

T R A N S P O R T C A N A D A ' S

magazine

smashed

The magazine on drinking and driving

SMASHED:
Again and again,
20 years after

Focus on ...
The Young —
A Special Group

**The
emotional
aftermath**
A true story



Transport
Canada

Transports
Canada

Canada

The Keys to Life

The **Impact** They Have is Your Decision

A simple piece of metal and plastic
can hold the key to your life.

Make sure it doesn't open
the door to tragedy.



If you drink — then you don't drive.

Cover photo: Watermark Photography - Mitch Lenet



Smashed magazine:

Research: Traffic Injury Research Foundation (TIRF)
TIRF is a registered Canadian charitable organization.

Art Director: Glenn Torresan
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Desmarais Photography
Designed By: Hangar 13 Art & Design

Published By : Transport Canada, 330 Sparks Street, Tower C
Ottawa, Ontario K1A 0N5

The Publisher wishes to gratefully acknowledge the contribution of the following organizations:

MADD
TIRF
Lunergen's Eatery, Ottawa
The Firefighters of Ottawa Firestation #10

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© Her Majesty the Queen in Right of Canada,
represented by the Minister of Transport, 1999, revised 2005.
ISBN 0-662-27910-7
Catalogue No. T46-11/1999E
TP 1535 E

Cette publication est aussi disponible en français sous le titre :
Impact

For further information on drinking and driving or other road safety topics, call the Road Safety information line at 1-800-333-0371, in Ottawa (613) 998-8616. You can also visit the Transport Canada web site at www.tc.gc.ca/roadsafety

TRANSPORT CANADA'S smashed magazine

TABLE OF CONTENTS



smashed...again and again • 4



progress ... but the journey continues • 6



the emotional aftermath • 8



alcohol, breathalysers and you • 12



that wasn't me...was it? • 14



drugs and driving • 18

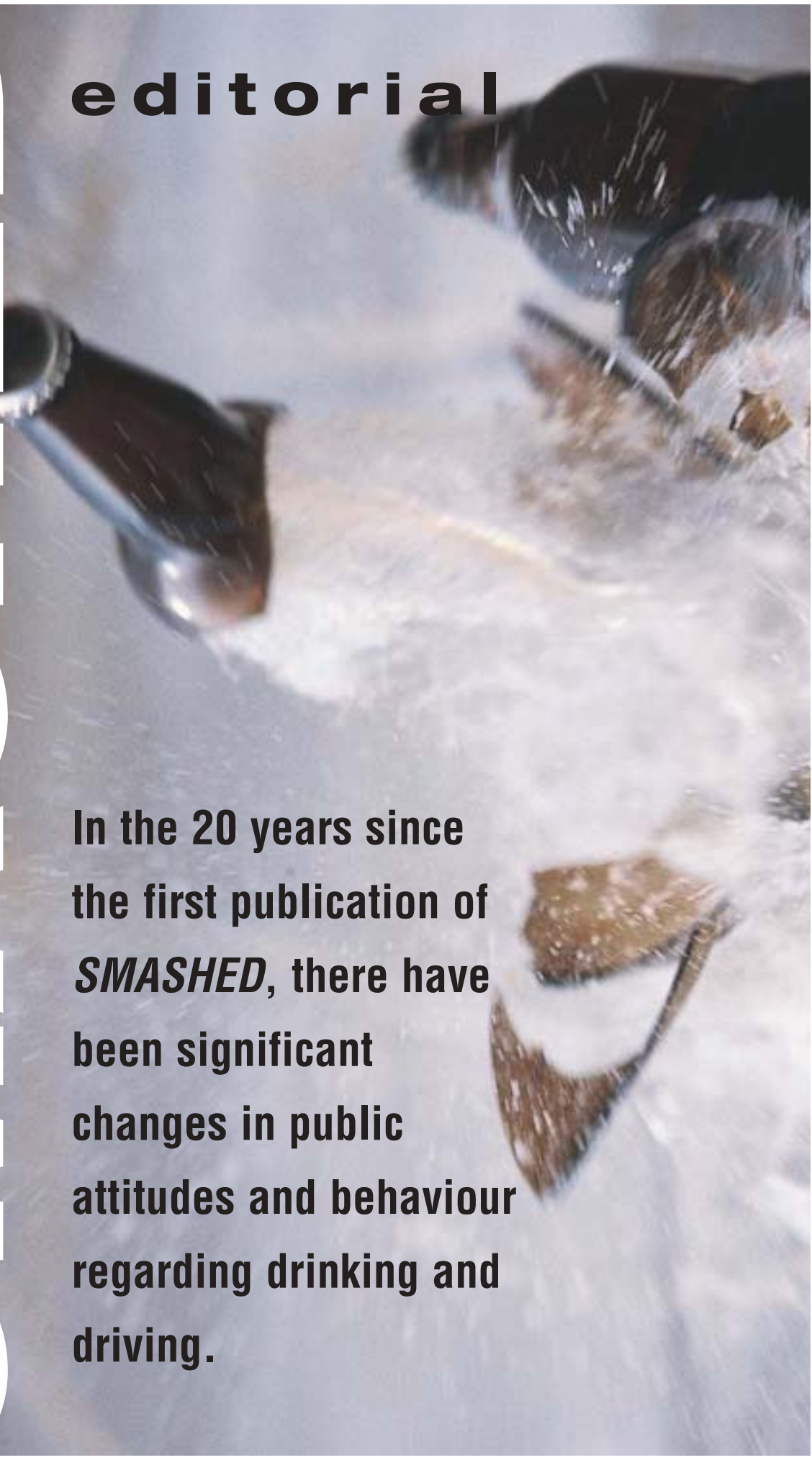


quiz, true or false • 30

SMASHED

editorial

In the 20 years since the first publication of *SMASHED*, there have been significant changes in public attitudes and behaviour regarding drinking and driving.



AGAIN ... AND AGAIN

In the 20 years since the first edition of *SMASHED*, there have been significant changes in public attitudes and behaviour regarding drinking and driving. Impaired driving, quite simply, is no longer socially acceptable, and Canadians are now more likely to avoid getting behind the wheel of a vehicle after drinking. Tactics such as using a designated driver who abstains from drinking alcohol, taking a cab or staying overnight have all contributed to a dramatic reduction in the number of deaths and injuries caused by impaired drivers.

But despite the progress that has been made, about 1,055 people die in alcohol-involved traffic accidents in Canada each year. Thousands more are injured — and many are permanently disabled. Every year, thousands of Canadians suffer needlessly as a result of impaired driving.

This third edition of *SMASHED* reflects the tremendous changes surrounding the issue of drinking and driving that have taken place over the last 20 years. Its purpose is to increase awareness and understanding of the problem so that we will all be in a better position to take effective action to prevent impaired driving.

Among the changes that have occurred since the last edition of *SMASHED* is a recognition that some groups in the population present special problems when it comes to drinking and driving. This publication discusses what puts these groups at greater risk and what can be done about it.

On July 1, 1999, Bill C-82, *An Act to Amend the Criminal Code* (impaired driving and related matters), was proclaimed into force. Among the changes to the *Criminal Code* of Canada are increases in penalties for impaired driving. (See Table 2 on page 20.)

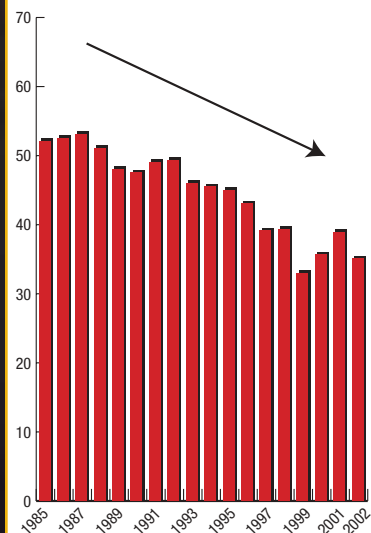
In addition, over the past several years many provinces and territories have supplemented the provisions of Canada's *Criminal Code* by implementing new laws and procedures for dealing with impaired drivers. These new elements include graduated licensing for young and novice drivers and mandatory assessment and rehabilitation for certain offenders. Penalties include licence suspension and vehicle impoundment.

Preventing impaired driving is everybody's business. We're all on the road together, and collectively we can realize the vision of making Canadian roads the safest in the world.

Progress

Every year,
over four million
Canadians admit
to driving after
drinking, which
adds up to more
than 12.5 million
trips made by
people who
thought they
had too much
to drink.

Percent of Fatally Injured Drivers with Positive BACs*



*These data on alcohol use by drivers fatally injured in motor vehicle crashes in Canada are compiled and maintained by the Traffic Injury Research Foundation under sponsorship from the Canadian Council of Motor Transport Administrators and Transport Canada.

Impaired Driving in Canada

Public awareness and concern about the problem reached unprecedented levels during the 1980s. Tougher new laws were introduced and enforcement efforts were redoubled in an attempt to deter drinkers from getting behind the wheel.

As a result, changes in public attitudes and opinions began to take shape. Roadside surveys of nighttime drivers found significantly smaller numbers who had consumed alcohol and who were legally impaired. This decline in the number of impaired drivers on the road was reflected in a decrease in the number of drivers who died after consuming alcohol.



Photography: Desmarais Photography

But the Journey Continues

As remarkable and encouraging as these reductions have been, the problem has not gone away. About four million Canadians admit to driving after drinking. Each year there were over 4.2 million trips during which the driver felt they were over the legal limit. Impaired drivers continue to account for 29 % of all driver fatalities.

