

**A LEGISLATIVE SUMMARY OF GRADUATED LICENSING, SHORT-TERM  
LICENCE SUSPENSIONS, ALCOHOL INTERLOCKS, AND VEHICLE  
IMPOUNDMENT AND FORFEITURE ACROSS CANADA  
(November 30, 2009)**



Commission des transports et de  
l'environnement

Déposé le : 11/02/2010

N° CTE-22

Secrétaire : Dany Chelley

**R. Solomon and E. Chamberlain, Professors**  
Faculty of Law, The University of Western Ontario

**J. Organ, M. Abdoullaeva and L. Gwyer**  
J.D. Candidates, 2011, and  
Legal Research Associates, MADD Canada

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# CANADIAN GRADUATED LICENSING PROGRAMS (GLPs)

**Chart 1: Current Features of Stage 1**

Prov./Terr.	Minimum Driving Age	Minimum Length Of Stage 1	Restrictions <sup>1</sup>		
			Nighttime	Passengers (excluding supervisor)	High-speed Roadways
AB	14	12 months and until 16	12 a.m. - 5 a.m.	Number of belts	None
BC	16	12 months	12 a.m. - 5 a.m.	1 passenger	None
MB	15½ <sup>2</sup>	9 months	None	Number of belts in back seat	None
NB	16	12 months (4 with driver ed.) <sup>3</sup>	12 a.m. - 5 a.m.	Only supervisor	None
NL	16	12 months (8 with driver ed.)	12 a.m. - 5 a.m.	Only supervisor	None
NS	16	6 months (3 with driver ed.) <sup>4</sup>	None	Only supervisor	None
NT	15	12 months	11 p.m. - 6 a.m.	Only supervisor	None
NU	15	No GLP. Beginning drivers must be supervised for 12 months, but there are no BAC limits or other restrictions.			
ON	16	12 months (8 with driver ed.) <sup>5</sup>	12 a.m. - 5 a.m.	Number of belts in back seat	Prohibited
PE	16	12 months (9 with driver ed.)	1 a.m. - 5 a.m. (unless ≥21)	Supervisor's family and number of belts	None
QC	16	12 months (8 with driver ed.)	None	None	None
SK	15 <sup>2</sup>	9 months and until 16	None	Number of belts and additional limits <sup>6</sup>	None
YK	15	6 months and until 16	12 a.m. - 5 a.m.	1 passenger, other than family	None

1. Unless otherwise stated, all stage-1 drivers are subject to a .00% BAC restriction.
2. These minimum driving ages apply to those who are in, or have graduated from, a driver education program.
3. Legislation, when proclaimed in force, will lengthen stage 1 to 8 months for those with driver education.
4. Legislation, when proclaimed in force, will lengthen stage 1 to 1 year, or 9 months for those with driver education.
5. The Ontario government announced that it intends to lengthen stage 1 to 18 months, or 12 months for those with driver education.
6. There can be no passengers other than family members from 12 a.m. - 5 a.m., and no passenger in the front if there is a backseat.

**Chart 2: Current Features of Stage 2**

Prov./Terr.	Minimum Length of Stage 2	Restrictions <sup>1</sup>		
		Nighttime	Passengers	High-speed Roadways
AB	24 months	None	Number of belts	None
BC	24 months (18 with driver ed.)	None	1 passenger, other than family, unless supervised	None
MB	15 months	None	1 passenger in front, number of belts in backseat & additional night restrictions <sup>2</sup>	None
NB	12 months <sup>3</sup>	12 a.m. - 5 a.m., with exceptions <sup>4</sup>	3 passengers	None
NL	12 months	12 a.m. - 5 a.m., unless supervised	Number of belts	None
NS	24 months	12 a.m. - 5 a.m., with exceptions <sup>5</sup>	1 passenger in front and number of belts <sup>6</sup>	None
NT	12 months	None	1 passenger in front	None
NU	No GLP. Drivers can be fully licensed at 16 and are not subject to any BAC or other restrictions.			
ON	12 months <sup>7</sup>	None	Number of belts and additional night restriction if the driver is under 20 <sup>8</sup>	None
PE	24 months stages 2 and 3	1 a.m. - 5 a.m., with exceptions <sup>9</sup>	Number of belts	None
QC	24 months or until 25 <sup>10</sup>	None	None	None
SK	18 months <sup>11</sup>	None	Number of belts and additional restrictions in the first 6 months <sup>12</sup>	None
YK	18 months	12 a.m. - 5 a.m., unless supervised <sup>13</sup>	Number of belts	None

