

# **An Overview of Warn Range Administrative Licence Suspension Programs in Canada – 2010**



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# Introduction

The provinces and territories first enacted warn range administrative licence suspension programs in the late 70s and early 80s. These programs were initially designed to temporarily remove from the roads drivers with blood alcohol concentrations (BACs) between .05% and .08%.

As research has consistently shown, key driving-related skills become progressively impaired at .05% and higher, with the relative risk of a crash rising sharply at that level. By taking risky drivers off the roads, warn range administrative licence suspension programs reduce impaired driving crashes, deaths and injuries.

Comprehensive warn range administrative licence suspension programs can not only have a major deterrent impact, they can assist in the early identification of drivers who have or are developing an alcohol problem and encourage them to seek assistance. Among the problems with the initial warn range administrative licence suspension programs were the short duration (typically 24 hours) of the suspension; the failure to record the suspensions on the driver's record; the lack of progressive sanctions; and the absence of mandatory alcohol assessment and, where appropriate, treatment for repeat infractions. Consequently, some of the initial programs provided little incentive for impaired drivers to change their behaviour or address their drinking problem. The risk of apprehension was low and the consequences of being caught were both minimal and transitory.

In this report, MADD Canada outlines:

1. The progress that the provinces have made in strengthening their warn range administrative licence suspension programs, as recommended by the Canadian Council of Motor Transport Administrators (CCMTA);
2. The total number of alcohol-related *Criminal Code* impaired driving charges that are laid and the total number of warn range administrative licence suspensions that are imposed across Canada; and
3. Variations in the use of warn range administrative licence suspensions, and *Criminal Code* charges across Canada.

## The CCMTA Model for Warn Range Administrative Licence Suspension Programs

MADD Canada first advocated for comprehensive warn range administrative licence suspension programs at the .05% BAC level in its 2000 *Rating the Provinces and Territories Report*. MADD Canada repeated its call for the programs in all of its subsequent provincial and territorial reports. Working with the CCMTA, MADD Canada developed a model warn range administrative licence suspension program based on existing best practices in Canada and research drawn from Canada and abroad. The recommended model includes:

- A 7 – 14 day licence suspension for a first violation, with 30, 45 and 60 day suspensions for second, third and subsequent infractions within a three-year period;
- A mandatory licence reinstatement fee of \$150 - \$300;
- The recording of the suspension on the drivers' record; and
- Mandatory remedial measures (alcohol assessment, education, rehabilitation) for repeat infractions.

All provinces and territories except Québec have some form of warn range administrative licence suspension program.

## Notes Regarding the Data in This Report

Not all the data in this report relates to the same reporting period. The latest available data was used. Data from the territories is not included in this report.

## Current Warn Range Administrative Licence Suspension Programs

**Table 1: CCMTA Model<sup>1</sup>**

1 <sup>st</sup> Violation (Days)	2 <sup>nd</sup> Violation (Days)	3 <sup>rd</sup> Violation (Days)	4 <sup>th</sup> Violation (Days)
7 - 14	30	45	60

The CCMTA warn range administrative licence suspension model was approved in 2005. The CCMTA suggested a three-year look back period. Only Prince Edward Island comes close to matching the CCMTA model in terms of the duration of the licence suspensions. British Columbia has gone beyond the CCMTA model by incorporating administrative vehicle impoundments into its warn range administrative licence suspension program. When proclaimed in force, amendments to Alberta's warn range administrative licence suspension program will also include administrative vehicle impoundments.