Approximately 1,055 people die each year in alcohol-related motor vehicle crashes. Many thousands more sustain serious injuries. It is estimated that the annual costs associated with health care, damaged property and lost wages resulting

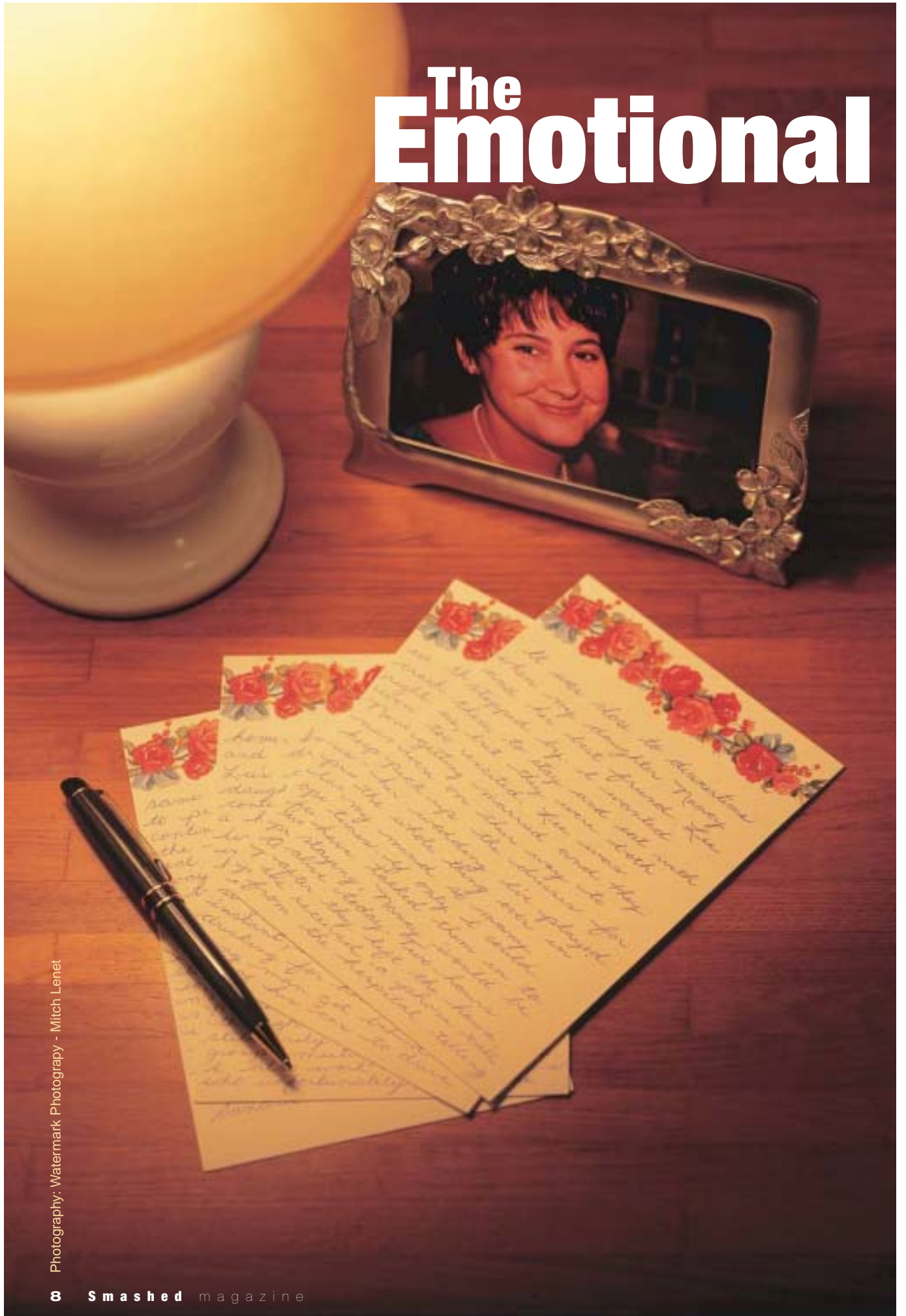
from crashes involving alcohol in Canada exceed \$5 billion.

Figures indicate that in recent years we may have reached a plateau in attempting to improve the situation. Some have suggested that the gains made during the 1980s have caused us to become complacent. Others have suggested that the earlier efforts affected primarily those drinking drivers who were easiest to reach and whose behaviour was easiest to change. They say that many or most of today's drinking drivers belong to a relatively small group of heavy drinkers who frequently drive after drinking, often after consuming

large amounts of alcohol. In fact, this group of "hard core" offenders is responsible for a high proportion of all alcohol-related driving problems.

In many ways, the impaired driving problem we face today is very different from the one we dealt with in the 1980s. In other ways, it is very similar. But one thing is certain: the demand for innovative programs and policies to deal with the ongoing problem of drinking and driving remains as strong as ever. ■

The Emotional



Photography: Watermark Photography - Mitch Lenet

Aftermath

The following is a true story.

It was close to dinnertime when my daughter Nancy and her best friend Lee stopped by. I wanted them to stay and eat with us, but they were both too excited. Lee was getting married and they were on their way to pick up the dresses for her wedding.

I've played the whole thing over in my mind so many times. If only I could have talked them into staying, Nancy would be alive today.

Two hours after they left the house, we received a phone call from the hospital telling us there had been a car crash and to get there right away.

We couldn't even say good-bye to Nancy. Her body had been mangled so badly that the hospital wouldn't allow us to see her. Even the priest had to give her the last rites through the operating room door.

Just a few hours earlier, her eyes were filled with so much promise. So much light!

A recent college graduate, Nancy had found a great job as a controller for BLM Transport and had just moved into her own place. I was so proud of her.

In an instant, it was all over. After drinking for hours on end, a young man got behind the wheel of his car to drive home. Instead, he swerved and drove straight into Lee's car, killing my daughter. His blood alcohol content was .288 — three and a half times the legal limit!

With a few minor injuries, he was out of the hospital in a few days. And he served only six months in jail for killing Nancy.

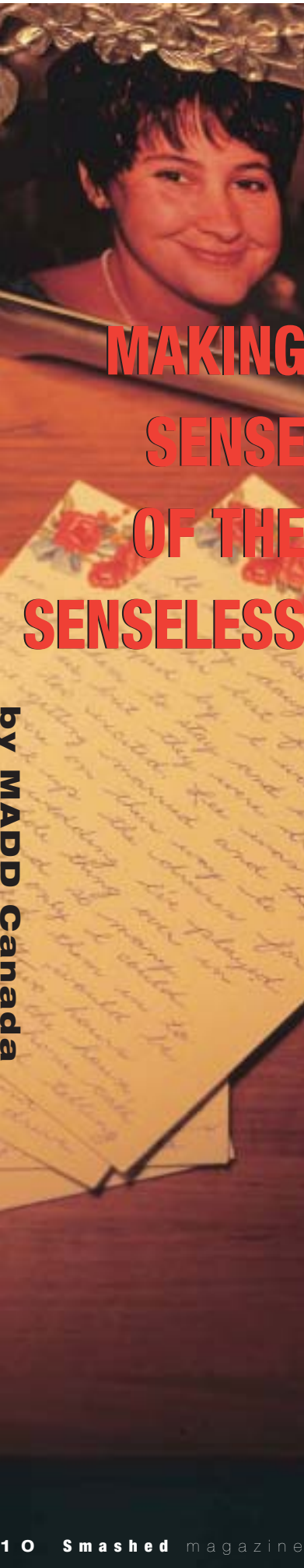
Throughout the whole ordeal, MADD Canada was always there for me. Since we had no idea what was involved, MADD Canada prepared us for the court procedures we would go through. To this day, I still rely on their support group meetings for comfort. As well, Nancy's former employer put the MADD logo and a photo of Nancy on all their trucks.

I now work to help others who, unfortunately, face the same kind of tragedy and to prevent it from continuing. I know what the pain is like. It's real and it doesn't go away.

Throughout the year I travel, speaking at schools, malls and civic centres, warning about the dangers of drinking and driving. Each time I tell Nancy's story I think it will get easier. It doesn't! I remind myself that if I don't tell my story, drunk driving will continue ... that killing someone's child will be acceptable.

Sandra Henderson





T H E E M O T I O N A L
T R A U M A O F L O S I N G
A L O V E D O N E T O
I M P A I R E D D R I V I N G

MAKING
SENSE
OF THE
SENSELESS

by MADD Canada

The loss of someone you love is always devastating and terribly difficult. When the death is sudden and violent, it can be even more traumatic. There are no laws or guidelines governing the grief process one experiences after the sudden death of a loved one. The emotions are complex and can often be overwhelming.

Hurt, anger, sadness and frustration are just some of the emotions a senseless and violent death causes. The loss of a loved one because of an impaired driving crash brings an abrupt end to all future dreams and aspirations. There is no chance to say good-bye, no time to say thank you or I'm sorry. There are loose ends that will never be tied up. In particular, when someone has lost a child or a partner, they often feel guilty that they couldn't protect them.

Many people believe that we have spirits or souls, but our bodies are also important. The violence of auto accidents often leaves the victims unrecognizable, even to their own families. The hospital or funeral home may not permit viewing of the body, which can lead families into painful fantasies about how their loved one looked; or they may doubt that the person has actually died. For many families, seeing the body gives them closure that the person they loved is really gone.

