

Nearly 1,000 Albertans have lost licences under new impaired law, with .05 standard set to come into effect

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Since tougher impaired driving rules took effect July 1, at least 994 drivers have had their licences suspended indefinitely for registering a blood-alcohol content above .08. Beginning Saturday, drivers caught with a blood-alcohol content between .05 and .08 will lose their licence for three days and have their vehicle seized for the same amount of time.

Photograph by: Calgary Herald Archive

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 sample gave a reading above the Criminal Code blood alcohol concentration limit of .08 received an immediate licence suspension that remains 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 later this fall.

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

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

However, a group of Alberta defence lawyers is gunning for a fall legal challenge to the indefinite nature of the licence suspension — a penalty slapped down 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 their 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's appeal processes for drivers who wish to contest "the findings of scientifically calibrated breath-testing device."

At the roadside, a driver can request a second test from another breath-testing device. Also, licence suspensions and vehicle seizures longer than 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 receive 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 Watterston, 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 on 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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