

**Rating the Provinces and Territories:
The 2008 Progress Report**

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The Goal of the Project

- Encourage and support each province and territory in enacting legislation to minimize impaired driving crashes.
- In furtherance of this goal, the project encompasses:
 - a comprehensive written review of the relevant traffic safety research from Canada and abroad;
 - a written review of the current legislation in each jurisdiction;
 - an individualized legislative reform agenda for each jurisdiction, outlining realistic and effective measures to reduce impaired driving;
 - an ongoing dialogue with each province and territory on strengthening its legislation; and
 - ongoing reports to the public on each jurisdiction's progress in addressing impaired driving.

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Underlying Principles

- Obtaining and holding a licence is a privilege, not a right.
- Traffic authorities must be empowered to prevent tragedies, not just react after the event by sanctioning offenders.
- The police need far broader authority to detect impaired drivers and obtain admissible evidence.
- Administrative proceedings are more expedient and efficient than criminal law in addressing driver licensing, vehicle sanctions, remedial programs, and other regulatory issues.
- Public safety should be given the highest priority in framing provincial and territorial impaired driving legislation.

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History

- Research began in 1998, and the first comprehensive report was released in 2000. The second and third comprehensive reports were published in 2003 and 2006.
- Progress reports have been released in each of the intervening years.
- MADD Canada has worked with the jurisdictions over the last ten years to support their efforts to strengthen their legislation.
- *The 2008 Progress Report* will be released in October.

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The Current Problem

- Despite the legislative improvements that have been made, impaired driving remains the single largest criminal cause of death in Canada. Moreover, progress in reducing impaired driving deaths has stalled since the mid-1990s.
- Canada lags far behind comparable democracies in reducing alcohol-related traffic deaths, although most of these countries have far higher rates of per capita alcohol consumption. A 2001 Transport Canada study reported that Canada had the highest rate of impairment among fatally-injured drivers of eight OECD nations.
- In 2004, impairment-related crash deaths were conservatively estimated to have resulted in more than 1,150 traffic fatalities, 68,250 injuries and 148,400 property-damage-only collisions.
- The percentage and total number of alcohol-related crash deaths rose in 2005. Moreover, in 2007 there were sharp increases in the percentage of drivers who reported driving at least once in the past year when they thought they were impaired.

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- Impaired driving takes a disproportionate toll on young Canadians. While 16-25 year olds constituted only 13.7% of the Canadian population in 2003, they accounted for 32.1% of alcohol-related traffic fatalities.
- Rates of binge drinking, and driving after drug use are increasing among young people, an already extremely vulnerable population.
- The number of young, inexperienced drivers on our roads is expected to rise until 2011.
- Comprehensive provincial and territorial reforms are essential to achieve even the modest goal of preventing further increases in impaired driving deaths.

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The Core Elements of *The 2008 Progress Report*

- Priority has been given to five measures that will likely garner the greatest public support and most significantly reduce impaired driving crashes.
 - A comprehensive graduated licensing program for all new drivers and express police powers to enforce it.
 - A .00% BAC limit for new drivers under 21 or with less than five years driving experience.
 - Express police powers to stop vehicles, establish sobriety checkpoints, and demand that suspected impaired drivers submit to standard field sobriety tests.
 - Strengthening existing .05% BAC administrative licence suspensions to include a 7-14 day suspension, a \$150-\$300 licence reinstatement fee, recording the suspension on the driver's record, and mandatory remedial measures for repeat violations.
 - Mandatory alcohol interlock, vehicle impoundment and forfeiture, and remedial programs.

Overview of *The 2008 Progress Report*

- *The 2008 Progress Report* is part of MADD Canada's ongoing discussions with the provincial and territorial governments.
- *The Report* outlines the progress that the jurisdictions have made in the past 12 months.
- Each provincial and territorial review begins with the jurisdiction's general performance in *Rating the Provinces and Territories: The 2006 Report Card*, and how it fared in *The 2007 Progress Report*.
- Any relevant legislative changes and related initiatives introduced since August 31, 2007 are then outlined in detail.
- Specific recommendations are made for improving each jurisdiction's impaired driving legislation.
- A conclusion is provided, rating each jurisdiction as "setting a good example," "promising" or "needs improvement."