Central to the trauma that families and friends experience after a crash is the senselessness of the death. The fact that the death could have been prevented and is clearly someone's fault is one of the most painful parts of grieving. Knowing that someone chose to be negligent cannot be understood. Many people report feelings of intense anger, even rage, at the offender.

Anger is a theme that can sometimes be central to the grieving process. There is anger not only at the offender and sometimes "the system" but also at other family members. Because people experience the sudden loss differently, some may feel anger at the way other family members appear to be moving on. Even anger toward the person who has died — due to feelings of abandonment — is not unusual. Anger covers up the underlying sadness that may be more difficult to endure.

Anxiety and fear are also common. Suddenly families realize their vulnerability, a concept that may not have been fully understood before tragedy touched their lives. Often people hold on to the belief that bad things don't happen to good people. When that idea is destroyed, it may be replaced with fear and a sense of powerlessness that is overwhelming.

The emotional aftermath of losing a loved one to impaired driving is filled with feelings and experiences not even touched upon in this short discussion. The road to feeling better is often blocked; many people feel they will never be happy again. While it is true that life will never be the same, families do survive the ordeal. Many manage to gain strength and find happiness again. Ultimately, what people are left with is sorrow. Sorrow encompasses the knowledge that you will always feel sadness over the tragic loss of your loved one; however, it also represents a step away from being overwhelmed by grief. ■

One person is killed every six hours*

It is our National Tragedy that 1700 Canadians are killed by drunk drivers every year. Today, drunk driving is the number one cause of criminal death in our country. This is totally unacceptable given that drunk driving crashes are 100% preventable.

Mothers Against Drunk Driving is looking for effective solutions to this heinous crime. The police need more support to better identify, apprehend and charge impaired drivers. The judiciary need more support with streamlined procedures and sentences that reflect the seriousness of the driver's criminal behaviour. The public needs the protection of strong sanctions that will take and keep repeat drunk drivers off the roads.

Help support MADD Canada's fight for safer roads and put an end to drunk driving deaths and injuries. Visit www.madd.ca or phone 1-800-665-6233 to learn how you can get involved and make a difference.

* In that time, another 30 Canadians will be seriously injured. Statistics Canada figures tell us that on average, 4.5 Canadians are killed and 125 are seriously injured, each and every day.

1998 National Poster Contest Winner:
Renée Chamberland,
Montreal, Quebec
grade one student

Alcohol, Breathalysers AND YOU



Photography: Desmarais Photography

THE ABCs OF ALCOHOL

How much is too much? When have you crossed the line? While alcohol affects everyone a bit differently, there are factors that apply to everyone. Understanding the principles will help you to make informed and intelligent decisions about alcohol.

How Breathalysers Work

The term blood alcohol concentration, or BAC, refers to the amount of alcohol in a person's blood. In Canada, BAC is usually expressed as the weight of alcohol in a given volume of blood. Canadian law specifies that the maximum allowable amount of alcohol in the bloodstream of a driver is 80 milligrams in 100 millilitres of blood — 80 mg% or .08.

BAC can easily be measured in a person's breath by using a breathalyser. As blood flows naturally through the lungs, the alcohol molecules pass into the air in the lungs. When a person blows into a breathalyser, these alcohol molecules are expelled with the air and the concentration of alcohol in the blood can be measured. This is as accurate as a blood test.

The more you drink, the higher your BAC. The higher your BAC, the more physically and mentally impaired you become. The more impaired you are, the higher your risk of a crash. If you drive with a BAC over .08, you are impaired and you are breaking the law.

Alcohol and Your Body

Many of us enjoy having a drink, whether as part of a meal, at a social gathering, or simply to relax. However socially acceptable this is, we should keep in mind that alcohol is to be used with understanding and care, and only under suitable circumstances. Knowing alcohol's effects is just as important as reading the instructions and warnings on a bottle of pills. It is basic preventive medicine to know how your body handles alcohol.

Spirits, wine and beer differ in their concentration of alcohol. For example, most beers contain 5% alcohol, wines 11-12% and spirits 40%. Even though a bottle of beer is generally larger than a glass of wine or a shot of liquor, standard servings of these various types of beverages contain the same amount of alcohol — about 13.5 grams.

It is important to recognize, though, that some beers contain more than 5% alcohol, while some



Photography: Desmatis Photography

contain less. And if you don't use a shot glass to measure your liquor, you could be drinking more alcohol than you think.

What Goes In ...

When you have a drink, the alcohol is absorbed directly into your bloodstream through the stomach and small intestine. The more you drink, the more alcohol will be absorbed, and the higher your BAC will rise. Given enough time — typically 30 to 90 minutes or longer — alcohol is distributed evenly throughout your body.

... Must Come Out

Like most things we eat or drink, alcohol must be broken down and eliminated. It takes much longer to eliminate alcohol from your body than it does to drink it. Most alcohol is destroyed by a process called oxidation, which breaks alcohol down into carbon dioxide and water. More than 90% of the alcohol is oxidized in the liver. The rest is eliminated, unchanged, through the lungs and kidneys. The liver's capacity to break down and dispose of alcohol is limited — it takes just under two hours for a standard serving of alcohol.

As you drink, alcohol is absorbed into your bloodstream and your BAC rises quickly to a peak. If you stop drinking, your BAC levels off. It can remain the same for as long as an hour or two because alcohol is entering your bloodstream at the same rate as it is eliminated. Your BAC will then decline steadily by approximately .015 per hour. It is important to remember that your

BAC can rise much more quickly than it falls.

The Black Coffee Myth (and Other Acts of Futility)

You can't dance, jog, sing, cry or urinate away alcohol. Contrary to popular opinion, drinking black coffee or taking a cold shower will have no effect on your BAC. Only a very small amount of alcohol is eliminated through tears, saliva and perspiration.

If you have a BAC of .09, it will take you about six hours to return to a BAC of 0. You can't do anything to speed up the elimination of alcohol. The experienced drinker takes almost as long to eliminate alcohol as does the inexperienced drinker. Only time can lower your BAC.

Size Does Matter

Your peak BAC will depend on your weight, because blood volumes (or more precisely, body water) differ according to body weight and size. If two people consume the same amount of alcohol, the individual with the greater blood volume will have a lower concentration of alcohol. Blood volume varies according to two basic factors: body weight and the type of body tissue that makes up that weight. Larger persons generally have a greater volume of blood in which alcohol can be distributed. After drinking the same amount of alcohol, a person weighing 68 kg (150 lb.) will generally have a higher peak BAC than a person of the same sex weighing 80 kg (175 lb.).

Muscle tissue contains larger amounts of blood than fatty tissue. The more (continued on page 16)

That Wasn't me... Was it?

How Alcohol Affects Your Behaviour

The effects of alcohol vary from person to person and from time to time.

Alcohol has a depressant effect on the central nervous system, which includes the brain and nerve pathways that control muscle action. It slows down brain functions and can affect judgment and emotions as well as behaviour. The more you drink, the greater the effects.

The intensity of effects can differ greatly from person to person. Even people who always drink the same amount may feel the effects of alcohol more strongly on occasion. How you feel after drinking depends on your mood, your physical condition, what you are doing and where you are. If you are tired or are just recovering from a cold, alcohol's effects on you can be much greater. Drinking can increase feelings of anxiety, or lead to aggressive, hostile behaviour, or produce depression. Your reaction to alcohol will also depend on the social demands placed on you. A few drinks with friends at a party can have a greater effect than a few drinks with family at a formal dinner.

You can become tolerant to some of the common effects of alcohol. Many experienced drinkers learn to compensate for some obvious signs of alcohol consumption and can act almost normally after three or four drinks. They may not appear to be impaired or necessarily feel impaired. But their ability to make quick, accurate judgments or perform tasks requiring divided attention, such as driving a motor vehicle, may still be impaired.

Although the effects of alcohol on a given person are difficult to predict, there is a general pattern of effects corresponding to a rising BAC. When alcohol first enters the body, many people experience an initial sense of well-being and relaxation. They may feel more at ease and more comfortable talking to strangers. Obviously, these are some of the reasons why drinking is so popular and why people continue to drink. But whereas alcohol's initial pleasurable effects are quite noticeable, we often fail to realize that its impairing effects are starting to take hold at the same time.

We first notice the impairing effects of alcohol on complicated tasks demanding quick choices and accurate responses. After a few drinks, the rate at which we process

information slows down. Our ability to concentrate on a task or to divide our attention between tasks decreases.

A few more drinks can impair your ability to perform tasks that normally require little thought or skill. Now the drinker has to concentrate just to avoid dropping things, to follow conversations, or to change the tape or CD. Simply moving about in a crowd of people at a party without spilling a drink or bumping into someone requires all of your remaining ability.

Consuming more alcohol will raise your BAC further. By this time, virtually everyone knows you are impaired. You are having trouble with muscular coordination, slurring words, losing balance and generally reacting more slowly. It may become difficult to focus your eyes. Emotional outbursts might express feelings of sadness or hostility.

Beyond this stage, you risk falling into a stupor and eventual coma. If the coma persists untreated for more than 10 hours, you may die of asphyxiation due to paralysis of the respiratory centre of the brain. Fatal alcohol poisoning usually occurs at BACs above .4. Deaths due solely to alcohol ingestion have been known to occur at BACs of .25 and over.

Turning a Car Into a Two-Ton Weapon

How Alcohol Affects Driving

Driving a car taps into almost all our basic skills — perception, attention, judgment, decision making, physical reactions — as well as our ability to coordinate these skills. Because alcohol influences each of these skills, it has many adverse effects on driving.

