

Alcohol and Driving

It's about control

Alcohol-induced impairment is the greatest contributing factor in many motor vehicle fatalities. The basic rule underlying all safe driving is to keep your vehicle under control at all times.

Drivers who have consumed alcohol do not have complete control over themselves, and therefore cannot be in control of a vehicle. They are a danger to themselves and others.

What Alcohol Does

Alcohol is not a stimulant. From the first drink it depresses the central nervous system. The feeling of stimulation is because the higher functions of the brain, including social restraints and judgement, are impaired.

When alcohol enters the stomach, it does not have to be digested. It is absorbed through the walls of the stomach and the small intestine into the bloodstream which carries it throughout the body.

In the brain, alcohol first depresses the area of higher function. Alcohol travels through the brain in a set pathway and it affects things like reason, caution and memory first. Next it attacks the simple motor functions, reaction time and vision. Balance, co-ordination and sensory perception are the next faculties to be impaired. Concentrated drinking will eventually lead to stupor, coma and even, if continued steadily, death .

The most important factors contributing to alcoholic impairment are the amount of alcohol absorbed into the blood and the amount of time allowed for the elimination of this alcohol. The human body works to change alcohol into nourishment and/or to pass it out of the body, but it can only do this at a **slow** rate. This rate is affected by such other factors as body weight, the quantity and type of food in the stomach and the type of alcoholic beverage consumed. A healthy liver can only process 3/4 of a standard drink per hour.

Fallacies

Most of us have tried them at one time or another – black coffee, cold showers, taking a jog around the block. But we must recognize them for what they are – ineffective. There is only one thing that can sober a person- time.

Drugs and/or Medication

While alcohol is the most common cause of driver impairment, there are other substances, such as illegal drugs or medications that can create a safety hazard. Mixing these drugs with alcohol can greatly amplify impairment.

Many illegal drugs are extremely dangerous to use, especially when driving. As well, some medications, either prescription or over-the-counter drugs, are known to cause inattention and drowsiness. Take great care not to drive while taking these drugs.

Alcohol and the Law

Even if you are well below the .08 level of alcohol in the blood that is accepted as the legal level in law, you can still be impaired; and the courts recognize this. Being caught at above .08 percent blood alcohol in the bloodstream, in itself, is a criminal offense. But you can be impaired on one drink and can be charged and convicted with less than .08 in your bloodstream if you show other symptoms of impairment.

The average blood alcohol content of convicted alcohol-involved drivers in Nova Scotia is .16 percent – twice the legal level.

FAILURE OR REFUSAL TO PROVIDE A SAMPLE: The courts will convict a person who, without a reasonable excuse, fails or refuses to provide a sample of their breath or blood to a peace officer.

The Criminal Code of Canada

Under the *Criminal Code of Canada* a person commits an offense when operating or in care or control of a motor vehicle while impaired by alcohol or drugs even though their blood alcohol level is less than 80 milligrams of alcohol in 100 milliliters of blood (.08 percent). Penalties can include fines, imprisonment, or both, and a prohibition from driving. Convictions may result in the loss of insurance, higher insurance rates, and loss of employment.

If a peace officer has “reasonable and probable grounds” to suspect the presence of alcohol, the driver of a vehicle may be demanded to supply a sample of breath in an approved screening device (**Alco-Tester**), or to accompany the peace officer to provide a breath sample for analysis (**Breathalyzer**). If the person is unable to provide a breath sample, the peace officer may demand a sample of blood be taken by a qualified medical practitioner for analysis. It is an offense to refuse to provide the samples.

Penalties in Nova Scotia

Penalties in Nova Scotia for driving while impaired are outlined below, and all fines and assessment fees must be paid by the driver. The judge’s decision and sentencing is based upon the specific facts of each case. Fines and jail terms can also be affected by whether any deaths, bodily harm or dangerous driving resulted from the motorist’s actions. Offenders are frequently placed on a period of probation requiring regular reporting to a probation officer, as well as other requirements and restrictions. **The following are minimum sentences.**

1 st Offence:

- a fine of \$600 to \$2000
- revocation of driving privileges for one year from the date of conviction (not the date of being charged)
- completion of an Addiction Services assessment program (\$366, your cost)
- licence reinstatement fee of \$100 (your cost)
- you might also be required to re-take any and all of your driver's tests, including written, road, and vision tests.

2 nd Offense, within a 10-year period:

- a fine of \$600 to \$2000
- possible prison term of at least 14 days*
- revocation of driving privileges for three years from the date of conviction (not the date of being charged)
- completion of an Addiction Services assessment program (\$366, your cost)
- license reinstatement fee of \$100 (your cost)
- you must re-take your driver's tests: written, road, and vision tests.

