

UPDATE ON CHALLENGE TO
ALBERTA ADMINISTRATIVE LICENSE SUSPENSION LAW

Since July 1, 2012, anyone charged with impaired driving offences in Alberta has had his or her license suspended immediately, and until his or her case is resolved in court. A constitutional challenge to that legislation has been filed with the Alberta Court of Queen's Bench, alleging that, among other things, the legislation violates an individual's right to be presumed innocent until proven guilty. The challenge to the constitutionality of the legislation itself will be heard later this year.

In the interim, the clients involved in that challenge have made an application to have their license suspensions stayed until the constitutionality of the legislation has been determined by the Court. That application was heard on January 29, 2013, and a decision is expected within approximately two weeks. If the application is successful, Alberta Impaired Driving will be in a position to begin making stay applications for all of its clients that have been charged with impaired driving since July 1, 2012, and are awaiting resolution of their matter in court.