

Impaired Drivers – Drinking and Driving

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 also 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 societal 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. Statistics from the US Department of Justice indicate that even if you are not legally impaired, the risk of fatality for drivers in a single car crash is increased at low levels of impairment – at a blood-alcohol content (BAC) of .02 the risk is increased 1.4 times, and at a level of .05 the risk is increased 11.1 times!

Q: What is the legal limit?

A: When a person’s BAC is over 80 mg of alcohol per 100 ml of blood they are legally impaired and can be charged under the Criminal Code of Canada. 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 found to be over .08 milligrams the police will serve you with an Administrative Driving Prohibition that will come into effect within 21 days of your being stopped by the police and will prohibit you from driving for a 90 day period.

Penalties for impaired driving convictions in Canada:

1st time offence:

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

2nd 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/en/ps/voc/imp_driv.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 legal consequences of impaired driving?

A: If your breath test indicates that your BAC is over .08 milligrams, you can be charged with both impaired driving and driving while over .08 mg. If you refuse to submit a breath sample without reasonable grounds, you will be charged with refusing to provide a sample – a charge that carries the same penalties as impaired driving. The Criminal Code sets out minimum sentences for impaired driving convictions, including driving prohibitions, fines, and imprisonment. If you are convicted you will receive a criminal record and your insurance rates may be increased. If you are a repeat drinking and driving offender you may be required to enter into the Responsible Driver Program (an educational or counseling program) or the Ignition Interlock Program. In the Ignition Interlock Program an alcohol breath screening device is attached to your vehicles ignition. If the driver blows over a pre-set limit of BAC, the vehicle is prevented from starting.

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. Get more information at the BC Centre for Social Responsibility (www.bccsr.ca) at (604) 870-5940.

Resources

- Ministry of Public Safety and the Solicitor General. Ignition Interlock Fact Sheet. <http://www.pssg.gov.bc.ca/osmv/publications/factsheets/IgnitionInterlock.pdf>
- Department of Justice Canada. <http://www.justice.gc.ca/eng/index.html>
- Programs for Chronic Drinking and Driving Offenders http://www2.news.gov.bc.ca/news_releases_2005-2009/2005PSSG0030-000701-Attachment1.htm
- Mothers Against Drunk Driving. <http://www.madd.ca/>
- Department of Transportation http://www.gov.bc.ca/fortherecord/drinking/dr_safety.html