**Table 2: Provincial Warn Range Administrative Licence Suspension Programs in Canada<sup>2</sup>**

Prov.	1 <sup>st</sup> Violation (Days)	2 <sup>nd</sup> Violation (Days)	3 <sup>rd</sup> Violation (Days)	4 <sup>th</sup> Violation (Days)	5 <sup>th</sup> Violation (Days)	
NL	7	14	60	120	180	Changed in 2011
PE	7	30	90	90	90	Changed in 2010
NS	7	15	30	30	30	Changed in 2010
NB	7	7	7	7	7	Changed in 2011
QC <sup>3</sup>	N/A	N/A	N/A	N/A	N/A	No program
ON	3	7	30	30	30	Changed in 2009
MB	1	15	30	60	60	Changed in 2011
SK	1	15	90	90	90	No recent changes
AB <sup>4</sup>	1 (3 pending)	1 (7 pending)	1 (30 pending)	1 (30 pending)	1 (30 pending)	Implementation date in 2012
BC	3	7	30	30	30	Changed in 2010

<sup>1</sup> *STRID Strategy to Address Lower BAC Drinking Drivers* (Ottawa: Canadian Council of Motor Transport Administrators, 2005)

<sup>2</sup> R. Solomon et al., *A Legislative Summary of Graduated Licensing, Short-Term Licence Suspensions, Alcohol Interlocks & Vehicle Impoundment & Forfeiture Across Canada* (Oakville: MADD Canada, 2012).

<sup>3</sup> Québec does not have a warn range administrative licence suspension program.

<sup>4</sup> Alberta enacted amendments in late 2011 its warn range administrative licence suspension program which are to be implemented in 2012.

## Warn Range Administrative Licence Suspensions and *Criminal Code* Charges in Canada - 2010

**Table 3: Number of Warn Range Administrative Licence Suspensions in 2010<sup>5</sup>**

Prov.	24 Hrs.	3 Days	7 Days	14/15 Days	30 Days	60 Days	90 Days	120 Days	180 Days	Totals
NL	242	N/A <sup>6</sup>	100	1	N/A	29	N/A	7	0 <sup>7</sup>	379
PE	308	N/A	86	N/A	4	N/A	0	N/A	N/A	398
NS	630	N/A	95	4	0	N/A	N/A	N/A	N/A	729
NB	N/A	N/A	Unknown <sup>8</sup>	N/A	N/A	N/A	N/A	N/A	N/A	Unknown
ON	N/A	16,280	859	N/A	40	N/A	N/A	N/A	N/A	17,179
MB	734	N/A	N/A	0	0	0	N/A	N/A	N/A	734
SK	2,825	N/A	N/A	361	N/A	N/A	59	N/A	N/A	3,245
AB	7,970	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7,790
BC	24,487	2,058	8	N/A	0	N/A	N/A	N/A	N/A	26,552
Totals	37,196	18,338	1,148	366	44	29	59	7	0	57,187
%	65%	32%	2%							

- Québec remains the only province without a warn range administrative licence suspension program.
- Three provinces changed their legislation in 2010 to increase their warn range administrative licence suspensions. Despite those changes, 97% of the warn range administrative licence suspensions are still 3 days or less.
- The look-back period for the warn range administrative licence suspension programs ranges from 2 to 10 years.
- The warn range administrative licence suspensions are triggered by a BAC of .05% or higher, except in Saskatchewan, which has a .04% BAC threshold.

<sup>5</sup> The data in the chart was provided to MADD Canada by the provinces. MADD Canada did its best to ensure the data provided relates only to warn range administrative licence suspensions.

<sup>6</sup> An "N/A" indicates the province did not have a warn range administrative licence suspension program for the timeframe.

<sup>7</sup> A "0" indicates the province had a warn range administrative licence suspension program in 2010, but no suspensions were issued in 2010.

<sup>8</sup> New Brunswick has a 7-day warn range licence suspension program but the province does not collect this data on the licence record.

