

PROVINCIAL & TERRITORIAL LAWS

SoberSmartDriving.tirf.ca



The Sober Smart Driving education program is produced by the **Traffic Injury Research Foundation** with funding from **Beer Canada**. It shares knowledge and science to answer common questions about alcohol, its effects on driving skills, and impaired driving.

Are there provincial and territorial impaired driving laws and penalties?

Yes. While only the Federal government has the authority to create criminal offences and to apply criminal penalties and imprison impaired drivers, the provinces and territories are responsible for driver licensing. This enables them to create provincial offences and impose administrative penalties for drinking and driving through provincial/territorial Motor Vehicle Acts. This means that provinces/territories are able to impose driver's licence suspensions and various administrative penalties for drivers with a blood alcohol concentration (BAC) that is below the criminal level of .08. Almost all jurisdictions have chosen to set a lower BAC limit and it ranges from .04 to .08. Provincial/territorial BAC limits are contained in the table below:

Provincial & Territorial BAC Limits.

British Columbia	.05	Quebec	.08	Prince Edward Island	.05
Alberta	.05	New Brunswick	.05	Yukon	.08
Saskatchewan	.04	Nova Scotia	.05	Northwest Territories	.05
Manitoba	.05	Newfoundland		Nunavut	.05
Ontario	.05	& Labrador	.05		



In addition to the criminal penalties imposed by the Courts, administrative penalties may be imposed by the driver licensing agency in each province and territory. These penalties include a roadside driver's licence suspension and/or an administrative licence suspension. The BAC thresholds and length of suspensions vary from one province/territory to another. These penalties are outlined in the following table:

Provincial & Territorial Penalties for Impaired Driving

Jurisdiction	BAC	BAC for young and novice drivers	Roadside Suspension (hours)	Pre-Conviction Suspension (days)	Administrative Licence		
					Suspension		(months)
					1st	2nd	3rd +
British Columbia	.05	.00 for GDL	24	90	12	36	Indefinite suspension
Alberta	.05	.00 for GDL	24	90	12	36	60
Saskatchewan	.04	.00 for GDL	24	90	12	36	60
Manitoba	.05	.00 for first five years of licence	24	90	12-60	60-120	120-lifetime
Ontario	.05	.00 21 & under & GDL	72	90	12	36	Lifetime
Quebec	.08	.00 under 21 & learners licence	-	90	12-36	36-60	60
New Brunswick	.05	.00 under 21 & learners licence	24	90	12	36	60
Nova Scotia	.05	.00 for GDL	24	90	12	36	Indefinite
Newfoundland & Labrador	.05	.00 for GDL	24	90	12-120 (for bodily harm)	36-120 (for bodily harm)	60-lifetime (for 4th conviction or death)
Prince Edward Island	.05	.00 for GDL	24	90	12	36	60
Yukon	.08	.00 for GDL	24	90	12	36	Indefinite
Northwest Territories	.05	.00 for GDL	24	90	12	36	60
Nunavut	.06	no restrictions	24	90	12	36	60

Source: Transport Canada 2019



A link to more information about the motor vehicle legislation in each province and territory related to impaired driving can be found in the table below:

Jurisdiction	Legislation
British Columbia	Motor Vehicle Act, R.S.B.C., 1996, c. 318, s. 215 Learn more
Alberta	Traffic Safety Act, R.S.A., 2001, c. T-6, s. 83-90 Learn more
Saskatchewan	Traffic Safety Act, S.S., c. T-6, s. 39.2(5) Learn more
Manitoba	Highway Traffic Act, S.M., c. H-60, s. 265 Learn more
Ontario	Highway Traffic Act, R.S.O., 1990, c. H-8, s. 48 Learn more
Quebec	Highway Safety Code, R.S.Q., c. 24.2, s. 202.1-202.8 Learn more
New Brunswick	Motor Vehicle Act, R.S.N.B., c. M-17, s. 310 Learn more
Nova Scotia	Motor Vehicle Act, R.S.N.S., 1989, c. 293, s. 279 Learn more
Newfoundland & Labrador	Highway Traffic Act, R.S.N.L., 1990, c. H-3, s. 60 Learn more
Prince Edward Island	.Highway Traffic Act, R.S.P.E.I., c. H-5, s. 277.1 Learn more
Yukon	Motor Vehicles Act, R.S.Y., c. 153, s. 256-257 Learn more
Northwest Territories	Motor Vehicles Act, S.N.W.T., c. M-16, s. 116 Learn more
Nunavut	Has yet to pass a Motor Vehicle Act; utilizes the law from the NWT

The BAC thresholds and length of suspensions vary from one province/territory to another.



What does the Sober Smart Driving Education Program (SSD) contain?

The Sober Smart Driving Education Program contains facts to help Canadians learn about the risks associated with drinking and driving and encourages everyone to speak up and talk about why they choose not to drink and drive.

Key topics discussed on this site include:

- > Drinking and its effects on driving
- > Magnitude & characteristics of drinking & driving
- > Basics of the impaired driving system
- > Impaired driver programs & penalties

- > Myths & misconceptions about drinking and driving

Each of these topics contains a series of fact sheets structured in a question and answer format which are available for free download and sharing (with attribution). These resources are designed to support the education and prevention efforts of communities, schools, health and road safety professionals and advocacy organizations.

To view more fact sheets, or to get more information about alcohol, its effects on driving skills, and impaired driving, visit SoberSmartDriving.tirf.ca.



Traffic Injury Research Foundation

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries. TIRF is a national, independent, charitable road safety research institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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