

# Administrative Sanctions At .05% -.08% BAC In Quebec

Even small amounts of alcohol can impair driving ability. It affects judgment, hand-eye coordination, ability to focus, ability to see and think clearly, and ability to recognize potentially dangerous or hazardous road conditions.

Research has consistently shown that key driving-related skills are impaired at an .05% blood alcohol concentration (BAC), and that these drivers have significantly higher relative risks of fatal crash than drivers with BACs of .00%.

That is why all jurisdictions in Canada, except Quebec and the Yukon, have administrative licence suspensions at the .05% to .08% BAC level (also known as the Warn Range).

Provincial administrative licence suspension programs provide police with an effective tool to deal with drivers who are under the .08% *Criminal Code* limit, but who represent a danger on the roads. Drivers with BACs between .05% and .08% face immediate short-term licence suspensions (generally 3 or 7 days, with longer suspensions for repeat infractions). The suspensions are implemented at roadside, apply immediately and are not tied to any federal criminal charges. Sanctions under these programs do not result in a criminal record. Other administrative penalties may include corresponding vehicle impoundments, education and remedial program requirements and alcohol ignition interlocks.

Stronger administrative sanctions support both enforcement and the deterrent impact of impaired driving laws. They help reduce impaired driving, save lives, prevent injuries and change drinking and driving behaviours.

British Columbia and Alberta both have strong administrative licence suspension and vehicle impoundment programs, along with other

immediate roadside sanctions, and the results have been significant. British Columbia had a sustained 50% reduction in alcohol-related crash deaths (2010-2018). Alberta had a 46% reduction in alcohol-related crash deaths in the six months after strengthening its administrative sanctions, compared to the five-year average for the same period.

Additionally, roadside surveys conducted in British Columbia immediately before and shortly after the enactment its Warn Range and Immediate Roadside Prohibition legislation in 2010 showed the percentage of drivers with BACs above .08% decreased 59% and the percentage with BACs of .05% or more decreased 44%.

## Recommendation For Quebec

One of MADD Canada's key recommendations for the Province of Quebec to address the problem of impaired driving is the enactment of a 7-day administrative licence suspension and 7-day administrative vehicle impoundment for drivers with BACs between .05% and .08% BAC.

## Get The Facts

Many myths and misperceptions exist about .05% BAC sanction and provincial administrative licence suspension programs.

**Administrative licence sanctions at the .05% level are not new.** Though they're often discussed as 'new' laws, administrative licence suspensions have been around for decades in most provinces. What has happened over the past 15 years is that provinces have realized that the original 24-hour suspensions were simply not an adequate



deterrent, and they have increased their licence suspension duration from 24 hours to a 3 or 7 day suspension, with longer suspensions for repeat infractions. Some provinces have also added corresponding vehicle impoundments.

**This is not a change to the legal alcohol limit.**

These laws are often discussed as a reduction of the *Criminal Code* legal alcohol limit from .08% to .05%. That is incorrect. The federal legal limit – the point at which *Criminal Code* charges can be laid – remains .08% BAC. These warn range sanctions are imposed under provincial highway traffic safety acts and generally apply to drivers with BACs of .05% to .08%.

**These programs do not target social drinkers.**

Critics say that .05% sanctions target social drinkers, taking away people's ability to have a glass of wine with dinner or a beer after work. This law does not interfere with what most Canadians would consider to be social drinking. For the average person, having a beer after work or a glass of wine with dinner, you will not be impacted by these administrative sanctions. From MADD Canada's perspective, separating drinking from driving entirely is the safest way to go. But we also recognize that a drink or two is not going to put people over the .05% level. It takes more than one drink for most people to reach the .05% BAC level. Estimates of BACs in relation to time, weight and standard Canadian drinks indicate a 195 lb. man can have three standard drinks over a two-hour period and not go over the .05% BAC limit. Similarly, a 130 lb. woman can have two standard drinks over a two-hour period and not go over the limit.

**These programs do not destroy hospitality industries.** There has been concern that the hospitality industry will face catastrophic loss of revenue if .05% BAC program is introduced. The facts do not support this. Studies have shown that .05% BAC limits have little long-term impact on hospitality industries. Furthermore, almost every

other province and territory in Canada has some form of licence suspension and administrative program at the .05% BAC level and their hospitality industries have not collapsed. Certainly there may be an adjustment period as people learn about the new laws and what they mean, but .05% sanctions such as these are in place in nearly every jurisdiction across Canada.

## Quebecers Support Sanctions At .05% BAC Level

Surveys have shown that the majority of Quebecers support sanctions at the .05% BAC level to reduce impaired driving and related crashes and injuries.

- 61% of respondents in a November 2023 survey by [SOM-Les Coops de l'information](#) were in favour of sanctions for drivers with BACs between .05% and .08%.
- Surveys conducted in May and March of 2023 by [Association pour la santé publique du Québec](#) showed 57% and 50% of respondents, respectively, favoured sanctions at the .05% level.

## On The Constitutionality Of The Law

Some critics say these administrative laws are unconstitutional because they are immediate and the infractions are not processed through the courts. However, imposing sanctions on risky and dangerous drivers is within the authority of provinces and territories. Administrative sanctions promote road safety and reduce impaired driving and that is in everyone's best interests. Programs like this have been challenged in other provinces but the constitutionality of the programs has been upheld.