When we drive, we have to do several things at the same time: keep an eye on the road, watch out for dangerous situations, keep our vehicle in the proper lane and maintain a constant speed. Alcohol affects our ability to coordinate all these actions.

To demonstrate this to yourself, try counting backwards from 99 at the same time as you sort playing cards into the four suits. You can't do both tasks simultaneously as well as you can do each separately. Even when you haven't been drinking, there is a limit to how efficiently you can divide your attention. Relatively small amounts of alcohol can drastically reduce this efficiency.

Perhaps the most important skill for driving is simple visual perception. Even before moving into traffic, the impaired driver may have trouble negotiating the vehicle out from between parked cars. Our ability to judge distances between stationary objects is reduced at relatively low BACs.

Once on the road, the ability to estimate distances between moving objects is also reduced. Some people are affected this way if their BAC is as low as .02. Virtually everyone's vision is affected at BACs of .1.

Driving at night involves additional problems, especially for older drivers who may not see as well in the dark as they used to. The ability to adjust to sudden darkness, called dark adaptation, begins to deteriorate at relatively low BACs. The greater the concentration of alcohol in the blood, the longer the glare recovery time. This refers to the period during which a person is partially blinded when exposed briefly to bright lights and then to darkness. This happens each time the headlights of an oncoming vehicle pass you.

When driving, we usually make a conscious effort to scan the road for signs, traffic and pedestrians. Impaired drivers tend to make fewer visual scans. They are also more likely to look at one thing, such as the lane markers or a traffic sign, for longer periods of time. Consequently, the speed of scanning the total environment is much slower and important objects or events may be missed.

Alcohol also affects our ability to identify the presence of objects on the periphery of the visual field. As a result, impaired drivers actually see less on either side and pay less attention than they should to what they do see. The danger is obvious: hazards and hazardous situations go undetected. An impaired driver may not notice a pedestrian stepping off a curb or may fail to see a car approaching an intersection.

Alcohol affects other skills critical for safe driving. In simulated driving tests, drivers with BACs of about .09 steered and braked more slowly and used the brake pedal more roughly.

As a depressant, alcohol affects our ability to make correct decisions at the right time. Under normal conditions, we continually make

decisions to correct steering and change speed — usually automatically. The impaired driver either takes too long to make these decisions or, just as risky, makes the wrong decision altogether — both of which can have tragic outcomes.

Alcohol also affects judgment and can increase our willingness to take risks. Even if the effects of alcohol have not noticeably impaired our basic ability to drive, how we feel after drinking can lead us to drive dangerously.

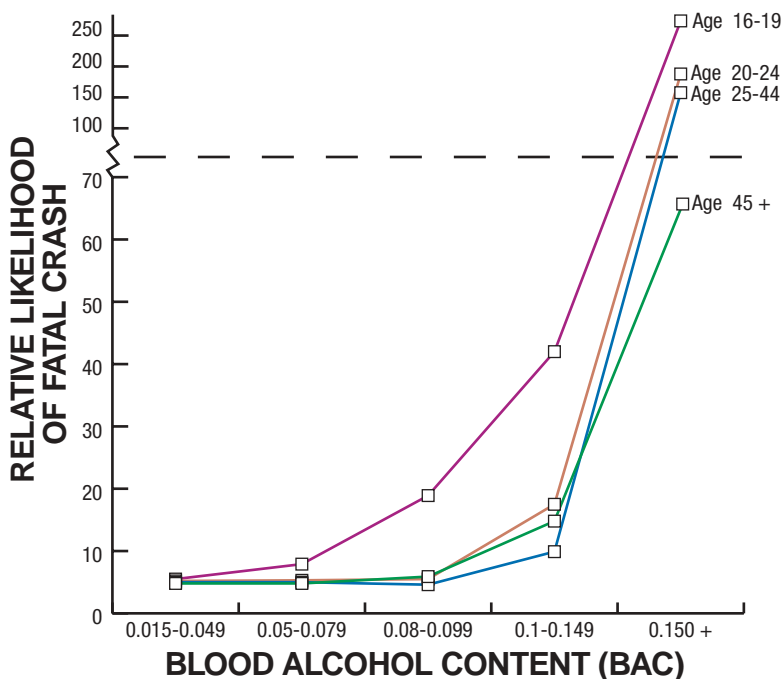
Alcohol impairs everyone's ability to drive. It doesn't matter whether you are a highly skilled professional driver or a novice. It is a very non-discriminating substance. It places everyone at risk.

Is It Worth the Risk?

The Odds Are Against You

When we drive, we usually allow a margin of error in case of unexpected events — such as a car stopping suddenly or a child darting into the road. After drinking, we reduce this margin of error and increase our chance of being involved in a crash. The more we drink, the greater the risk we face.

RELATIVE LIKELIHOOD OF FATAL CRASH AS A FUNCTION OF BAC AND AGE



Source: Mayhew, D.R., Donelson, A.C., Beirness, D.J., & Simpson, H.M. 1986. "Youth, alcohol and relative risk of crash involvement." *Accident Analysis and Prevention* 18:273-287.

Is It Worth The Risk?

(Continued from page 15)

The facts are clear. It has been shown again and again that increases in BAC are associated with an increased chance of being killed in a road crash. Even drivers with relatively low BACs are more likely to be involved in a fatal crash than the average non-drinking driver. At BACs of .080-.099, the risk escalates dramatically. And at BACs of .15, it is an astounding 200 times greater!

The risk of being killed varies with the age of the driver. The risk for drinking drivers aged 16 to 19 is greater than the risk for other age groups.

Let's take an example. If you are 35 years old and are driving with a BAC of .080-.099, your chances of being killed are four times greater than when you are sober. But if you are 19 years old and are driving with the same BAC (.080-.099), your chances of being killed are 44 times greater than when sober.



Some provinces have responded to the increased risk of young drivers by implementing low or zero BAC limits for young and novice drivers. These zero tolerance laws impose fines and suspensions on young or novice drivers who drive after consuming any amount of alcohol. Considering that many young drivers are not yet old enough to purchase alcohol, it seems only reasonable that they should learn to drive safely without the added risk associated with drinking.

Nothing can be worth the risk of killing yourself or someone else. If you are a young driver, or if you are just learning to drive, don't risk losing your life or your licence. Keep drinking separate from driving. You couldn't make a wiser choice. ▀

(Continued from page 13) Alcohol, Breathalysers And You

muscular or lean your body is, the greater volume of body water there is in which to distribute the alcohol you drink. After drinking the same amount of alcohol, a person who weighs 80 kg (175 lb) but has a lot of body fat will reach a higher BAC than a lean 80-kg person of the same sex.

Women tend to have a higher proportion of fatty tissue than men and, as a result, a lower volume of body water. Equal amounts of alcohol will, therefore, result in a higher BAC for a 60-kg (130-lb) woman than for a 60-kg man. When you also consider that women are generally smaller than men, the differences in BAC between men and women can be profound. Women should not assume that they have a lower BAC than a man simply because they have had fewer drinks.

How Much Can I Drink and Still Be Safe to Drive?

Some people suggest you limit your alcohol intake to one

standard drink per hour. Unfortunately, this rule works only for the first few hours and generally only for men. When you drink, you begin to lose your ability to recognize signs of intoxication. Most people can't judge how impaired they are after drinking and can't accurately estimate their own BAC without the aid of a breath-testing instrument. Therefore, when you have any doubt about your level of impairment or your BAC, you shouldn't drive.

Impairment begins soon after you start drinking. You can reduce the risk of being involved in an accident, however, by drinking moderately. A good rule is to restrict your consumption to no more than two drinks an evening. The more you drink, the greater your level of impairment and the higher your risk of death or injury.

You are safest if you completely separate driving from drinking. ▀

Please Drink responsibly

That's the message The Brewers of Canada are sending to Canadians across the country in a continuing campaign to encourage the responsible consumption of alcoholic beverages in any circumstance. And when driving, responsible behaviour means no drinking at all.

Programs by governments, special interest groups, police forces and the brewers are working. Attitudes can change. Progress can be made. But there's much more to be done — by all of us. The Brewers of Canada are committed to programs that can make a difference.



The Brewers of Canada

SNOWMOBILING AND ALCOHOL DON'T MIX.



