

# Transition: IRS fail IIP to mandatory IIP and back to IRS fail IIP

Driver is issued a Notice of Administrative Penalty (NAP) under the Immediate Roadside Sanctions (IRS) Program of IRS: FAIL by law enforcement for criminal level-impaired driving when the occurrence date was on or after December 1, 2020 for one/combination of the following reasons:

- Impaired by drugs/alcohol
- Blood alcohol concentration is equal to or over the prescribed limits (over .08 mg)
- Blood drug concentration is equal to or over the prescribed limits
- Combined blood drug concentration and blood alcohol concentration equal to or over prescribed limits
- Failure or refusal to provide a sample

The NAP for IRS: FAIL includes a combination of penalties that include vehicle seizure, remedial education, fines and escalating driver's licence suspension terms of a two-stage, finite, and fixed-term driver's licence suspension of

- an immediate 90-day driver's licence suspension where driving is not permitted under any circumstances **and**
- an additional suspension term where you are only able to drive if you participate in the IRS: FAIL Ignition Interlock Program (IIP)

First occurrence of IRS: FAIL	Second occurrence of IRS: FAIL	Third (or subsequent) occurrence of IRS: FAIL
<ul style="list-style-type: none"> <li>▪ 90-day driver's licence suspension of no driving</li> <li>▪ 12 month driver's licence suspension where driving is permitted while participating in IRS: FAIL IIP</li> <li>▪ Remedial education: Planning Ahead course</li> <li>▪ \$1000 fine plus Victim Fine Surcharge</li> <li>▪ 30-day vehicle seizure</li> </ul>	<ul style="list-style-type: none"> <li>▪ 90-day driver's licence suspension of no driving</li> <li>▪ 36 month driver's licence suspension where driving is permitted while participating in IRS: FAIL IIP</li> <li>▪ Remedial education: IMPACT Program</li> <li>▪ \$2000 fine plus Victim Fine Surcharge</li> <li>▪ 30-day vehicle seizure</li> </ul>	<ul style="list-style-type: none"> <li>▪ 90-day driver's licence suspension of no driving</li> <li>▪ lifetime driver's licence suspension where driving is permitted while participating in IRS: FAIL IIP</li> <li>▪ \$2000 fine plus Victim Fine Surcharge</li> <li>▪ 30-day vehicle seizure</li> </ul>

In Alberta, most first-time impaired offenders who meet specific criteria will receive immediate administrative sanctions only and not a *Criminal Code* (Canada) charge (which is independent from any administrative sanctions).

The penalties associated with the NAP for the IRS: FAIL will still remain in effect:

- if no criminal charges were issued
- if the related criminal charges were withdrawn or dismissed, or if you are found not guilty of the criminal charges.

Request for a review of NAP with SafeRoads, Alberta can be made within 7 days from the date of issuance.

If criminal charges are laid as a result of being issued the NAP, you will be required to attend court to determine the outcome of the criminal charges.

If convicted of an impaired driving-related charge under the *Criminal Code* (Canada), you:

- Will stop participation in the IRS: FAIL IIP, as you will be revoked
- May be served with a Federal Driving Prohibition where you are unable to drive
- Must complete the required participation term in the Mandatory IIP
- May be required to complete a Road Test

If you wish to drive in the second part of your IRS: FAIL suspension term, you must participate in the IRS: FAIL IIP by:

- Reading and agreeing to the IIP Participant Guide (TRANS3) terms and conditions available online at [www.alberta.ca](http://www.alberta.ca) or no charge through any Alberta registry agent.
- Purchasing your IIP application form from any Alberta Registry Agent when you have 30-days or less remaining in your initial 90-day suspension term and submit to Driver Fitness and Monitoring for processing.
- Processing can take up to 45 days plus additional time for mailing.
- Applications are processed in the order they are received. There is no rush service available.

You will be required to purchase the Mandatory IIP application from any Alberta Registry Agent and submit to Driver Fitness & Monitoring. It is recommended that you provide a copy of the Order of Driving Prohibition you may have received in court to accompany the application at the time of submission.

You will not be eligible to participate in the Mandatory IIP while serving any other suspension(s) or until the required period of time of no driving as outlined in your Federal Driving Prohibition has been served.

Once your application has been processed, you will receive your decision letter by regular mail:

- If your application is **approved**, you will receive a letter of approval and may proceed with contacting Smart Start, the current service provider for Alberta's IIP, to schedule your interlock device installation and training.
- If your application is **denied**, you will receive a letter of denial which indicates rationale for the decision. This may be used to request a review through the Registrar Reconsideration Process within 30-days of the decision.

DFM may deny any IIP Application in the interest of public safety as outlined in the IIP Participant Guide (TRANS3).

Before submitting application form for processing, complete any required remedial education course (you are required to present your course completion certificate to the installer at the installation appointment). It is strongly recommended to schedule the remedial education course well in advance to avoid delays:

- Planning Ahead course must be completed before the interlock device can be installed.
- IMPACT Program must be completed before your application form can be processed by Driver Fitness and Monitoring.

Once the application has been approved and you fulfil all other reinstatement conditions, a Restricted Driver's Licence (restricted to a vehicle with an alcohol-sensing Ignition Interlock Device) may be issued by any Alberta Registry Agent.

You will be fully reinstated after you satisfy all reinstatement conditions, including the Terms and Conditions of the Mandatory IIP. In order to complete the Mandatory IIP, you must demonstrate a sustained ability to separate high-risk alcohol and/or drug behaviours from driving.

The time you have participated in the IRS: FAIL IIP will **NOT** be credited towards the Mandatory IIP.

**If your application was denied:** please visit the following web link for details on the process to request a review: [www.alberta.ca/motor-vehicle-registrar-reconsideration.aspx](http://www.alberta.ca/motor-vehicle-registrar-reconsideration.aspx). Applications eligible for reconsideration are:

- indication of an error made by the department on the original decision, or
- new information that was not available or considered by the department when the original decision was made.

In situations where the IRS: FAIL IIP all suspension extends past the Mandatory IIP term, Driver Fitness and Monitoring (DFM) will automatically transition you back to the IRS: FAIL IIP, unless requested otherwise.

If you request not to participate in the IRS: FAIL IIP, Driver Fitness and Monitoring will revoke your participation and you will not be legally permitted to drive until the end of the IRS FAIL suspension term.

You may participate in the IRS: FAIL IIP and Mandatory IIP concurrently, however, the Mandatory IIP terms and conditions will apply and supersede.