

Drinking and Driving

FACT SHEET

Penalties for impaired driving convictions in British Columbia:

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



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 they are impaired while “in care and control” of a vehicle. This applies to being in a vehicle with access to the ignition key in order to be charged.

What are the consequences of impaired driving?

Alcohol and other substances impact a driver’s ability to make accurate judgments. It can slow reflexes, making accidents much more likely. In 2004, alcohol was a contributing factor in 23% of all police-reported motor vehicle fatal collisions. In just 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 someone is not over the legal limit, the risk of crashes causing death is more than the average sober driver.

What is the legal limit?

A Blood Alcohol Content (BAC) over 80 mg of alcohol per 100 ml of blood (.08mg) means that a driver is 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 where the driver can be penalized. There is no set number of drinks that leads to this level of blood-alcohol content – the number of drinks it takes to become impaired depends on factors such as body weight, gender, metabolism, and number of hours spent drinking. If you are unsure about whether you are safe to drive – don’t! It’s the safest thing to do.

What can police do if they suspect someone is drinking and driving?

If a police officer suspects a driver to be impaired, they can pull over the driver and request a roadside screening test. If this fails, the driver can be required to submit to an additional breath test at the police station. Under the *Motor Vehicle Act*, if the police suspect that someone is impaired they can immediately give a 24 hour driving prohibition and may impound the 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.

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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.

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What are the penalties for impaired driving in British Columbia?

BAC between the warning range of .05 and .08 may result in a \$200 fine and an immediate three-day driving ban. A second impaired driving offence within five years, even in the warning range, can result in being banned from driving for seven days in addition to a \$300 fine. A third offence results in a \$400 fine and a 30-day ban. One fail or three 'warnings' within five years results in required attendance in the Responsible Driver Program and the additional 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. Drivers will also pay for towing charges and number of days the car is impounded.

How can I avoid driving while impaired?

The best way to avoid driving while under the influence of alcohol is to plan ahead. If you know you will be drinking alcohol, plan to ride with a sober driver. If you are not sure whether you are safe 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.

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
- Mothers Against Drunk Driving <http://www.madd.ca/>
- 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/>