
NEWS RELEASE

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April 27, 2010

Ministry of Public Safety and Solicitor General

B.C. INTRODUCES CANADA'S TOUGHEST IMPAIRED DRIVING LAWS

VICTORIA – The Province is introducing Canada's most immediate and severe impaired driving penalties to save lives, curb repeat offenders and give police more enforcement tools, Solicitor General Michael de Jong, QC, announced today.

“Despite increased enforcement and significant efforts to promote awareness, we've begun to see a rise in impaired driving across British Columbia,” said de Jong. “That trend is unacceptable and that's why we're bringing in these new laws: to get impaired drivers off the road with clear, swift and severe penalties.”

In memory of Alexa Middelaer, de Jong also announced a provincial goal: to reduce alcohol-impaired driving fatalities by 35 per cent by the end of 2013. Middelaer was four when she was killed by an alleged drunk driver in Delta two years ago.

Under changes to the Motor Vehicle Act (MVA), drivers who provide a failing breath sample above 0.08 per cent BAC or refuse to provide a breath sample at the roadside will face an immediate, 90-day driving ban and a \$500 fine. As well, they will have their vehicle impounded for 30 days. They may also face criminal charges.

Drivers caught once in the “warn” range (between 0.05 and 0.08 per cent BAC) in a five-year period will face an immediate, three-day driving ban and a \$200 fine; a second time, a seven-day ban and a \$300 fine; and a third, a 30-day ban and a \$400 fine. Research shows that driving with a BAC in that range means a driver is seven times more likely to be in a fatal crash than if they have no alcohol in their body.

In addition, drivers who blow once in the “fail” range, or three times within five years in the “warn” range, will be required to participate in the rehabilitative Responsible Driver Program. They must also use an ignition interlock device, which tests a driver's breath for alcohol every time they operate their vehicle, for one year.

“B.C.'s measures target impaired drivers more effectively than any Canadian jurisdiction has to date,” said Andrew Murie, CEO of Mothers Against Drunk Driving Canada. “We believe these major, escalating penalties will better support both deterrence and enforcement, save lives and prevent hundreds of injuries each year on B.C.'s roads. We encourage other provinces to study what B.C. is doing and follow its example.”

The new, roadside-issued, 90-day bans mean officers will no longer need to take drivers to the station for a full breath analysis in order to impose a driving ban longer than 24 hours.

“We believe that this new initiative will help all law enforcement officers to apprehend and reduce the number of impaired drivers in our province,” said Insp. Mike Diack of the RCMP’s B.C. Traffic Services. “There are people killed on B.C. highways each year as a direct result of impaired drivers. With additional enforcement powers, our police officers will be better equipped to reduce those casualties. Harm reduction is our number-one priority.”

The changes to B.C.’s impaired driving laws are expected to come into effect in fall 2010. More information on the changes is available at www.pssg.gov.bc.ca/osmv/ online.

Details of other changes to the MVA introduced today that relate to motorcycle safety, driver fitness and driver’s licences for agricultural workers are highlighted in an information bulletin at http://www2.news.gov.bc.ca/news_releases_2009-2013/2010PSSG0025-000470.htm.

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A backgrounder follows.

For audio clips of Solicitor General Mike de Jong speaking about B.C.’s new impaired driving laws, please visit www.pssg.gov.bc.ca/mediaroom/2010/index.htm online.

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BACKGROUND

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B.C.'S IMPAIRED DRIVING LAW TO CHANGE

Major amendments introduced today to impaired driving sections of the Motor Vehicle Act (MVA) will ensure impaired drivers caught in B.C. face instant loss of their driving privileges and impoundment of their vehicles. The new measures are better focused on deterring everyone – from the driver caught once with blood-alcohol content (BAC) in the “warn” range, to habitual impaired drivers.

Immediate, Severe Penalties

Penalties for all impaired drivers will increase. For example, a driver who provides a breath sample in the “fail” range on a roadside screening device (above 0.08 per cent BAC) will face:

- An immediate, 90-day driving ban and a \$500 administrative penalty. Currently, a driver who receives a 90-day ban may still drive for three weeks before that ban is in effect, and no administrative penalty applies.
- A driver’s licence reinstatement fee of \$250 – up from the current \$100.
- A bill of about \$700 for towing and 30 days of impoundment. Currently, drivers may get their vehicle back the day after they are caught.
- Mandatory participation in the existing Responsible Driver Program, which costs participants \$880, and mandatory use of an ignition interlock device for one year, which currently costs \$1,420.
- Thus, one “fail” on a roadside screening device will cost a driver about \$3,750 before they can legally operate a vehicle again, following any related suspension.
- The driver may also face an impaired driving charge under the Criminal Code of Canada.

A driver who provides a breath sample in the “warn” range on a roadside screening device (between 0.05 and 0.08 per cent BAC) for the first time in a five-year period will face:

- A three-day driving ban and a \$200 administrative penalty. (Note: these will rise to a seven-day ban and \$300 penalty for a second “warn” reading within five years, and a 30-day ban and \$400 penalty for a third “warn” reading within five years.) Currently, a 24-hour driving ban is common for a “warn.”
- A driver’s licence reinstatement fee of \$250. This is a new cost for this driver, as the current reinstatement fee of \$100 only applies to driving bans longer than 24 hours.
- The possibility of three days of vehicle impoundment, which will cost about \$150.
- Thus, a driver’s first “warn” will cost about \$600 once the new laws are in effect.

Improved Enforcement

Police will have more certain and effective alternatives than the current processes involved in issuing any administrative penalty more serious than a 24-hour driving prohibition. Currently, when a driver's breath sample registers a "warn," officers can issue only a 24-hour ban at the roadside, regardless of how many times a driver has been caught in that range. With the changes, officers will be able to revoke driving privileges immediately and for longer periods, with concurrent vehicle impoundment.

Focusing charges on impaired drivers with a previous conviction or ban for impaired driving, or who cause serious harm or death, will also support more effective enforcement. It takes more than four days of a police officer's time, on average, to gather evidence, prepare reports for Crown counsel and appear in court to support an impaired driving charge.

A Fair, Comprehensive Review Process

Drivers who receive a roadside prohibition will continue to have the opportunity to have the prohibition reviewed by the Superintendent of Motor Vehicles.

To seek a review, a driver will need to file an application within seven days of a prohibition. The superintendent will then consider all available information – including from police, the driver and Crown counsel – and complete the review within 21 days. The prohibition will remain in effect during this review.

Review fees are doubling to \$100 for a written review and \$200 for an oral review to help offset more of the costs currently covered by taxpayers.

Fairness for Impound Operators

The impoundment provisions in the impaired driving amendments will depend on partnerships with private towing and impound operators. To facilitate this, other changes to the MVA will streamline B.C.'s vehicle impoundment program to ensure towing and impound operators are fairly compensated and better able to process more vehicles. Currently, drivers frequently abandon low-value vehicles that have been impounded, incurring unpaid storage, processing and scrapping costs for impound operators.

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