

Alberta Administrative Licence Suspension Program Information Sheet

What is the Alberta Administrative Licence Suspension Program?

Introduced on December 1, 1999, the Alberta Administrative Licence Suspension Program imposes a suspension or disqualification on drivers who are served with an alcohol and/or drug-related impaired driving offence by law enforcement.

What's Changed to the Alberta Administrative Licence Suspension Program?

In May 2017, the Alberta Court of Appeal ruled that Section 88.1 of Alberta's *Traffic Safety Act*, the indefinite driver's licence suspension, was deemed unconstitutional as it violated the Canadian Charter of Rights and Freedoms. This Section imposed an indefinite licence suspension for the following federal criminal offences, outlined below, pending the outcome of criminal court proceedings for:

- Breath or blood sample over 80 milligrams of alcohol in 100 millilitres of blood
- Impaired by alcohol or a drug or by a combination of alcohol and drug
- Failed or refused to comply with a demand by a police officer to provide either a breath or blood sample

This indefinite licence suspension was required to be changed to a fixed-term suspension, and as a result, legislative amendments were made to the *Traffic Safety Act* under An Act to Reduce Impaired Driving, which received Royal Assent on December 15, 2017, and is proclaimed for April 9, 2018, addresses this ruling. The Alberta Administrative Licence Suspension Program has been replaced with a two-stage, fixed term licence suspension of 90 days and a further one-year licence suspension.

Drivers with a breath or blood sample over 80 milligrams of alcohol in 100 millilitres of blood; who are impaired by alcohol or a drug or by their combination; or failed or refused to comply with a demand by a police officer to provide either a breath or blood sample will be subject to a two-stage, fixed term licence suspension consisting of **two** distinct parts:

- a 90-day licence suspension where the suspended driver is unable to drive under any circumstances, **AND**
- a further one year licence suspension where the suspended driver may be eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program. If they choose not to participate, they will remain suspended during this one year term with **no ability to drive legally**.

The Alberta Administrative Licence Suspension Program will also be expanded to include drivers with a blood drug concentration or blood alcohol/drug concentration over the proposed new federal limits when they become law in Ottawa.

In addition to the Driver's Licence suspension and the Ignition Interlock Program requirement, drivers are also subject to an automatic seizure:

- for three days if it is the first disqualification within 10 years, or
- for seven days if it is the second or subsequent disqualification within 10 years.

What sort of substances does the Alberta Administrative Licence Suspension apply to?

Because both legal drugs and illegal drugs have the potential to cause impairment, the Alberta Administrative Licence Suspension Program applies to any substance (drugs, alcohol, or drug/alcohol) that cause a driver to be impaired.

When does the Alberta Administrative Licence Suspension come into effect, and how long is the suspension?

This suspension/disqualification begins immediately upon the driver being served an Alberta Administrative Licence Suspension by law enforcement, and is in effect for the two-stage, fixed-term suspension, consisting of two distinct parts:

- a 90-day licence suspension where the suspended driver is unable to drive under any circumstances, **AND**
- a further one year licence suspension where the suspended driver may be eligible to drive on the condition that they participate in Alberta's Ignition Interlock Program. If they choose not to participate, they will remain suspended during this one year term with **no ability to drive legally**.

Further information on the driver's suspension or disqualification will be sent to the last known address on record with the Registrar. If the driver resides out of province, their home jurisdiction will be notified of the disqualification.

Can a driver appeal the Alberta Administrative Licence Suspension?

The information on the back of the Notice of Suspension/Disqualification Form guides a driver through the appeal process which is conducted by the Alberta Transportation Safety Board (the Board). Applications for Hearing are available at any Alberta Registry Agent and must be submitted to the Board. Associated costs for the Application for Hearing are \$125 for a written hearing or \$250 for an in-person hearing. Alberta Registry Agents may also charge a service fee. For further information on the appeal process, please contact the Board (contact information below) or to purchase an Application for Hearing, please visit any authorized Alberta Registry Agent.

The Board will hold a hearing as soon as possible within receipt of the Application for Hearing. The length of the appeal process can vary depending on the circumstances. A set timeline cannot be provided for these appeals.

Can an owner appeal the Vehicle Seizure/Immobilization?

Appeal of the vehicle seizure/immobilization is a separate appeal from an appeal of the licence suspension/disqualification. The registered owner of the vehicle (or any third party authorized by the registered owner) may apply for early release of the vehicle. Applications for Appeal - Vehicle Seizure are available at any Alberta Registry Agent and must be submitted to the Board. Associated costs for the Application for Appeal are \$125 for a written hearing or \$250 for an in-person hearing. Alberta Registry Agents may also charge a service fee. For further information on the appeal process, please contact the Board (contact information below) or to purchase an Application for Appeal, please visit any authorized Alberta Registry Agent. For information on vehicle seizure/immobilization appeals, please see the Vehicle Seizure or Immobilization Appeal Hearing Information Sheet.

The Board will hold a hearing within 3-5 business days upon receipt of the Application for Appeal – Vehicle Seizure. If the Board decides to allow an appeal, the Appellant will be contacted the same day the decision is made. If the Board decides to deny an appeal, a decision will be placed in the mail the same day the decision is made. Appellant's attending an in-person hearing will always be made aware of the Board's decision before leaving.

When can a driver appeal the Alberta Administrative Licence Suspension or Disqualification or Vehicle Seizure?

- 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. 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.

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

- The person did not drive having consumed alcohol, drugs, or combination in a quantity to impair operation of the vehicle at any time within three hours of driving; or
- The person did not drive having consumed alcohol in a quantity such that the person's blood alcohol concentration level was 80 mg% or over at any time within three hours of driving; or
- 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:

- They must send the original application. No faxes will be accepted.
- They must also submit a copy of the Alberta Administrative Licence Suspension Form they were given by law enforcement.
- A driver may also submit other relevant information or sworn/affirmed statements.
- 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 all inquiries in regards to Alberta Administrative Licence Suspension appeals, please contact the Alberta Transportation Safety Board – North or South Region:

North Region

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

South Region

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

Website: www.atsb.alberta.ca.

For further information regarding Alberta Administrative Licence Suspension, please contact any authorized Alberta Registry Agent by referring to the local telephone directory under Licensing and Registry Services, or online at the following web link:

www.servicealberta.gov.ab.ca/find-a-registry-agent.cfm.