1. Unless otherwise stated, all stage-2 drivers are subject to a .00% BAC restriction.
2. Stage-2 drivers cannot have more than 1 passenger from 12 a.m. to 5 a.m., unless there is a supervisor in the front and all the passengers in the back seat have a belt.
3. Drivers must spend a total of 24 months in stage 1 and 2 combined, with at least 12 months spent in stage 2.
4. This restriction does not apply to drivers who are 21 or older, drivers accompanied by a supervisor and no other passenger, those driving for educational or employment purposes, or drivers who are exempted by the Registrar.
5. This restriction does not apply to drivers who are supervised, or drivers who have obtained an exemption for employment purposes.
6. Legislation, when proclaimed in force, will prohibit carrying more than 1 passenger unless supervised, or unless the passengers are family members.
7. The Ontario government announced that it intends to lengthen stage 2 to 18 months.
8. During the first 6 months of stage 2, drivers cannot have more than 1 passenger under 20, other than family members, from 12 a.m. to 5 a.m. After 6 months, stage-2 drivers can only have 3 passengers under 20. These restrictions do not apply if the driver is supervised, in which case the number of passengers is limited to the number of belts.
9. This restriction does not apply to drivers who are 21 or older, drivers accompanied by a supervisor, or drivers who have obtained a work or other exemption.
10. Drivers who are 25 or older obtain full driving privileges on completing stage 1. There is no stage 2 for these drivers.
11. Saskatchewan has a 2-part stage 2, which lasts a total of 18 months. The novice-1 part is 6 months and the novice-2 part is 12 months.
12. During the 6-month novice-1 part, drivers may only carry 1 passenger other than family members.
13. This supervision requirement does not apply to stage-2 drivers who are commuting directly between work and home.

**Chart 3: Additional .00% BAC Limits Extending Beyond the GLP**

<b>Prov./ Terr.</b>	<b>.00% BAC Limit Beyond GLP</b>	<b>Minimum Age At Which .00% BAC Limit Ends</b>	<b>Legal Drinking Age</b>
AB	None	18	18
BC	None	18½	19
MB	3 years	20½	18
NB	3 years	21	19
NL	None	17⅔	19
NS	None <sup>1</sup>	18¼	19
NT	None	17	19
NU	None	15	19
ON	None <sup>2</sup>	17⅔	19
PE	¼ year	19	19
QC	None	18⅔	18
SK	None	17½	19
YK	None	17½	19

1. Legislation, when proclaimed in force, will require drivers to have a .00% BAC for 2 years after completing stage 2. Thus, the minimum length of the .00% BAC restriction will be 4¾ years for drivers who have completed the driver education course in stage 1 and 5 years for those who have not.
2. Legislation, when proclaimed in force, will require drivers under the age of 22 to have a .00% BAC.

