



DRINKING AND DRIVING

WHAT IS...

How do we define impaired driving?

The terminology used to talk about drunk driving has evolved in the traffic safety field, particularly in the last decade. Historically, terms such as alcohol-related driving or crashes, impaired driving, drunk driving, and drinking and driving were often used interchangeably. However, in the past decade, there has been a much clearer distinction drawn between these terms which are now understood to mean different things¹.

Generally speaking these terms mean the following:

- > Alcohol impaired driving means driving with a blood alcohol concentration (BAC) over the per se BAC limit of .08 or otherwise meeting the legal impairment threshold for a criminal conviction;
- > Alcohol positive drivers means drivers who have consumed alcohol but who may not reach the per se BAC limit of .08 or a legal threshold for impairment;
- > Drunk driving refers to a criminal offence (either over the per se BAC limit of .08 or impaired as defined by impairment-based statutes); and,
- > Drinking and driving refers to driving after consuming any amount of alcohol.

There are two types of impairment laws in Canada (i.e., per se laws and behaviour-based laws). Per se laws make it illegal for a driver to have a BAC above the limit of .08. If they do, they are charged with impaired driving. To be convicted of an alcohol offence under behaviour-based statutes (impairment-based statutes), there must be evidence showing that the driver is exhibiting behaviour inconsistent with the safe operation of a vehicle, and that the impairment is the result of the consumption of alcohol².

BEHAVIOURS

Where do young drivers do most of their drinking?

Among young drivers aged 16 to 24 who drove when they thought they were over the legal limit:

- > 94.1% reported doing most of their drinking at a location where they were likely drinking with others (i.e., relative or friend's home, bar, restaurant, party);
- > 5.8% reported doing most of their drinking at their own home prior to driving.

This means that a majority of young drunk drivers (94%) are drinking with friends or family who can take action to protect them and others and prevent the problem³.

How many young Canadians drink and drive?

Several studies show that between 10% and 20% of young drivers self-report driving within an hour of having two or more drinks, meaning that the majority of young Canadians choose not to drink and drive⁴.

According to the 2010 Road Safety Monitor (RSM) released by the Traffic Injury Research Foundation (TIRF), a minority (11.9%) of young drivers aged 16-24 reported they had driven within two hours of consuming any amount of alcohol in the past 30 days (25.1% among adult drivers over age 24).

An even smaller minority (7.9%) of young drivers admitted driving when they thought they were over the legal limit in the past 12 months (5.4% among adult drivers over age 24)⁵. Of concern, of these drivers, 54.4% reported that the last time they drove under such conditions they did so with passengers in the vehicle (compared to 37% for adult drivers over the age of 24).

How many young drivers are injured or killed in crashes while they are impaired?

In Canada in 2009, there were 540 fatally injured drivers who had any evidence of alcohol (i.e., the driver had a BAC above zero). Of these:

- > 9.1% (49) were between the ages of 16 and 19;
- > 24.1% (130) were between the ages of 20 and 25;
- > 22.1% (119) were between 26 and 35 years of age⁶.

1 Robertson et al. 2011

2 OECD 2010

3 Marcoux et al. 2011

4 Adlaf et al. 2003; Ialomiteanu et al. 2011; Paglia-Boak et al. 2009; Rothe and Kokotilo 2005

5 Marcoux et al. 2011

6 Mayhew et al. 2011

In terms of driver involvement in serious injury crashes involving alcohol⁷ in Canada, in 2009:

- > 0.7% of those involved in such crashes were under the age of 16;
- > 12.7% (369) were between the ages of 16 and 19;
- > 21.7% (633) were between 20 and 25;
- > 20.3% (590) were between 26 and 35⁸.

Who among young drivers does drink and drive?

Young males are more likely to self-report drinking and driving, be arrested for impaired driving, be fatally injured, or fatally injure others while driving drunk compared to females or older age groups⁹.

In 2009, an Ontario survey among drivers in grades 10 to 12 showed that males were more likely to report driving within one hour of having two or more alcoholic drinks (15%) compared to females (8%)¹⁰.

How many young Canadians ride with a drinking driver?

Riding with a drinking driver seems to be more common among younger Canadians¹¹.