The 2008 Ratings

PROV/ TERR	2006 GRADES & RANKINGS		2008 RATINGS		
			Setting a good example	Promising	Needs improvement
AB	B-	4th			✓
BC	C+	8th			✓
MB	A-	1st			✓
NB	D	12th	✓		
NL	B-	3rd			✓
NS	D+	11th		✓	
NT	B-	6th			✓
NU	F	13th			✓
ON	B	2nd			✓
PE	D+	10th			✓
QC	C	9th	✓		
SK	B-	5th			✓
YK	C+	7th			✓

Progress Since 2007

- MADD Canada is very disappointed with the lack of progress that has been made in the last 12 months.
- Only Québec and New Brunswick introduced significant legislative changes.
- Manitoba enacted major reforms in 2006-07 and is going through a consolidation period.
- Nova Scotia, Ontario and Prince Edward Island enacted significant reforms in 2006-07, but key provisions of this legislation have not been brought into force.
- Alberta announced plans to strengthen its legislation, but made only modest changes in the last 12 months.
- British Columbia, Newfoundland and Labrador, Saskatchewan, the Northwest Territories, Nunavut, and the Yukon have done very little since MADD Canada's last comprehensive review in 2006.

- Several jurisdictions have enacted other reforms concerning hand-held devices, speeding and civil forfeiture of instruments of crime that may impact all motorists, including impaired drivers.
- The following chart illustrates the impaired driving legislation in each jurisdiction as of August 31, 2008. A low threshold has been adopted in crediting the jurisdictions. Thus, if a jurisdiction had even a relatively weak program, it was recognized.

The 2008 Status Report

	AB	BC	MB	NB	NL	NT	NU	ON	PE	QC	SK	YK
LICENSING:												
Minimum Driving Age 16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Graduated Licensing Program	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
.00% BAC for Drivers <21 or <5 Years Experience	✓	✓	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Enforcement of Graduated Licensing	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
POLICE ENFORCEMENT POWERS:												
Stop Vehicles	✓	✓	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Demand Documentation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Demand Standard Field Sobriety Testing	✓	✓	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Demand Samples From Drivers in Injury Crashes	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LICENCE SUSPENSIONS AND REVOCATIONS:												
24-Hour Licence Suspension for Unfitness	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7-14 Day Admin. Licence Suspensions	✓	✓	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
90-Day Admin. Licence Suspensions	✓	✓	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
VEHICLE AND REMEDIAL PROGRAMS:												
Alcohol Interlock Program	✓	✓	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Vehicle Impoundment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vehicle Forfeiture	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Remedial Programs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ Legislation in force as of Aug. 31/08. Δ Legislation not in force as of Aug. 31/08.

Looking Forward

- Four major issues warrant special attention in the next year.
 - First, the enactment of a comprehensive graduated licensing program.
 - Second, the enactment of a .00% BAC limit for all drivers under the age of 21 or in their first five years of driving.
 - Third, strengthening of the existing .05% BAC administrative licence suspensions to include a 7-14 day suspension, a \$150-\$300 licence reinstatement fee, recording of the suspension on the driver's record, and mandatory remedial measures for repeat violations.
 - Fourth, the enactment of a comprehensive alcohol interlock program for all federal impaired driving offenders.

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Next Steps

- MADD Canada will contact government officials in each province and territory to arrange a meeting to discuss the jurisdiction's specific legislative reform agenda.
- We will offer to assist any jurisdiction wishing to strengthen its impaired driving laws.
- Work on the next *Comprehensive Report* is scheduled to begin in 2009.

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Conclusion

- Relative to recent years, the provinces and territories made little progress in 2007-2008.
- MADD Canada hopes that the past 12 months will prove to be a period of planning and preparation that will generate major legislative reforms during the next 12 months.
- However, progress in reducing impaired driving deaths and injuries has been stalled in Canada for over a decade. Indeed, the most recent data on binge drinking, driving after drug use, and self-reported impaired driving are extremely troubling.
- Despite these ominous trends, the public and media appear to be increasingly complacent about the impaired driving issue.
- In the face of these challenges, MADD Canada needs to intensify its efforts to encourage the provinces and territories to enact progressive legislation and effectively enforce it.

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