# CANADIAN SHORT-TERM (7-14 DAY) ADMINISTRATIVE LICENCE SUSPENSIONS (ALS) FOR ALCOHOL AND/OR DRUG IMPAIRMENT

**Chart 1: Grounds for Short-Term ALS**

Prov./ Terr.	Alcohol-Related Grounds	Other Grounds
AB	Reasonably suspect driver's ability is adversely affected by alcohol	Reasonably suspect driver's ability is adversely affected by a drug
BC	Reasonable grounds to believe driver is impaired by alcohol	Reasonable grounds to believe driver is impaired by a drug
MB	BAC $\geq$ .05%; or fails to provide a sample	Based on SFST, believe driver is unable to drive safely; refuses SFST; or is so impaired by alcohol or drugs as to be unable to provide a sample or take SFST
NB	BAC $\geq$ .05%; or charged with either an impaired driving offence or refusing to provide a sample	No
NL	BAC $\geq$ .05%; refuses to provide a sample; or charged with an impaired driving offence or refusing to provide a sample	No
NS	BAC $\geq$ .05%; or charged with either an impaired driving offence or refusing to provide a sample	No
NT	BAC $\geq$ .05%; or reasonable grounds to believe driver's ability is impaired by alcohol	Reasonable grounds to believe driver's ability is impaired by drugs or fatigue
NU	Reasonable grounds to believe driver's ability is impaired by alcohol	Reasonable grounds to believe driver's ability is impaired by drugs or fatigue
ON	BAC $\geq$ .05%	No
PE	BAC $\geq$ .05%; or refuses to provide a sample	No
QC	No Short-Term ALS.	
SK	Reasonable grounds to believe driver's BAC exceeds .04%	No
YK	Reasonable grounds to believe driver is impaired by alcohol	Reasonable grounds to believe driver's ability is impaired by drugs or another substance

**Chart 2: Duration of Short-Term ALS**

Prov./ Terr.	First Occurrence	Second Occurrence	Third or Subsequent Occurrence <sup>1</sup>
AB	24 hours	24 hours	24 hours
BC	24 hours	24 hours	24 hours
MB	24 hours	24 hours	24 hours
NB	24 hours	24 hours	24 hours
NL	24 hours	24 hours	2 months <sup>2</sup>
NS <sup>3</sup>	24 hours	24 hours	24 hours
NT	24 hours	30 days <sup>2</sup>	30 days <sup>2</sup>
NU	4 to 24 hours	4 to 24 hours	4 to 24 hours
ON	3 days	7 days <sup>4</sup>	30 days <sup>4</sup>
PE	7 days	30 days <sup>2</sup>	90 days <sup>2</sup>
QC	No Short-Term ALS.		
SK	24 hours	15 days <sup>4</sup>	90 days <sup>4</sup>
YK	24 hours	24 hours	24 hours

1. In Newfoundland and Labrador, a 4-month suspension is imposed for a fourth 24-hour suspension within 2 years, and a 6-month suspension is imposed for a fifth or subsequent 24-hour suspension within 2 years.
2. Only applies to occurrences within 2 years.
3. The Nova Scotia government announced that it intends to introduce legislation that will increase the 24-hour suspension to 7, 15 and 30 days for a first, second and subsequent .05% infringement.
4. Only applies to occurrences within 5 years.

**Chart 3: Other Features of Short-Term ALS**

Prov./ Terr.	Police Record Kept	Registrar Informed	Susp. on Abstract	Reinstate. Fee	Mandatory Legislated Remedial Programs
AB	Yes	No	Yes	No	No
BC	Yes	Yes (ICBC)	Yes	No	No, but Super. requires drivers to participate in a remedial program consisting of alcohol screening, education or counselling, and an alcohol assessment if they have 3 suspensions within 5 years.
MB	Yes	Yes	Yes	\$50	Drivers with 2 or more suspensions within 3 years must undergo an impaired driver's assessment and may be required to complete an education or treatment program.
NB	Yes	No	Yes	No	No
NL	Yes	Yes	No	\$100	Drivers with 2 suspensions within 2 years must complete an education program. Drivers with 3 or more suspensions within 2 years must complete an alcohol dependency assessment and rehabilitation program.
NS	Yes	Yes <sup>1</sup>	Yes <sup>2</sup>	\$89.63	No
NT	Yes	Yes	Yes	No	No
NU	Yes	Yes <sup>1</sup>	No	\$25	No
ON	Yes	Yes	Yes	\$100	No, but Registrar requires drivers with 2 suspensions within 5 years to participate in an alcohol education program. Drivers with 3 or more suspensions within 5 years must participate in an alcohol treatment program and are subject to a 6-month interlock order. Drivers with 4 or more suspensions within 5 years must undergo a medical examination.
PE	Yes	Yes	No	\$75	No
QC	No Short-Term ALS.				
SK	Yes	No	Yes	No	Drivers with 2 suspensions within 5 years must complete the "Driving Without Impairment" course.
YK	Yes	Yes <sup>1</sup>	No	No	No

1. The law does not require the Registrar to be informed, but the police do so as a matter of administrative policy.
2. The law does not require the suspension to be recorded on the driver's abstract, but the Registrar does so as a matter of administrative policy.



