years result in required attendance in the Responsible Driver Program and use of an ignition interlock device for one year. In addition to the fines and bans, drivers also pay for the license reinstatement fee, which is now \$250.00, as well as for the towing company and the number of days the car is impounded. The legal consequences of impaired driving when you are charged under the *Criminal Code* are described in the **Impaired Driving** fact sheet at [www.bccsr.ca/Resources/Fact\\_Sheets.htm](http://www.bccsr.ca/Resources/Fact_Sheets.htm).

**Q: How can I avoid driving while impaired?**

A: The best way to avoid driving while under the influence of alcohol is to plan ahead. If you know you're going to drink alcohol, plan to ride with a sober driver. If you are not sure whether you are okay to drive, call a cab, take a bus, or stay at a friend's house and leave your car parked. Make sure you ask your doctor if you are on any medications that may affect alcohol in your system. Get more information at the BC Centre for Social Responsibility ([www.bccsr.ca](http://www.bccsr.ca)) at 1-877-388-8755.

**Resources**

- Ministry of Public Safety and the Solicitor General. Ignition Interlock Fact Sheet. <http://www.pssg.gov.bc.ca/osmv/shareddocs/factsheet-ignition-interlock.pdf>
- Department of Justice Canada. <http://www.justice.gc.ca/eng/pi/pcvi-cpcv/id-cafa.html>
- Programs for Chronic Drinking and Driving Offenders [http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2005PSSG0030-000701-Attachment1.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2005PSSG0030-000701-Attachment1.htm)
- Mothers Against Drunk Driving. <http://www.madd.ca/>
- Challenge: The myths about alcohol use. [http://www.health.gov.nl.ca/health/commhlth\\_old/factlist/MYTHS.HTM](http://www.health.gov.nl.ca/health/commhlth_old/factlist/MYTHS.HTM)
- US Department of Transportation <http://www.nhtsa.gov/Impaired>
- Transport Canada <http://www.tc.gc.ca/eng/roadsafety/safedrivers-impaireddriving-index-55.htm>
- Driver Behaviour and Road Safety <http://www.pssg.gov.bc.ca/osmv/>