

# Provincial Administrative Penalties Act

## Overview

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### What would this legislation do?

If passed, the *Provincial Administrative Penalties Act, 2020*, would make our roads safer by introducing stronger and immediate impaired driving penalties and reducing the time it takes to enforce traffic and non-criminal impaired driving matters to ensure impaired drivers are off the streets. It would also restore critical capacity to Alberta's justice system by creating a streamlined, fast and fair method for resolving non-criminal impaired and traffic disputes that will free up court time to prosecute serious criminal matters and ensure police are on the streets instead of doing paperwork or sitting in courtrooms.

### Immediate Roadside Sanction program

The new Immediate Roadside Sanction program would be introduced in late 2020 and would provide a comprehensive array of serious, immediate and escalating consequences for impaired drivers—a system that has been proven to reduce impaired driving significantly in other jurisdictions. Consequences for drivers would include new fines, vehicle seizure, mandatory education and ignition interlock.

Increased impaired driving consequences will include:

- Fines of up to \$2,000
- Increasing length of vehicle seizure up to 30 days.
- New mandatory education programs for repeat offenders
- Mandatory ignition interlock for repeat offenders.

Most non-criminal, first-time impaired drivers will be able to deal with these penalties through SafeRoads AB, a new branch dedicated to providing a speedy method of resolving disputes. This new process will be significantly quicker, dealing with all matters in 30 days to ensure impaired drivers are off the roads, not the months or years it can take to go through the current administrative and court processes. Repeat offenders, impaired drivers who cause bodily harm or death and other more serious cases will still receive criminal charges in addition to the other penalties.

In addition to saving lives and preventing needless injury, these new measures are expected to benefit Albertans in several other ways:

- free up about 8% of court time to ensure Alberta's prosecutors and courts can clear their multi-year backlog to prosecute serious criminal matters
- eliminate approximately 1,200 complex full, or multi-day, trials
- free up more than 30,000 hours of police time – ensuring police are on the streets protecting Albertans and communities

This new impaired driving administrative model is based on changes made in British Columbia, which has seen many positive impacts, including:

- rates of impaired driving incidents – drop by 36% from 2011 to 2018
- number of impaired driving fatalities – drop by 54% from 2010 to 2018
- 8% reduction in hospital admissions – even a modest decrease in emergency visits saves millions of dollars in critical capacity
- median elapsed time for all types of cases (single or multiple charges), all offence types (including traffic) – decreased by 17 days from 2011-12 to 2018-19, Increased by 16 days for Canada and by 7 days in Alberta during the same time period

Current	Proposed
<p>When an officer has reasonable grounds to believe that a driver has committed an impaired offence, the driver is:</p> <ul style="list-style-type: none"><li>• Issued an administrative penalty called the Alberta Administrative License Suspension (AALS). It triggers an immediate 15 month suspension. A driver can drive again after 3</li></ul>	<p>When an officer has reasonable grounds to believe that a driver has committed an impaired offence, the driver would be:</p> <ul style="list-style-type: none"><li>• Issued an administrative penalty called the IRS – Fail. It triggers an immediate 15 month suspension. A driver can drive again after 3 months if they install an ignition interlock</li></ul>

<p>months if they install an ignition interlock device. The driver also received a three-day vehicle seizure.</p> <ul style="list-style-type: none"> <li>• Criminally charged with an impaired offence.</li> </ul> <p>Police investigation, documentation, and testimony can often consume 5-8 hours or more per file.</p>	<p>device. The driver also received a 30 day vehicle seizure.</p> <ul style="list-style-type: none"> <li>• Issued a \$1,000 fine.</li> <li>• Is required to complete mandatory impaired driving education</li> <li>• If a repeat offender, or there is bodily harm or injury, they receive an escalating administrative penalty and will be criminally charged with an impaired offence.</li> </ul> <p>Police can issue this process in an hour or less on average.</p>
<p>If a driver wishes to dispute their license suspension, they must:</p> <ul style="list-style-type: none"> <li>• Appear in person at an office or registry to obtain, complete and file a notice of appeal with the Alberta Traffic Safety Board within 30 days.</li> <li>• Appear before a 3-person panel, which may take approximately five months to schedule and resolve.</li> </ul>	<p>If a driver wishes to dispute their fine or license suspension, they would:</p> <ul style="list-style-type: none"> <li>• Access the website and pay the fine, request time to pay or request a review of the sanction.</li> <li>• Attend the review, which will be scheduled within 21 days, by phone or video or submit complaint in writing. The written decision will be provided within 30 days of the issuance of the notice.</li> </ul>
<p>The driver will also have to proceed to the Criminal Courts to resolve the criminal charge. This can include:</p> <ul style="list-style-type: none"> <li>• A driver will also be arrested, detained for several hours to conduct further testing and be processed and then released with a requirement to return to court or face additional criminal charges.</li> <li>• The individual must attend at one or more initial docket appearances and ultimately at a trial. The Trial process is complex and generally requires expert assistance to navigate.</li> <li>• Upon conviction a driver will receive a criminal punishment and a permanent criminal record.</li> </ul>	<p>If the driver is unsatisfied they may seek Judicial review at the Court of Queens's Bench.</p>

## Traffic Safety Violations

If passed, this legislation would also allow other traffic contraventions to be resolved by SafeRoads AB. This new online system of dealing with non-criminal traffic offences would be introduced in late 2021 and would be vastly easier and quicker for Albertans to navigate. This will divert nearly two million traffic tickets from Alberta's courts, freeing up court time for criminal matters, ensuring law enforcement can spend more time on the streets and less in courtrooms for violations, and avoids the necessity for hundreds of thousands of Albertan's to visit courthouses merely to pay tickets or schedule hearings.

The resources currently devoted to managing these millions of tickets can then be dedicated to addressing serious justice matters and returning police to the community.

## Additional information

If passed, the majority of the Act will come into force upon proclamation.