# CANADIAN ALCOHOL INTERLOCK PROGRAMS FOR FEDERAL IMPAIRED DRIVING OFFENDERS

**Chart 1: Mandatory Programs – Inclusion Criteria, Suspension Reductions and Duration<sup>1</sup>**

Prov./ Terr.	Inclusion Criteria	Reduced Suspension	Minimum Duration		
			1st	2nd	3rd
AB	Driving with a BAC $\geq$ .16%; refusing a test; or repeat .08% BAC within 10 years <sup>2</sup>	Discretionary	6 months		
BC	Any alcohol-related <i>Criminal Code</i> offence <sup>2</sup>	No	1 year	2 years	3 years
MB	Impaired driving causing death or bodily harm; impaired with a passenger < 16; or repeat impaired and/or refusing a test <sup>3</sup>	No	1 year	1 year	3 years <sup>4</sup>
NB	No Mandatory Interlock Program.				
NL	No Mandatory Interlock Program.				
NT	No Mandatory Interlock Program.				
NS	"High-risk first offenders" <sup>5</sup> ; impaired causing death or bodily harm <sup>6</sup> ; or offenders with a prior impaired driving, refusing a test or driving while disqualified convictions	Yes	1 year	2 years	3 years
NU	No Interlock Program.				
ON	Impaired driving; or refusing a test	No <sup>7</sup>	1 year	3 years	Lifetime
PE	Offenders with a prior impaired driving or refusing conviction	Yes	1 year		
QC	Offenders convicted of impaired driving or refusing a test who did not apply or were ineligible for the voluntary program	No	1 year <sup>8</sup>	2 years	3 years
SK	Judges can order offenders convicted of impaired driving or refusing a test to participate in alcohol interlock program	Yes	1 year	2 years	3 years
YK	No Mandatory Interlock Program.				

1. In addition, the traffic authorities typically have broad discretionary power which could be used to impose an interlock requirement on any federal impaired driving offender.
2. Participation is mandated by administrative policy.
3. Although the Manitoba website describes the program as being "mandatory," the legislation indicates that these offenders can sit out the "prescribed period" and apply for a full licence without an interlock.
4. The sanctions for repeat offenders apply to prior convictions within 10 years. The prescribed interlock period is the driver's lifetime for a fourth conviction, but a driver can apply to have an interlock order longer than 3 years removed at the end of the third year.
5. A "high-risk" offender is a driver who has been assessed in an alcohol rehabilitation program as being "high risk."
6. The minimum participation period for these offenders is 2 years if the driver is a first offender and 5 years if he or she is a repeat offender.
7. Pending legislation will give the Registrar discretionary authority to reduce the length of the provincial licence suspension that would otherwise apply.
8. Pending legislation will increase the minimum duration of the interlock order for some first and repeat offenders. The lookback period for repeat offenders is 10 years.

**Chart 2: Mandatory Programs – Remedial and Relicensing Measures**

Prov./Terr.	Mandatory Remedial Programs	BAC-Based Relicensing
AB	Prior to interlock program, first offender must complete the “Planning Ahead Program” and repeat offenders must complete the “Impact Program.”	Last 3 months must have no unexplained “warns” or “fails.”
BC	Drivers must complete all the elements of the “Responsible Driver Program” (RDP) before the interlock order will be removed. <sup>1</sup>	Interlock “activity reports” are reviewed, and the final report must be “violation-free.”
MB	Offenders must successfully complete an alcohol assessment and any required education or treatment program.	Interlock order may be extended for breaching program “rules” or for having a positive BAC.
NB	No Mandatory Interlock Program.	
NL	No Mandatory Interlock Program.	
NT	No Mandatory Interlock Program.	
NS	Offenders must submit to an assessment and may be assigned to an educational, counselling or treatment program. Following the interlock program the driver must attend a follow-up meeting with Addiction Services.	The service provider's reports must be reviewed to determine if the order should be lifted.
NU	No Alcohol Interlock Program.	
ON	Offenders must participate in a “Conduct Review” and are assigned to an education or treatment program. <sup>2</sup>	No <sup>3</sup>
PE	Offenders must take the “Driver Rehabilitation Program” prior to relicensing. Repeat offenders must have an assessment and “high-risk” offenders may be required to have treatment.	Unclear. Program violations <sup>4</sup> will result in extensions of the interlock order.
QC	First offenders must complete an educational program and a cursory alcohol and drug assessment. Repeat offenders are subject to a more intensive assessment that may result in an individualized treatment program.	No <sup>5</sup>
SK	Offenders must undergo an addiction assessment and any prescribed recovery or education program prior to the interlock program.	A positive BAC or other program violation in the last 3 months results in a 3-month interlock order extension.
YK	No Mandatory Interlock Program.	