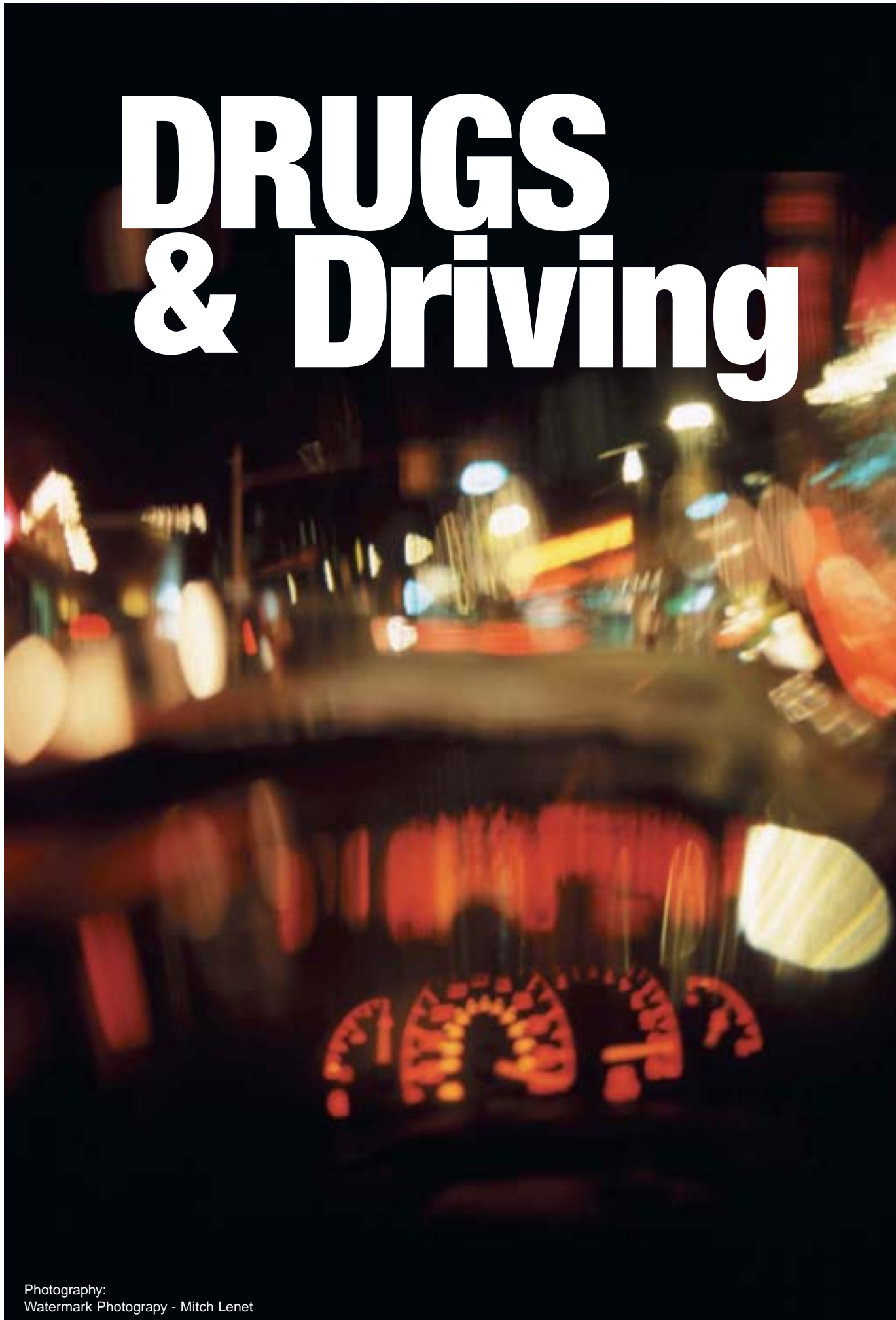
Don't Drink and Ride

A MESSAGE BROUGHT TO YOU BY



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(517) 339-7788 - Fax: (517) 339-7798

DRUGS & Driving



Photography:
Watermark Photography - Mitch Lenet

Anything

that may impair your ability to make decisions should never be mixed with driving. These substances to avoid include not only illegal drugs such as marijuana but many prescription and over-the-counter medications as well.

Many of the drugs people take to treat medical conditions have little or no effect on driving when used by themselves and in recommended doses. Often, the greatest danger lies in combining drugs and alcohol. The combined effects of alcohol and another drug can be much greater than the effect of either one taken alone.

There are thousands of drugs whose effects, either alone or in combination with other drugs or alcohol, have the potential to impair your ability to operate a vehicle safely. These drugs can affect some people more than others. Even in the same person, the effects can vary at different times. You may not be aware of the effects of a drug, but they are there. Don't be fooled.

The best bet is to ask your doctor or pharmacist for advice on whether you should drive after taking any type of medication. Also ask whether even a small amount of alcohol could greatly increase the impairing effect of the drug. When in doubt, keep drugs and alcohol separate from driving.

Driving Impaired Makes You a Criminal

Every year thousands of Canadians are killed or injured in alcohol-related crashes. It should come as no surprise to anyone that impaired driving is a criminal offence in Canada. An impaired driving offence is not like a traffic ticket. If you are charged, you will have to go to court. If you are convicted, you will have a criminal record.

In addition, the provinces and territories use their authority over driver licensing to supplement the provisions of the *Criminal Code*. These are the two sets of laws concerned with impaired driving. Both come into play when a drinking and driving offence has been committed. Together, they provide a powerful tag team to deal effectively with impaired drivers.

PROVINCIAL/TERRITORIAL COUNTERMEASURE INITIATIVES*

Table 1

Province/ Territory	Roadside Licence Action	BAC (mg %)	Young Driver BAC	Pre-Conviction Licence Action	Licence Suspension (months)			Vehicle Impoundment (days) ¹	Ignition Interlock Program
					1 st Offence	2 nd Offence	3 rd Offence		
NL	24 hrs	50	zero ^a	3 month suspension	12	36	60	30	Yes
PEI	24 hrs	50	zero	3 month suspension	12	36	60	30	No
NS	24 hrs	50	zero ^a	3 month suspension	12	36	indefinite ^c	90 ^d	Yes
NB	24 hrs	50	zero ^a	-	12	36	60	-	No
QC	-	80	zero ^a	30 day suspension	12	36	60	30	Yes
ON	12 hrs	50	zero ^a	3 month suspension	12	36	lifetime ^c	45	Yes
MB	24 hrs	50	zero ^a	3 month suspension	12 ^e	60 ^e	120 ^g	30	Yes
					60 ^f	120 ^f	lifetime ^f		
SK	24 hrs	40	zero ^a	3 month suspension	12	36	60	30	Yes
AB	24 hrs	50	zero	3 month suspension	12	36	60	30	Yes
BC	24 hrs ^j	50	zero ^a	3 month prohibition	12	36	indefinite ^c	30 ^j	Yes ^h
YT	24 hrs	80	zero ^a	3 month prohibition	12	36	indefinite	30	Yes
NT	12-24 hrs	50	-	^h	12	24	36	-	No

^a Includes all novice drivers. ^b Licence action in this category exists for novice drivers only. ^c Reducible to 10 years. ^d Royal Assent December 3, 1998. ^e Category "A" offences only (driving while impaired, driving over .08, refusal to provide sample). Greater penalties exist in this category for Failure to Provide a Breath Sample. ^f Category "B" offences only (driving while impaired causing death or bodily harm). ^g Fourth offence = lifetime ban. ^h Pending. ⁱ Figures listed in this column represent only minimum penalties. ^j A 24-hour vehicle impoundment now accompanies the 24-hour roadside suspension. * Countermeasure initiatives are subject to change without notice.

It's the Law of the Land

It doesn't matter if your vehicle is on the street or on private property. Your vehicle doesn't even have to be moving. The impaired driving laws apply to all motor vehicles, including snowmobiles, all-terrain vehicles, boats and aircraft.

Since 1969, police officers in Canada have used breath-testing devices to determine the BAC of

drivers they suspect have been drinking. There are two types of these devices. The first, known as approved screening devices (ASDs), are often used by officers to determine whether a driver has consumed a sufficient quantity of alcohol to warrant further testing at the police station. The second type of device (often referred to as a breathalyser) provides an accurate determination of a person's

BAC to be used as evidence in court. If you are unable to provide a breath sample, the officer can (in certain situations) obtain a warrant to have a qualified medical practitioner take a blood sample for analysis. It is an offence for a driver to refuse, without a reasonable excuse, to provide a breath or blood sample.

The penalties for impaired driving are severe, reflecting the gravity of the

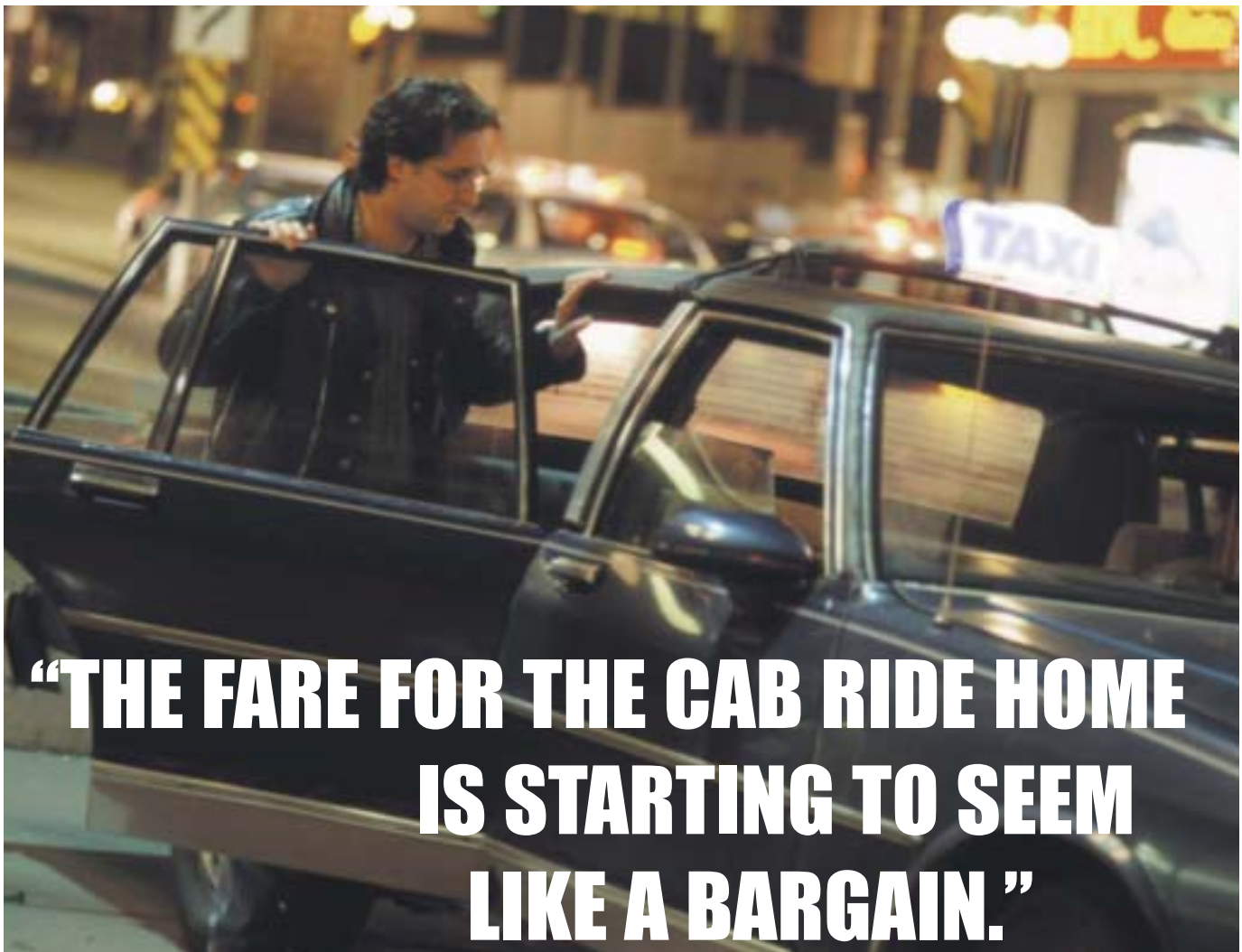
CRIMINAL CODE PENALTIES FOR IMPAIRED DRIVING OFFENCES

