

# Immediate Roadside Sanctions Program of IRS: FAIL Ignition Interlock Program

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.

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, fixed-term driver's licence suspension of

- o an immediate 90-day driver's licence suspension where driving is not permitted under any circumstances **and**
- o 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).
- If criminal charges are laid, you will be required to attend court to determine the outcome of the criminal charges.
- The penalties associated with the NAP for the IRS: FAIL will still remain in effect:
  - o if no criminal charges were issued
  - o if the related criminal charges were withdrawn or dismissed, or if you are found not guilty of the criminal charges.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 you wish to drive in the second part of your IRS: FAIL suspension term, you must participate in the IRS: FAIL IIP by:
  - o 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.
  - o 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.
  - o Processing can take up to 45 days plus additional time for mailing.
  - o Applications are processed in the order they are received. There is no rush service available.

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.

All other reinstatement conditions must be completed, other than the road test and payment of the reinstatement fee, prior to application approval.

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.

**\*\*Driver Fitness and Monitoring may deny any application in the interest of public safety as outlined in the IIP Participant Guide (TRANS3).**

**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.

Once the interlock device has been installed, the installer will generate a Certificate of Installation for you to present to any Alberta registry agent to schedule any required testing and/or to obtain a restricted driver's licence.

The Certificate of Installation must be fully completed and signed by the installer showing the installation as complete. The Certificate of Installation is only valid for 30-days from the validation date. If the interlock device is not installed within this time or if the Certificate of Installation has expired, the Alberta registry agent will not be able to issue you a restricted driver's licence. You will be advised to contact Smart Start to either arrange for installation or to obtain a new Certificate of Installation with a new validation date.

Your IIP participation will begin once you have installed the interlock device and obtained a restricted driver's licence. Driver Fitness and Monitoring will monitor your conduct and participation in the IIP.

Participation can be revoked for the following reasons:

- You do not have a restricted driver's licence during the participation time.
- Breaches of the terms and conditions in your participation (e.g. providing breath samples in the warn or fail breath range, inappropriate activity of (includes attempts) to by-pass, tamper or circumvent the interlock device, etc.).

If participation is revoked, you will serve the remainder of your IRS: FAIL suspension term without the ability to legally drive.

You may remove the interlock device at any time and can participate in the IRS: FAIL IIP for as long or as little as you choose as it is not a mandatory requirement to participate.

You may decide to remove the interlock device and discontinue participation in the IRS: FAIL IIP for a variety of reasons:

- To serve a federal driving prohibition, if criminally convicted
- To serve another driver's licence suspension (e.g. demerit suspension)
- No longer need to drive while serving the IRS: FAIL suspension term
- Other: financial constraints, medical reasons, re-locating out of country, etc.

If you choose to not participate in the IRS: FAIL IIP, you will not be legally allowed to drive while serving your IRS: FAIL suspension term.

Once your IRS: FAIL suspension term is complete (or you no longer need to drive while serving the IRS: FAIL suspension term), you may contact Smart Start to schedule removal of your installed interlock device.