1. Elsewhere on the government website, it states that federal offenders must complete the RDP before an interlock can be installed.
2. Offenders with 2 prior impaired driving convictions are assigned to the treatment program.
3. The regulations state that a conviction for tampering, missing an appointment, or driving an unequipped vehicle will result in the order being extended. In contrast, the website states that a violation of these provisions will result in an extension.
4. The website defines “program violations” to include tampering or driving an unequipped vehicle, but it is unclear whether the term also includes registering a positive BAC.
5. Breaches of program conditions, which include registering a positive BAC and driving an unequipped vehicle, may result in a 3-month licence suspension or licence revocation.

**Chart 3: Voluntary Programs – Inclusion Criteria, Suspension Reductions and Duration**

Prov./ Terr.	Inclusion Criteria	Reduced Suspension	Minimum Duration	
			1st	2nd
AB	Except for those convicted of impaired causing death or bodily harm, all impaired driving offenders not in the mandatory program may apply.	Discretionary	6 months	
BC	No Voluntary Interlock Program.			
MB	Impaired driving offenders who can establish exceptional hardship and that their participation is not contrary to the public interest.	No	1 year	1 year <sup>1</sup>
NB	Impaired driving offenders other than novice drivers may apply.	Yes	Length of original suspension.	
NL	Impaired driving offenders and those convicted of refusing a test may apply. <sup>2</sup>	Yes	Length of original suspension.	
NT	No Voluntary Interlock Program.			
NS	First impaired driving offenders can apply.	Yes	Time left in 1-year suspension.	2 years
NU	No Interlock Program.			
ON	No Voluntary Interlock Program.			
PE	Impaired driving offenders not in mandatory program.	Yes	No fixed minimum periods.	
QC	Impaired driving offenders not in mandatory program.	Yes	Length of original suspension.	
SK	Impaired driving offenders and those convicted of refusing a test may apply.	Yes for impaired, no for refusing.	1 year	2 years
YK	Drivers who receive a mandatory territorial licence disqualification for a federal impaired driving offence.	Yes	1 year	3 years

1. The minimum duration is 3 years for a third conviction and the driver's lifetime for a fourth conviction within 10 years. Drivers with an interlock order longer than 3 years can apply to have it removed at the end of the third year.
2. Drivers subject to a lifetime driving suspension for impaired driving causing death or to a 10-year suspension for impaired driving causing bodily harm may apply after 10 and 5 years respectively. Their interlock order will be for the length of the original suspension.