3 rd Offense, within a 10-year period:

- a fine of \$600 to \$2000
- prison term of at least 90 days*
- revocation of driving privileges is indefinite (minimum of ten years) from the date of conviction (not the date you were charged)
- completion of an Addiction Services assessment program (\$366)
- license reinstatement fee (\$100)
- you must re-take your driver's tests: written, road, and vision tests.

4 th Offense, within a 10-year period:

- permanent revocation in addition to all of the penalties provided under the *Criminal Code of Canada*

*Persons prosecuted by indictment for offenses under Sections 253, 254 of the *Criminal Code (Canada)* are liable to receive a prison term of up to five years. Persons prosecuted by way of summary conviction under these sections are liable to receive a prison term of up to six months.

ALL FEES ARE SUBJECT TO CHANGE

Penalties In Nova Scotia (Con` t.)

*** Important Note:**

Driving a boat, motorcycle, 4-wheel off- road vehicle or ride on lawn mower while impaired carries the same penalties as driving an automobile impaired.

Add It Up!

| | |
|---|-------------------------|
| Fines..... | \$600-\$1000 |
| Car towed..... | \$ 50 (at least) |
| Legal Fees..... | \$500-\$1000 |
| Insurance Increase..... | \$Double Cost |
| Assessment by Addiction Services..... | \$366 |
| License Re-instatement..... | \$100 |
| Transportation costs without license..... | \$\$\$\$ |
| Lost wages..... | \$\$\$\$ |

Total \$3000 + average

What is the **cost** of a cab or other transportation???

ADDITIONAL CONSIDERATIONS

The various D.W.I. offenses are criminal code offenses that impose a record, possibly resulting in other consequences, e.g., work related (losing your job), getting a passport etc.

CARE and CONTROL Under the **Criminal Code of Canada**, to be guilty of these offences, it is not necessary for an individual to actually be driving. It is sufficient, if the person is in care and control of the vehicle. . Thus a person could be guilty merely when he or she intends to drive and is walking to a vehicle, keys in hand, may be enough proof of that.

24 HOUR ROADSIDE SUSPENSIONS- The Police can suspend your license for 24 hours and have your vehicle towed if you have a reading of .05

ADMINISTRATIVE LICENSE SUSPENSIONS- Pre Trial (90 DAYS minimum)

MEDICAL ADVISORY SUSPENSIONS R.M.V. May suspend your driving privileges without a legal charge if they know you have a significant addiction problem or other medical impairment.

Driving While Impaired-----Consequences

FUTURE CONSIDERATIONS

- IMPLEMENTATION OF A VEHICLE INTERLOCK SYSTEM**
- VEHICLE IMPOUNDMENT**
- ZERO TOLERANCE FOR REPEAT OFFENDERS**
- ROADSIDE DRUG TESTING**

ADDICTION SERVICES ASSESSMENT AND EDUCATION PROGRAM

ASSESSMENT

This is an interview(s) with Addiction Services staff to evaluate the extent of a persons alcohol and or drug use and if need be, refer clients for treatment or counseling or both.

EDUCATION PROGRAM

This is a program discussing and examining:

- a) The Criminal Code of Canada as it pertains to alcohol related charges
- b) The Motor Vehicle Act
- c) What alcohol does to the body, Blood Alcohol Concentration (BAC) etc.
- d) Drugs and Driving
- e) Attitudes about Drinking and Driving
- f) Physical and Mental abilities for safe driving
- g) Films on Drinking and Driving (victims and drunk drivers experiences)
- h) Driving while fatigued
- i) The difference between Impairment and Intoxication

The entire process can take 6 months or more to complete.

Contents of program may change according to each District.

There may be waiting lists in some areas

INSURANCE

Family rates can also be raised because of your conviction
Insurance will not cover your losses.

OTHER LEGAL FACTORS

Where there is property damage, injury, or death: You can be sued civilly
which can result in:

financial damages

judgements

seizure of property

garnishment of wages

ADDICTION SERVICES

CONTACT NUMBERS

DWI Programs

Cape Breton (Sydney)..... 902-563-2590
(Port Hawkesbury)..... 902-625-2363

Antigonish..... 902-863-5393

New Glasgow.....902-755-7017

Pictou.....902-485-4335

Springhill.....902-597-8647

Amherst.....902-667-7094

Truro.....902-893-5900

Halifax.....902-424-5920

Kentville.....902-679-2392

Lunenburg.....902-634-7325

Yarmouth.....902-742-2406

Web Site.....www.addictionservices.ns.ca

Addiction Services Toll Free #.....1-888-291-3535

R.M.V. Toll Free #.....1-800-898-7668