Table 2

OFFENCE		PENALTIES			
		Prohibition from Driving (Mandatory)*		Fine**	Jail**
Driving While Impaired BAC Over .08 (Refusal to Provide Sample)	1 st Offence	Summary Indictment	12 to 36 months 12 to 36 months	\$600 to \$2,000 \$600 no maximum	0 to 6 months 0 to 60 months
	2 nd Offence	Summary Indictment	24 to 60 months 24 to 60 months	up to \$2,000 no maximum	14 days to 6 months 14 days to 60 months
	3 rd Offence	Summary Indictment	36 months to lifetime ban	up to \$2,000 no maximum	90 days to 6 months 90 days to 60 months
Impaired Driving Causing Bodily Harm		Indictment	up to 10 years	no maximum	up to 10 years
Impaired Driving Causing Death		Indictment	up to lifetime	no maximum	up to life imprisonment

* The *Criminal Code's* driving prohibition is distinct from any driver license suspension that a province/territory may impose. Under the *Criminal Code*, an offender may be authorized to drive during the remainder of the prohibition period, provided the offender is registered in a provincial/territorial ignition interlock device program. The start date may be set by a judge as follows: 1st offence - after at least 3 months of the driving prohibition has been served; 2nd offence - after at least 6 months of the driving prohibition has been served; 3rd offence - after at least 12 months of the driving prohibition has been served.

** Mandatory penalties in addition to prohibition from driving are as follows: 1st offence - \$600 minimum fine; 2nd offence - minimum 14 days imprisonment; 3rd offence - minimum 90 days imprisonment.



“THE FARE FOR THE CAB RIDE HOME IS STARTING TO SEEM LIKE A BARGAIN.”

offence. Table 1 lists the offences and the minimum and maximum penalties associated with each. Note that the penalties become increasingly severe with repeated convictions. In addition, judges have considerable discretion in setting terms of probation, and offenders may be required to seek treatment for alcohol abuse, perform community service or provide restitution to victims.

If, while driving impaired, you are involved in a crash that results in an injury or death, you can be charged with impaired driving causing bodily harm or impaired driving causing death. These are more serious charges that carry more severe penalties.

Provincial/Territorial Laws

For many years, each province and territory in Canada has imposed licence suspensions on drivers convicted of an impaired driving offence. In most cases, a first conviction will result in a suspension of 12 months. For a third offence, some provinces now suspend the

driver's licence for life. In addition, some jurisdictions require offenders to pay a reinstatement fee, complete an alcohol assessment and/or attend a rehabilitation program to become relicensed.

Many provinces have also passed immediate licence suspension laws. These laws allow a police officer to suspend your driver's licence for up to 90 days for failing a breath test or refusing to provide a breath or blood sample. Depending on the province, the suspension takes effect immediately or within a few days.

In most provinces, drivers who blow a “warn” signal on an approved screening device can have their licence suspended for up to 24 hours.

A Powerful One-Two Punch

Together, the federal and provincial/territorial laws provide a powerful combination of penalties that should deter most people from ever driving after drinking. Police spot checks are commonplace and are no longer restricted to the year-end holiday season. Every year, the police

charge approximately 80,000 drivers with impaired driving offences as a result of routine patrols, spot-check programs, citizen reports and crash investigations.

How Saving a Few Dollars Can Cost You Thousands

To understand how the various laws work, imagine you are at a party. You've had a number of drinks, but you aren't really drunk. You feel that if you're careful you should be able to make it home safely. Taking a cab would cost a few dollars and it would be inconvenient to come back tomorrow to pick up your car. So you decide to drive.

You drive slowly and carefully, doing your best to obey all the rules of the road and watching for other vehicles and pedestrians. Next, the unbelievable happens. You notice flashing lights in the mirror. Or you find yourself in the middle of a police spot check.

A police officer approaches your car and asks you a few questions. The



officer detects the odour of alcoholic beverages and has reason to suspect you have been drinking. The officer requests that you step out of the car and reads you a short statement demanding that you provide a breath sample into an alcohol screening device. It would be an offence to refuse. You blow.

If the “warn” indicator lights up, the officer will issue an immediate 12- or 24-hour licence suspension (depending on the province). Your car will likely be towed away and you will have to find another way home. You can pick up your licence at the police station after your suspension has ended and you can retrieve your car after paying the towing and storage charges. The fare for the cab ride home is starting to seem like a bargain.

Now imagine what happens if you fail the breath sample. Your BAC is over the legal limit. The officer has reasonable and probable grounds for believing you have committed the crime of impaired driving. You are arrested and put into the back of the cruiser to be transported to the police station, where additional breath

samples will be taken. Your car is towed away.

At the police station, you are allowed to call a lawyer. You have never been in any kind of trouble before, but you find a number and make the call. (As the phone rings, you wonder how happy the lawyer will be at being woken up in the middle of the night. You also wonder

“You are ordered to pay a \$600 fine, prohibited from driving for one year and ordered to perform 100 hours of community service.”

whether they charge extra for after hours calls! And how are you going to afford to pay the bill?) The lawyer asks you a number of questions about the evening’s events and reminds you that it is a crime to refuse to provide a breath sample.

When you blow into the breath-testing instrument, your reading is .11. You are charged with having a BAC in excess of the legal limit under the *Criminal Code* of Canada. You are photographed and fingerprinted. You feel you are being treated like a criminal. You are.

The police officer fills out a number of forms. Your licence is

suspended for 90 days. You sign a piece of paper promising that you will appear in court at the specified time and date.

You end up having to pay for the cab ride home anyway.

Your day in court arrives. It’s been about three months since you were charged, and you have scrambled to get to work and everywhere else using other means of transportation. You are standing before the judge with your lawyer at your side. (You have already spent several hours with your lawyer and you now know how much this is costing.) You are convicted. The judge acknowledges that this is your first offence and that you have not been in trouble with the law before. You are ordered to pay a \$600 fine, prohibited from driving for one year, and ordered to perform 100 hours of community service.

A week after your day in court, you receive a letter from the provincial driver licensing office. As a result of your conviction, your licence will be suspended for 12 months. Well, at least you’ve had some practice using the bus. In addition, before you can get your licence reinstated you must attend a drinking driver program, which you have to pay for. On top of that, you have to pay a fee to get your licence back.

When the dust has settled, it has been a trying and costly experience. You have a criminal record. You won’t be driving for another 12 months. And the bills! There are the towing

and storage fees, the program fees, the licence reinstatement fees and your lawyer’s fees. You also know that when you do get your licence back,

car insurance will cost two to three times what you used to pay. If you drove for a living, you could be out of work. And to think that all this could have been avoided with a few dollars for a cab ride home!

If you get caught again, the penalties are even more severe. Second offenders face a mandatory sentence of 14 days in jail, and your licence will be suspended for up to 60 months. Third-time offenders serve a minimum of three months in prison and might never be eligible to obtain a licence again.

That is the best case scenario — it could have been worse for you. You

“ Never drink on an empty stomach. Have something to eat before you start drinking. ”



could have been killed or injured, or been responsible for the death or disability of others. The laws for impaired drivers who cause death or injury are very tough. Impaired driving causing bodily harm is an offence punishable by up to 10 years in prison. Impaired driving causing death means up to 14 years in prison.

Canada's laws on impaired driving reflect the seriousness of the offence. The consequences of a conviction are severe and long-lasting. One of the purposes of such laws is to punish offenders. Another purpose is to prevent people from getting behind the wheel after drinking too much. There's a lot at stake.

No Thanks — I'm Driving

Simply, if you're drinking, don't drive. If you need to go from one place to another, assign a designated driver, call a cab or take public transportation. It's never more complicated than that.