**Chart 4: Voluntary Programs – Remedial and Relicensing Measures**

Prov. / Terr.	Mandatory Remedial Programs	BAC-Based Relicensing
AB	Prior to interlock program, the applicant must complete the "Planning Ahead Program."	There must be no unexplained "warns" or "fails" in the last 3 months.
BC	No Voluntary Interlock Program.	
MB	Offenders must successfully complete an alcohol assessment and any required education or treatment program.	Interlock order may be extended for breach of program "rules" or a positive BAC.
NB	Offenders must complete a "drinking driver re-education course."	Interlock order may be extended based on "program" (i.e. data log) reports.
NL	First offenders must complete an education course, and drivers with a second offence within 10 years must undergo an alcohol/drug dependency assessment.	Interlock order may be extended based on driver's program performance, data log and driving record.
NT	No Voluntary Interlock Program.	
NS	Offenders must participate in an assessment and may be assigned to an education, counselling or treatment program. Following interlock program, drivers must meet with Addiction Services.	The service provider's reports must be reviewed to determine if the order should be lifted.
NU	No Alcohol Interlock Program.	
ON	No Voluntary Interlock Program.	
PE	Offenders must take the "Driver Rehabilitation Program" prior to relicensing. Repeat offenders must have an assessment and, if considered high-risk, may be required to have treatment.	Unclear. Program violations <sup>1</sup> will result in extensions of the interlock order.
QC	First offenders must complete an education program and cursory assessment. Repeat offenders are subject to a more intensive assessment that may result in an individualized treatment program.	No <sup>2</sup>
SK	Offenders may be required to complete a remedial, addiction assessment, or treatment program prior to the interlock program.	A positive BAC or other program violation in the last 3 months will result in a 3-month interlock order extension.
YK	Offenders must complete any prescribed remedial or assessment programs, but no regulations setting out these programs have been made. In practice, most repeat offenders must have an alcohol assessment and take the "Driving Without Impairment" course.	Drivers must have 6 months without a program violation or having "interlock points" imposed (i.e. a positive BAC).

1. The website defines "program violations" to include tampering or driving an unequipped vehicle, but it is unclear whether the term also includes registering a positive BAC.
2. Breaches of the program conditions, which include registering a positive BAC and driving an unequipped vehicle, may result in a 3-month licence suspension or licence revocation.

# ADMINISTRATIVE VEHICLE IMPOUNDMENT AND FORFEITURE PROGRAMS

**Chart 1: Mandatory Administrative Impoundment for Driving While  
Unauthorized/Unlicensed or Uninsured**

Prov./ Terr.	Unauthorized/Unlicensed	Uninsured
AB	No, but police may impound for 30 days the vehicle of a driver who is charged with driving while unauthorized.	No, but if police reasonably believe that a driver is uninsured, they may seize his or her vehicle pending any <i>TSA</i> prosecution.
BC	No, but police may impound for 30 days the vehicle of a driver they reasonably believe is unlicensed and has had a notice placed on his or her driving record for a previous unlicensed driving conviction.	No
MB	No, but police may detain a vehicle for 5 days that they reasonably believe was involved in a federal or provincial offence.	No
NB	No	No, but police may impound the vehicle of an uninsured driver who has a prior uninsured driving conviction in the past 2 years.
NL	No	No, but police may impound for 90 days the vehicle of a driver who is convicted of driving uninsured.
NS	No, but pending legislation will permit police to impound the vehicle of a driver without a valid licence.	No
NT	No	No
NU	No	No
ON	No	No, but a judge may impose a 3-month impoundment on an owner convicted of driving uninsured.
PE	No, but a judge may impose a 3-week impoundment on a driver convicted of driving without a valid licence.	No
QC	If police reasonably believe that a driver is unlicensed, they may impound his or her vehicle for 30 days.	No
SK	Police must impound for 90 days the vehicle of a driver who they reasonably believe is "unauthorized" (includes unlicensed).	No
YK	If police reasonably believe that a driver is unlicensed or uninsured, they may impound his or her vehicle for 30 days.	

