

Drunk driving law hits hard

Rule change
sees about
1,000 licence
suspensions

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As the province prepares to implement the final phase of the tough impaired driving law, it says will cut deaths and injuries on Alberta's roads, government numbers released Monday show about 1,000 Albertans have had their operators' licences suspended for an indefinite period under the new rules already in place.

Since Canada Day, when the first phase of the legislation took effect, at least 994 Alberta drivers whose breath samples gave readings above the Criminal Code blood alcohol concentration limit of .08

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received immediate licence suspensions that will remain in place until their criminal charges are resolved.

Alberta's Transportation Department says it's too early to say whether the new legislation is deterring people from hitting the road when they've had too much to drink.

The government cautions the numbers don't include all licence suspensions and vehicle seizures issued in July and up to Aug. 23, and final figures will be available this fall.

But even the preliminary numbers are too high for Transportation Minister Ric Molyer.

"It tells me not everyone has got the message yet," Molyer said in an interview Monday.

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DRIVING: New punishments for drinkers roll out

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However, a group of Alberta defence lawyers is gunning for a full legal challenge to the indefinite nature of the licence suspension — a penalty meted out before someone is convicted in court.

The lawyers argue the new law is designed to get people to plead guilty — whether they are or not — to speed the legal process and get licences back.

"If you're actually innocent, you're in a particular dilemma," said D'Arcy DePoe, president of the Criminal Trial Lawyers' Association.

The Alberta government's rigid .08 administrative punishments, which also include a three-day vehicle seizure, come in addition to the potential criminal penalties.

But the Alberta government argues there are appeal processes for drivers who wish to contest "the findings of scientifically calibrated breath-testing devices."

At the roadside, a driver can request a second test from another breath-testing device. Also, licence suspensions and vehicle seizures over three days can be appealed through the Alberta Transportation

Safety Board, an independent quasi-judicial body.

Already, one Alberta driver found this summer with 80 milligrams of alcohol in 100 millilitres of blood has had the licence suspension overturned through this appeals process — due to what the board describes as a police administrative error.

Board spokeswoman Eileen McDonald said another 25 appeals are pending and she anticipates the board's workload will increase as a result of the rigorous new penalties. The office will hire five new administrative staff

and recruit a dozen new board members.

Meanwhile, the Redford government's stiffer penalties for drivers who are nabbed with a blood alcohol concentration level of .05 or above will be in effect as of Saturday.

While not a criminal offence, a person found driving at a blood alcohol concentration of between .05 and .08 will get an immediate three-day licence suspension and a three-day vehicle seizure. Penalties increase with repeat offences.

"It is so important that individuals that do choose to go

out and consume alcohol have a Plan B," said Michael Waterton, acting inspector for the Calgary Police Service's traffic section.

McIver said there's no doubt that a person driving with a blood alcohol concentration above .05 is impaired, but says Albertans who are responsible about their alcohol consumption won't be affected by the new punishments.

"People need to know they can go out this weekend and have fun. They can go out and have a couple of drinks with their friends. They can go out and have dinner and share a

bottle of wine with friends," the minister said. "They just need to be responsible and know their limits and behave within their limits. For the people who do that already, nothing has changed."

According to the government numbers released Monday, another 114 new (graduated) licence holders caught driving with any amount of alcohol in their system — which is against the law — also had their licences suspended in July and August.

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