There are other actions you can take to ensure your safety and the safety of those around you:

- Never drink on an empty stomach. Have something to eat before you start drinking. While eating won't necessarily prevent you from getting drunk, the food spreads the alcohol absorption over a longer period of time.

- Pay attention to the strength of your drinks.
- Don't be offended if someone suggests that you've had too much to drive safely. They are probably right. They're only looking out for you. Friends don't let friends drive after drinking too much.
- If you aren't sure whether you're impaired, you probably are. Alcohol impairs even that basic judgment. Better to err on the side of caution than to take a chance and regret it later.



“Always have a variety of non-alcoholic alternatives available.”

It's All Fun and Games Until Someone Drives Drunk

People who serve alcoholic beverages, both in public establishments and in private residences, are legally liable for damages caused by their patrons or guests even after they have left the premises. This places the responsibility on servers to ensure guests do not drive if they have had too much to drink.

Outlined below are a few of the many ideas to safely and responsibly enjoy and serve alcohol.

- Don't push drinks on your guests. If they say “no thanks,” offer them a non-alcoholic beverage. Always have a variety of non-alcoholic alternatives available.
- Avoid an open bar. Not only do people tend to drink more than usual, but you have no control over how much they drink.
- Have food available throughout the evening. Remember, though, that salty snack foods can cause people to drink more.
- Don't drink too much yourself. You need to be alert to changes in the behaviour of your guests. If someone is getting a little too noisy or rowdy, you may have to refuse to serve them any more drinks. You also have to be able to determine if any of your guests have had too much to drive home safely and take action to prevent them from doing so. You can't do this properly if you are intoxicated.
- Discontinue serving drinks a few hours before the party's over. Ensure that food and non-alcoholic beverages are available and encourage your guests to stay for refreshments before they go home.

- Have cash on hand for cab fares. Also, be prepared to have overnight guests.
- When inviting guests, remind them that alcohol will be served and they should plan ahead to take a cab, use a designated driver or stay overnight.

The Passenger Doesn't Have to be Passive

Passengers can influence the drinking choices of their companions.

- Talk about the plan for the evening and ensure it includes a clear decision about who is driving home. If there are problems, pick an appropriate time to express your concerns calmly and rationally. Be ready to suggest alternatives.
- Refuse to ride with a driver who has had too much to drink. Call a friend or relative. Or use that cash you put away for a cab.
- Monitor your companion's drinking. Watch for signs of intoxication. Suggest non-alcoholic alternatives and food. If you haven't had more than a drink or two, offer to drive home and switch to non-alcoholic drinks.
- If your companion suggests that you drive home because you have had less to drink, and you don't feel safe doing so, say so and suggest an alternative.



TIPS FOR TEENS

Focus on ... The Young — A Special Group

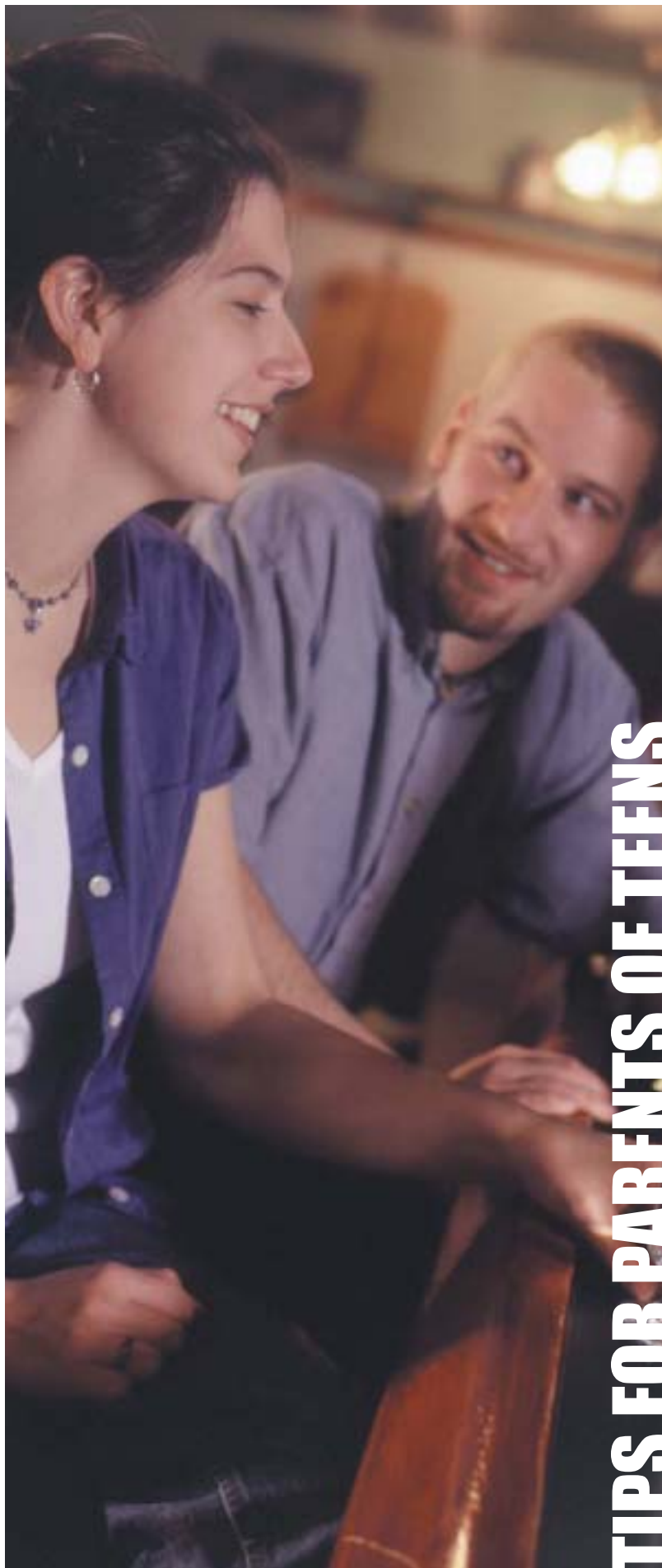
Youth are special because, over the past several years, teens have responded particularly well to the problem of drinking and driving. The decrease in their rate of involvement in alcohol-related crashes has led that of all other age groups during the past decade. Many young people show tremendous responsibility and provide a good example to others. They have embraced the designated driver concept, and it has become socially acceptable to abstain from drinking if you are driving.

Nevertheless, young drivers continue to be at a higher risk of crashing after consuming even small amounts of alcohol. In addition, young people often tend to ride around together in groups, which compounds the effects of a drinking and driving tragedy.

Many of the typical suggestions for preventing impaired driving aren't applicable to the drinking situations of young people. For starters, since it is illegal for youth under 18 or 19 to purchase alcohol, those who drink anyway tend to be unsupervised. They may drive to a remote location to drink. They often drink in groups, where peer pressure to conform can be overwhelming.

Tips for Teens

- There's nothing embarrassing about not wanting to lose your licence or risk getting maimed or killed because of drinking and driving. Talk about drinking and driving with your friends. Help everyone understand that the risks are high even after a drink or two. If you use a designated driver, make sure he or she doesn't have any alcohol to drink at all.
- If your driver has been drinking, don't get in the car! Call your parents, a friend or relative to come and get you. Sure, they may not like the idea of having to go out in the middle of the night because you and your friends have been



TIPS FOR PARENTS OF TEENS

doing something you probably shouldn't have been doing. But by morning, they will probably realize that going to get you was a whole lot better than a visit to the hospital — or the morgue.

- Carry some extra cash so that you can call a cab if necessary.
- Don't be pressured into having "just one." Graduated licensing and zero tolerance laws mean that you risk losing your licence if you drive after having anything to drink.
- Graduation is a time of celebration. Don't let drinking and driving spoil the party. Promote the "Safe Grad" concept — encourage alternatives to drinking and make sure everyone has a safe ride home.

Tips for Parents of Teens

- Talk to your teens about drinking and driving. Include a strict zero tolerance policy about alcohol in your rules for use of the family car. In many cases this will reflect (and supplement) graduated licensing laws.
- Make an agreement with your teens. They agree to call for a ride if they or their friends have been drinking and don't have a safe way home. You agree to provide a ride regardless of where or when — no questions asked. Save the discussion for the next day.
- Make sure your teens understand that even if they don't drive, getting in a car with someone who has been drinking can still lead to the same devastating effect. Don't sensationalize, but make them aware of the potentially fatal consequences.
- Provide a good example.

WOMEN — A CHANGING PICTURE



Women — A Changing Picture

A great deal of the information on drinking and driving provided over the past two decades has been specific to men. And for good reason. By far the vast majority of drinking drivers were men. But women are now more likely to drive and more likely to drink than they were several years ago. Consequently, they are also more likely to be involved in drinking and driving.

It is important for women to recognize that they typically reach higher BACs than men after consuming the same amount of alcohol. Not only are women generally smaller than men, but they also have less body water in which to distribute the alcohol they consume.

- The “one drink an hour” rule does not work for women. To stay

below the limit, you have to restrict your consumption to less than one drink every two hours.

- When you are out with a group of female friends, make sure they, too, realize how little alcohol it takes to become impaired. Watch out for each other’s safety.
- Don’t leave the responsibility for your transportation to someone else. Arrange for a safe ride home before you go out. It is always wise to have a backup plan.

“It is important for women to recognize that they typically reach higher BACs than men.”