**Chart 2: Mandatory Administrative Impoundment for Driving While Suspended,  
Prohibited or Disqualified**

<b>Prov./ Terr.</b>	<b>Driving While Suspended, Prohibited or Disqualified Under Provincial Law</b>
AB	No, but police may impound for 30 days the vehicle of a driver who is charged with driving while disqualified.
BC	Police must impound for 24 hours the vehicle of a driver they reasonably believe is driving while suspended under the <i>MVA</i> . They must also impound for 60 days the vehicle of a driver they reasonably believe is driving while subject to specific prohibitions under the <i>MVA</i> or <i>Criminal Code</i> . <sup>1</sup>
MB <sup>2</sup>	Police must impound for 30 days the vehicle of a driver they reasonably believe is prohibited or disqualified.
NB	No
NL	Police must impound for 30 days the vehicle of a driver they reasonably believe is disqualified or prohibited.
NS	Police must impound for 90 days the vehicle of a driver whose licence has been revoked under the <i>MVA</i> for a <i>Criminal Code</i> offence. <sup>3</sup>
NT	No, but police may impound for 30 days the vehicle of a driver charged with driving while prohibited, suspended or disqualified for a prior <i>Criminal Code</i> impaired driving offence.
NU	No
ON	Police must impound for 45 days the vehicle of a driver who is driving while subject to: a provincial suspension; or a federal driving prohibition for a <i>Criminal Code</i> traffic, impaired driving, or driving while disqualified offence. <sup>4</sup>
PE	Police may impound for 30 days the vehicle of a driver who is driving with a suspended or cancelled licence if he or she had been convicted in the past 2 years of driving while suspended or cancelled under <i>MVA</i> or while disqualified under <i>Criminal Code</i> .
QC	Police may impound for 30 days the vehicle of a driver they reasonably believe is driving while suspended or cancelled, but only if that suspension or cancellation had been imposed on certain specified grounds. <sup>5</sup>
SK <sup>6</sup>	Police must impound for 30 days the vehicle of a driver they reasonably believe is driving while "unauthorized" (includes prohibited, suspended and disqualified).
YK <sup>7</sup>	Police may impound for 30 days the vehicle of a driver they reasonably believe is suspended or disqualified.

- These include: (i) court-imposed prohibitions for provincial or *Criminal Code* driving convictions; (ii) prohibitions imposed in the public interest or for unfitness to drive; (iii) 90-day driving prohibitions for having a BAC above .08% or failing to provide a sample; and (iv) 24-hour roadside driving prohibitions for suspected impairment.
- The police may also detain any vehicle for 5 days if they reasonably believe that it was involved in a federal or provincial offence.
- Pending legislation enacted in 2008 will permit the police to impound the vehicle of a driver whose licence is suspended or revoked.
- Pending legislation scheduled to come into force in 2011 will authorize the police to impound the vehicle of a driver they are satisfied is suspended under any provincial law, subject to specified exceptions.
- The suspension or cancellation must result from a *Criminal Code* offence, an accumulation of demerit points, or a breach of an interlock program requirement. The specified grounds include: 90-day administrative suspensions imposed for driving with a BAC above .08% or failing to provide a sample; and suspensions imposed by SAAQ due to medical unfitness to drive.  
Pending legislation enacted in 2007 will authorize the police to impound for 30 days the vehicle of a driver who has: a BAC above .16%; a BAC above .08% and a prior licence cancellation for specified federal driving offences within the past 10 years; or failed to provide a sample.
- Moreover, the police may seize any vehicle they reasonably believe is being driven contrary to the *TSA* or its regulations.
- Moreover, the police may detain until the conclusion of a case the vehicle of a driver they reasonably believe has committed specified *MVA* offences.

**Chart 3: Mandatory Short-Term (7-Day) Administrative Vehicle Impoundment for Federal Impaired Driving Suspects**

Prov. / Terr.	Impaired Driving Suspects
AB	No, but police may impound for 24 hours the vehicle of a driver charged with a <i>Criminal Code</i> impaired driving offence.
BC	No
MB <sup>1</sup>	Yes. If police reasonably believe that a driver has a BAC > .08% they must impound the vehicle for 30 days. However, if the driver has failed to provide a sample or take a SFST, or has a BAC ≥ .16%, the police must impound the vehicle for 60 days.
NB	No
NL	No, but police may detain a vehicle until the end of the case, if it has been involved in a federal or provincial offence, or if its owner or driver has been arrested under the <i>HTA</i> or <i>Criminal Code</i> .
NS	No, but pending legislation will permit police to impound a vehicle if they reasonably believe that the driver has committed a <i>MVA</i> or a vehicle-related <i>Criminal Code</i> offence. <sup>2</sup>
NT	No, but police may seize for 15 days the vehicle of a driver found committing an offence under the <i>MVA</i> or its regulations if the vehicle is required for evidence. <sup>3</sup>
NU	No, but police may seize for 15 days the vehicle of a driver found committing an offence under the <i>MVA</i> or its regulations if the vehicle is required for evidence. <sup>3</sup>
ON	No, but pending legislation will authorize police to impound for 7 days a vehicle if they are satisfied that a driver: failed to submit to a breath, blood, SFST, or drug recognition test; or had a BAC ≥ .08%, based on a breath or blood test. <sup>4</sup>
PE	No, but a judge may issue a 3-week impoundment order if a driver is convicted of a federal impaired driving offence.
QC	No, but pending legislation will authorize police to impound for 30 days the vehicle of a driver: (i) who has a BAC > .16%; (ii) who has a BAC > .08% and has had a prior licence cancellation for specified federal driving offences within the past 10 years; or (iii) who fails to provide a sample. <sup>5</sup>
SK	No, but police may seize any vehicle they reasonably believe is driven contrary to the <i>TSA</i> or its regulations.
YK	No, but police may seize a vehicle until the end of the case, if they reasonably believe that the driver has committed a specified <i>MVA</i> offence.

