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**#03-016 BACKGROUNDER****NWT to Get Tougher on Impaired Drivers**  
YELLOWKNIFE (February 17)

The Government of the Northwest Territories has introduced amendments to the *Motor Vehicles Act* to address the problem of drinking and driving in the NWT.

The legislation deals with impaired drivers, repeat offenders, disqualified drivers and new drivers. It gives the Registrar of Motor Vehicles the authority to take administrative action against drivers who drink and drive, separate and apart from any penalties imposed under the Criminal Code. Most importantly, it provides for mandatory medical assessment that can identify conditions that may contribute to drivers operating a vehicle while impaired.

Significant progress has been made in the fight against drinking and driving. In the Northwest Territories, for example, the number of impaired driving convictions declined from 453 to 183 between 1991 and 2000. However, it remains a persistent and unacceptable social problem resulting in the death and injury of thousands of Canadians every year. Impaired driving is the number one cause of criminal death and injury in the country.

In the Northwest Territories, annual traffic injury reports indicate that, on a per capita basis, the severity of drinking and driving is twice that of the rest of Canada.

It should also be noted, that while most of the measures being proposed can be found in other Canadian jurisdictions, the proposed changes to the law in the NWT would give it one of the most comprehensive array of administrative sanctions against drinking and driving in Canada.

The proposed amendments would:

- Strengthen roadside suspension provisions. The current *Act* allows police to suspend a driver's license for 24 hours if they have reasonable grounds to believe a driver is impaired by alcohol, fatigue or other cause. The suspension can be imposed without a breathalyzer test.

Under the proposed amendments, that wouldn't change, but the level of Blood Alcohol Content at which police could suspend a license would be lowered to 0.05 from 0.08 Blood Alcohol Content. If a driver blows over .05 but less than .08, it would trigger an automatic 24-hour suspension.

If it's the second time within two years that a driver has a reading over .05%, the result would be an automatic 30-day suspension.

- Introduce an automatic 90-day administrative suspension for anyone charged with impaired driving for blowing over .08.
- Introduce new administrative driving prohibitions in addition to Criminal Code provisions, including a one-year suspension for the first offence, three-year suspension

for a second offence and five years for the third offence. It will also allow an indefinite suspension of not less than 5 years for subsequent offences or where the offence has caused a death.

- Allow police to impound the vehicle of someone who drives with a suspended license. In the case of a suspension that was caused by an impaired driving conviction, the vehicle is taken away and impounded for 30 days, at the owner's expense. However, the legislation does allow for someone whose vehicle has been impounded to apply to the Registrar to review that and, in exceptional circumstances, release a vehicle.
- Require an offender, before they can get their license reinstated, to purchase an Impaired Driver Assessment Package and complete a self-assessment with respect to drinking and driving, as well as undergo an enhanced driver medical. Based on the view that impaired driving is also a wellness issue, not just one of deterrence, the reason for the assessment is to find out if there are underlying issues of substance use or other conditions that may be connected to why the offence happened.
- Provide for eventual introduction of a graduated license system for new drivers who, evidence clearly shows, are at greater risk of accidents than other drivers. The intent of such a system is to protect those inexperienced drivers and the general public from the mistakes new drivers can make while they acquire the skills and experience to become better drivers. One of the most important features of a graduated license would be a requirement that new drivers never drive after drinking any amount of alcohol.

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