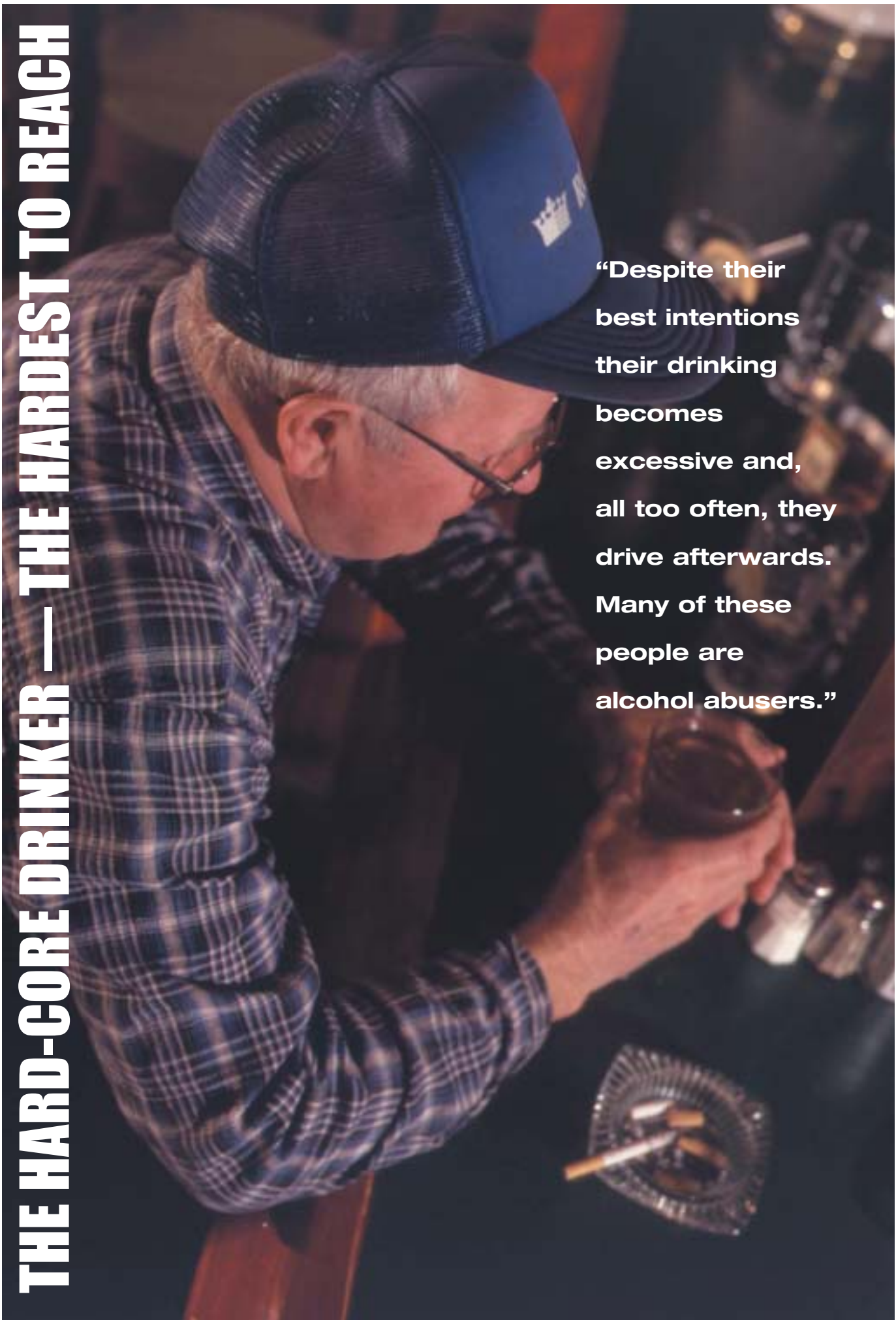
The Hard-Core Drinker — The Hardest to Reach

The unprecedented reductions in the number of alcohol-involved crashes over the past decade or so have largely been attributed to changes in attitude and behaviour among the general population of socially responsible individuals. A good deal of the problem that remains can be attributed to those who occasionally consume too much alcohol before driving and a relatively small group of heavy drinkers who repeatedly drive after consuming large amounts of alcohol — often with BACs of .15 or more. Some have even been convicted of an impaired driving offence.

These hard core drinking drivers have proven to be a very difficult group to change. They do not appear to be affected by persuasive messages

THE HARD-CORE DRINKER — THE HARDEST TO REACH

“Despite their best intentions their drinking becomes excessive and, all too often, they drive afterwards. Many of these people are alcohol abusers.”





OLDER DRIVERS — STAYING ON THE ROAD ... SAFELY

or emotional appeals or even the threat of arrest and punishment. Despite their best intentions their drinking becomes excessive and, all too often, they drive afterwards. Many of these people are alcohol abusers — some are alcohol-dependent.

These people are not likely to stop drinking and driving overnight. Friends and relatives, however, can play an important role in helping them recognize the extent to which alcohol is having a negative impact on their lives. There are some things you can do to help someone who continues to drive when impaired.

- Find an appropriate time to discuss your concerns about their drinking. Don't do it when they're drunk.
- Be supportive of their efforts to seek help. Offer suggestions of rehabilitation services.
- Don't exclude them from group activities. Try to find alcohol-free activities and encourage them to participate.

- Remember, cutting down or stopping drinking can be very difficult. Slips and relapses are not uncommon. If a slip occurs, don't give up. This is when they need your support the most.

Older Drivers — Staying on the Road ... Safely

Older drivers make up an ever-increasing proportion of the driving population. As we age, our physical abilities begin to deteriorate. We don't see as well — particularly at night — and we aren't able to move as quickly as we used to. Older drivers may compensate by driving more slowly or not driving at all after dark.

Alcohol consumption generally decreases with age as well. To some extent, this may be because the effects of alcohol become more pronounced with age. It takes less alcohol to impair the driving performance of older people. Add this to the diminishing abilities of this group, and you have a potentially dangerous situation when alcohol and driving are mixed.

Where the Road Ends, the Law Continues

Alcohol impairs the safe operation of any type of vehicle including boats, snowmobiles and all-terrain vehicles. The drinking and driving laws that apply to on-road vehicles apply to other types of vehicles as well.

- Most of the places we drive sport vehicles don't have traffic signals, road signs or centre lines. Watch for the unexpected. Don't reduce your powers of concentration and attention by drinking.
- Remember that alcohol doesn't help to warm you up in cold or inclement weather. In fact, alcohol lowers body temperature and may hasten hypothermia.
- Don't let alcohol ruin your vacation.

THE SMASHED QUIZ True or False?

1. You can't be charged with a drinking-driving offence if your BAC is below the legal limit.
2. A police officer can suspend your driver's licence immediately for a drinking-driving offence.
3. If you have one drink per hour, you don't have to worry about being over the legal limit.
4. You can't be charged with a drinking-driving offence if you are riding a snowmobile on your own property.
5. An impaired driving charge isn't such a big deal. You simply pay the ticket and everything's fine.
6. Only young drinking drivers are at higher risk of crashing.
7. The worst way to tell if someone has had too much to drink to drive safely is to ask them.
8. If you think you've had too much to drink to be able to drive safely, you'll be OK if you have a cup of coffee or take a cold shower.

5. **False:** Impaired driving is a criminal offence. You will be photographed and fingerprinted. You must appear in court. Among other things, a conviction results in a criminal record. You can go to jail; for a second offence, you will go to jail.

6. **False:** Drinking drivers of all ages have an increased risk of crash involvement. In general, risk increases with BAC. However, the risk for young drivers increases much more rapidly due to their inexperience as drivers, peer pressure and the impact of even small amounts of alcohol.

7. **True:** This is one of the most unreliable ways to tell. A person's judgment is seriously affected by alcohol and they often overestimate their abilities.

8. **False:** Time is the only way to reduce your BAC. Depending on how much you have had to drink, it can take many hours for your BAC to return to zero.

1. **False:** You can be charged with a criminal offence for driving while impaired by alcohol or drugs, regardless of your BAC.

2. **True:** In most provinces, a police officer can suspend a driver's licence for 12 or 24 hours if you register a "Warn" on an approved screening device. In addition, in some provinces, a police officer can, on behalf of the registrar of motor vehicles, suspend your licence for 90 days if you fail a breath test or refuse to provide a breath sample.

3. **False:** The "one drink per hour" rule only works for the first two or three hours. It does not work for women. Restrict yourself to no more than two drinks. Better yet, don't drink if you are going to drive.

4. **False:** Impaired driving laws apply to all types of motor vehicles regardless of where they are being operated.

ANSWERS TO SMASHED QUIZ

True or False?

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Making Canada's Roads the Safest in the World



Road Safety in Canada has improved tremendously over the last few decades — but there is much more work to be done. That's why Transport Canada is a proud partner with all levels of government and public and private sector stakeholders in Road Safety Vision 2010.

Canada's new **Road Safety Vision 2010** aims to:

- continue reducing the rate of traffic fatalities and serious injuries on all roadways including rural
 - increase the use of seat belts and proper use of child restraints
- decrease the number of fatalities and serious injuries in crashes involving alcohol, speed and at intersections.

Safety is a shared responsibility!

For more information call 1 800 333-0371, in Ottawa (613) 998-8616

For information on vehicle defects and recalls, call 1 800 333-0510, in Ottawa (613) 993-9851

E-mail us at: roadsafetywebmail@tc.gc.ca



Canada

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