1. The police may also detain any vehicle for 5 days if they have reason to believe that it was involved in a federal or provincial offence.
2. The pending legislation does not include information on the duration of the impoundment. Currently, the police may detain a vehicle involved in a *MVA* or vehicle-related *Criminal Code* offence until the end of the case.
3. The police may also seize for 24 hours a vehicle involved in a *MVA* offence, if the seizure is in the public interest.
4. Currently, a judge may issue a 3-month impoundment order if a driver is convicted of a federal impaired driving offence, the provincial offence of driving while suspended, or a second federal offence for failing to stop at the scene of an accident.
5. Currently, the police may impound a vehicle if they reasonably believe that it was involved in a *HSC* offence, or a *Criminal Code* offence that triggers a mandatory provincial licence cancellation.

**Chart 4: Mandatory Administrative and Other Vehicle Forfeiture Provisions**

Prov. / Terr.	Administrative	Other <sup>1</sup>
AB	No	No
BC	No	No. <i>Civil Forfeiture Act</i> <sup>2</sup>
MB	No. However, vehicles involved in the most serious federal driving offences, <sup>3</sup> or in 3 or more specified offences <sup>4</sup> committed by the same offender within 3 years, may be subject to forfeiture.	No
NB	No	No
NL	No	No
NS	No	No
NT	No	No
NU	No	No
ON	No	No. <i>Civil Remedies Act</i> <sup>5</sup>
PE	No	No
QC	No	No. <i>An Act Respecting the Forfeiture, Administration and Appropriation of Proceeds and Instruments of Unlawful Activity</i> <sup>6</sup>
SK	No	No
YK	No	No

1. Section 490.1(1) of the *Criminal Code* permits a provincial Attorney General to seek the forfeiture of "offence-related property," which may include the vehicles of impaired drivers, but only if they have been convicted of an indictable offence. Moreover, judges have broad discretion to deny the application if they are satisfied that forfeiture would be disproportionate in terms of the "nature and gravity" or "circumstances" of the offence, or the offender's criminal record.
2. The Crown may seek forfeiture of an "instrument of unlawful activity," which may include the vehicle of an impaired driving offender. However, the court has broad discretion to deny the application if ordering forfeiture is "contrary to the interests of justice."
3. These offences include: impaired driving causing death or bodily harm; driving with a BAC > .08% and causing death or bodily harm; refusing to provide a sample and causing death or bodily harm; criminal negligence causing death or bodily harm; manslaughter; and willfully attempting to evade police pursuit causing death or bodily harm.
4. These offences include: impaired driving; driving with a BAC > .08%; failing to provide a sample; driving while prohibited; and willfully attempting to evade police pursuit.
5. The Attorney General may apply to a Superior Court seeking the forfeiture of a vehicle: if it was or is likely to be used in a "vehicular unlawful activity;" and the licence of the owner or driver has been suspended for a "vehicular unlawful activity" on 2 or more previous occasions within 10 years. However, the court has broad discretion to deny the application if ordering forfeiture is "clearly not in the interests of justice."
6. The Attorney General may apply to a court seeking the forfeiture of any "proceeds or an instrument of unlawful activity," which may include the vehicle of an impaired driver. The court must grant the order if it is convinced that the property is proceeds or an instrument of unlawful activity.