

# AALS

## Alberta Administrative Licence Suspension Program

### What is AALS?

Introduced on December 1, 1999, the Alberta Administrative Licence Suspension Program ("AALS") is a tough law aimed at keeping impaired drivers off Alberta's roads. It automatically imposes a suspension or disqualification on drivers who are charged criminally with an alcohol and/or drug-related offence. The suspension or disqualification is in effect until the criminal charges are disposed of.

### What has changed?

As of 2012, the AALS suspension or disqualification is linked to the criminal charges: it begins immediately upon the driver being charged, and it ends when the criminal charges are disposed of. The charges under the *Criminal Code* (Canada) that trigger an AALS suspension or disqualification are: operating while impaired or over 80 mg % (section 253); failing or refusing to comply with breath demand (section 254); and impaired driving causing bodily harm or death (section 255).

There is also now an automatic seizure or immobilization of the vehicle, for 3 days if it is the first disqualification within 10 years, or for 7 days if it is the second or subsequent disqualification within 10 years. However, it should be noted that the AALS suspension and the *Criminal Code* (Canada) charges are distinct.

### What sort of drugs does the AALS program apply to?

Because both legal drugs and illegal drugs have the potential to cause impairment, the AALS program applies to any drugs that cause a driver to be impaired.

### What happens when a driver is impaired by drugs?

As of October 15, 2009, the expansion of the AALS program allows police to impose the same sanctions on drug-impaired drivers as they were already able to impose on drivers impaired by alcohol.

### What happens if someone is caught driving while impaired?

Any driver charged with an alcohol and/or drug-related offence will be issued a Notice of Suspension/Disqualification, the official AALS form. This form records all personal information (name, address, driver licence number, etc.) and the details of the event. The suspension or disqualification is effective immediately.

Also, your vehicle will be seized or immobilized, for 3 days if this is your first disqualification within 10 years, or for 7 days if it is your second or subsequent disqualification within 10 years.

### When does the suspension come into effect and how long will the suspension be?

The suspension comes into effect immediately upon the driver being charged criminally and served with a Notice of Suspension. The suspension remains in effect until the criminal charges are disposed of by the Court.

Further information on the driver's suspension or disqualification will be sent to the address registered on file with the Registrar. Also, if they are an out-of-province driver, their home jurisdiction will be notified of the disqualification.

### Can a driver appeal the suspension or disqualification?

The information on the back of the Notice of Suspension/Disqualification form guides a driver through the appeal. An appeal will cost \$125 for a written hearing or \$250 for an in-person hearing before the Alberta Transportation Safety Board (the "Board"). Registry Agent fees apply on top of this fee. For further information on the appeal process or to purchase an Application for Hearing, please visit any authorized Alberta Registry Agent.

This information sheet is provided free of charge.

## Can an owner appeal the seizure/immobilization?

Appeal of the vehicle seizure/immobilization is a separate appeal from an appeal of the suspension/disqualification. An owner or a person with an interest in the vehicle may apply for early release of the vehicle. Applications for Appeal - Vehicle Seizure are available at an Alberta Registry agent and must be submitted to the Board with the fee of \$125 for a written hearing or \$250 for an in-person hearing. Please see the further information at <http://atsb.alberta.ca>

## When can a driver appeal the suspension or disqualification or vehicle seizure?

1. The legislation governing the Board under Section 45(2) of the *Traffic Safety Act* places a 30-day limitation period on an appeal to the Board.
2. The Board cannot proceed with an appeal unless the application is received within 30 days from the date the Notice of Suspension/Disqualification or Vehicle Seizure Notice was deemed served (date of issue of the Notice).

The grounds to appeal the suspension under Section 39.2 of the *Traffic Safety Act* are if:

1. The person did not drive having consumed alcohol, drug or combination in a quantity to impair operation of the vehicle at any time within 3 hours of driving; or
2. The person did not drive having consumed alcohol in a quantity so that the person's blood alcohol level was over 80 mg% at any time within 3 hours of driving; or
3. The person did not fail or refuse to comply with a breath demand; or if they did, they had a reasonable excuse.

## Important things to remember if a driver is appealing a suspension or disqualification:

1. They must send the original application. No faxes will be accepted.
2. They must also send a copy of the AALS form they were given.
3. A driver may also submit other relevant information or sworn/affirmed statements.
4. Applying for an appeal does not affect a driver's suspension or disqualification. It remains in effect even while a driver is participating in the appeal process.

For information on vehicle seizure/immobilization appeals, please see the Vehicle Seizure or Immobilization Appeal Hearing Information Sheet.

For all inquiries in regards to AALS appeals, please contact the Alberta Transportation Safety Board North or South Region:

North Region – Toll Free (in Alberta) by dialling  
310-0000 Telephone: 780-427-7178  
Fax: 780-422-9739  
Main Floor, Twin Atria Building  
4999 – 98 Avenue  
Edmonton AB T6B 2X3

South Region – Toll Free (in Alberta) by dialling  
310-0000 Telephone: 403-297-3466  
Fax: 403-297-4139  
Suite 302 Willow Park Centre  
10325 Bonaventure Drive SE  
Calgary AB T2J 7E4

For further information regarding AALS, please contact any authorized Alberta Registry Agent by referring to the local telephone directory under Licensing and Registry Services, or online at:

[www.servicealberta.gov.ab.ca/find-a-registry-agent.cfm](http://www.servicealberta.gov.ab.ca/find-a-registry-agent.cfm)

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