**Table 4: Impaired (Alcohol) Operation *Criminal Code* Charges and Convictions in 2010**

Prov	Charges <sup>9</sup>	Convictions <sup>10</sup>	Conviction Rate
NL	875	588	67%
PE	431	311	72%
NS	2,091	1,560	75%
NB	1,704	1,406	83%
QC	14,677	7,525	51%
ON	15,843	11,290	71%
MB	2,718	1,621	60%
SK	4,648	2,641	57%
AB	10,877	5,863	54%
BC	9,753	5,967	61%
Total	63,617	38,772	61%

**Table 5: Total *Criminal Code* and Warn Range Administrative Licence Suspensions in 2010**

Prov	Admin	Criminal	Total
NL	379 (30%)	875 (70%)	1,254
PE	398 (48%)	431 (52%)	829
NS	729 (26%)	2,091 (74%)	2,820
NB	No data recorded	1,704	1,704
QC	No admin program	14,677	14,677
ON	17,179 (52%)	15,843 (48%)	33,022
MB	734 (21%)	2,718 (79%)	3,452
SK	3,245 (41%)	4,648 (59%)	7,893
AB	7,970 (42%)	10,877 (58%)	18,847
BC	26,553 (73%)	9,753 (27%)	36,306
Total	57,187 (47%)	63,317 (53%)	120,504

<sup>9</sup> Statistics Canada. *Table 252-0051 - Incident-based crime statistics, by detailed violations, annual (number unless otherwise noted), 2010* CANSIM (database).

<sup>10</sup> Statistics Canada. *Table 252-0045 - Adult criminal court survey, number of cases, by type of decision, annual, 2009-2010* CANSIM (database).

**Table 6: Total *Criminal Code* Charges and Warn Range Administrative Licence Suspensions as a Percentage of the Population in 2010**

Prov	Charges and Suspensions	Population	Percentage of Population <sup>11</sup>
NL	1,254	511,000	.25%
PE	824	143,000	.58%
NS	2,820	945,000	.30%
NB	1,704	753,000	.34%
QC	14,677	7,906,000	.21%
ON	33,022	13,228,000	.25%
MB	3,452	1,235,000	.28%
SK	7,893	1,044,000	.76%
AB	18,847	3,779,000	.50%
BC	36,306	4,530,000	.80%

## Conclusion

1. There were a total of 120,504 *Criminal Code* charges and warn range administrative licence suspensions in 2010.
2. Although there is considerable provincial variation, the total number of warn range administrative licence suspensions (57,187 or 47%) and *Criminal Code* charges (63,317 or 53%) across Canada are similar. The warn range administrative licence suspensions range from a low of 21% of total sanctions in Manitoba to a high of 73% in British Columbia. Ontario is the only province other than British Columbia that has more warn range administrative licence suspensions (53%) than *Criminal Code* charges (48%).
3. 97% of warn range administrative licence suspensions in 2010 were for 3 days or less.
4. Only the four Maritime provinces follow the suggested 7-day suspension for a first infraction, as recommended by the CCMTA.
5. Prince Edward Island is the only province that meets all the administrative requirements of the CCMTA model.
6. The overall Canadian conviction rate for *Criminal Code* impaired driving offences was 61%. New Brunswick had the highest conviction rate at 83%, and Québec had the lowest conviction rate at 51%.
7. British Columbia had the most warn range administrative licence suspensions (26,553) in Canada, followed by Ontario (17,179). British Columbia had 46% of the total warn range administrative licence suspensions in Canada. British Columbia and Ontario combined accounted for 76% of the total warn range administrative licence suspensions in Canada.

8. Impaired drivers in British Columbia had the highest likelihood of being charged with a *Criminal Code* impaired driving offence or receiving a warn range administrative licence suspension.
9. Québec had the lowest impaired driving charge rate per capita and the lowest conviction rate, and is the only province without a warn range administrative licence suspension program.

## Recommendations

1. Québec should introduce a warn range administrative licence suspension program immediately.
2. Saskatchewan and Manitoba should increase the licence suspension for a first infringement of warn range administrative licence suspension programs from 24 hours to 7 days.
3. The New Brunswick Registrar of Motor Vehicles should collect provincial data on their warn range administrative licence suspensions.

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<sup>11</sup> Statistics Canada, *Table 051-0001 – Population by year, by province and territory*, CANSIM (table).