- > 6.5% of young Canadian drivers indicated that they had been a passenger in a motor vehicle driven by someone who has been drinking on one occasion in a 30 day period; and,
- > 7.4% indicated that they had been a passenger between two and ten such occasions in the past 30 days.

These passengers are putting themselves at risk. Even when BACs are low the risk of being in a crash increases and so does the severity of the crash and potential injuries¹².

How many young Canadians are affected by drinking and driving?

More than one-third of young Canadians aged 16 to 24 are affected by drinking and driving.

- > 20.1% know of a family member or close friend who has been the victim of a drinking and driving collision that they did not cause;

- > 16.2% know of a family member or close friend who was drinking and driving and caused a collision where they were at fault.

Since Canadians were asked only about family members or close friends, these numbers likely underestimate the problem¹³.

How many young Canadians have asked a drinking driver not to drive?

More than half (65.3%) of young Canadian drivers aged 16-24 have asked a person not to drive because they thought that person had drunk too much; one-third (34.7%) have not.

Of those young drivers who said that they have *not* asked someone not to drive when they thought that person had drunk too much, a majority (68.8%) said it was because they have never been in such a situation.

Of those who have been in a situation with someone who was driving after drinking and did not ask them not to drive:

- > 26.4% of young drivers said they did not ask the person because they felt it would be embarrassing or awkward;
- > 10.5% did not do this because they were concerned about confronting the drinking driver;
- > 19.5% didn't think it was their responsibility to do so;
- > 33.8% were aware that someone else had already spoken up to the drinking driver; and,
- > 42.8% reported other reasons¹⁴.

ATTITUDES, CONCERNS AND PERCEPTIONS

Why is drinking and driving a bigger concern in relation to young drivers?

Although young drivers are less likely to drink and drive compared to older drivers, research shows that when young drivers do drink and drive, they are more likely than adults to experience an alcohol-related crash¹⁵. Among young drivers, the likelihood of being involved in a crash is higher at all BAC levels compared to older drivers¹⁶.

Are young drivers concerned about impaired driving?

Yes. A majority (82.1%) of young Canadian drivers aged 16-24 reported that they think young drivers impaired by alcohol is a very or extremely serious problem. This issue was ranked the third highest behind concern about drinking drivers (84%) and drivers texting (83%)¹⁷.

Do young drivers understand the risks of drinking and driving?

Yes. Young drivers age 16 to 24 seem to understand the dangers of drinking and driving. A majority (85.9%) of young Canadian drivers agreed that they cannot drive safely when

7 A "surrogate" or "indirect" measure is used to estimate alcohol involvement because drivers in serious injury crashes are seldom tested for alcohol. A driver is identified as being in an alcohol-involved serious injury crash if the crash in which someone was seriously injured involved a single vehicle, at night (SVN), or if, in the case of a non-SVN serious injury crash, the police reported alcohol involvement – i.e., they noted that at least one drinking driver was involved in the crash.

8 Mayhew et al. 2011

9 Mayhew et al. 2003; Zador et al. 2000

10 Paglia-Boak et al. 2009

11 Cartwright and Asbridge 2011

12 Marcoux et al. 2011

13 Marcoux et al. 2011

14 Marcoux et al. 2011

15 Bingham et al. 2009

16 Peck et al. 2008

17 Marcoux et al. 2011

they have been drinking alcohol. For comparison, 77.4% of adults agreed with this¹⁸.

A person who is impaired by alcohol has a greater likelihood of being involved in a crash than someone who is sober. The higher the level of impairment (as indicated by BAC), the more likely that individual is to be involved in a crash. This is called relative risk – essentially, as a driver's BAC increases the risk of collision also increases.

The relative risk of being in a fatal crash increases as BAC increases and this risk is the highest for those between the ages of 16 and 20 for both males and females. For instance, male drivers between the ages of 16 and 20 with a BAC above .15 have a crash risk that is more than 40 times higher than the crash risk of those aged 35 and older.

LEGISLATION

Are there Federal impaired driving laws in Canada?

Yes. The Federal *Criminal Code of Canada* (CCC) contains laws that make it illegal to drive anywhere in Canada with a BAC of .08 or higher.

Important CCC sections on impaired driving offences include Section 253 and Section 254 and these charges are most often laid in impaired driving cases. These sections state that it is an offence to have care and control of a motorized vehicle or to operate a motorized vehicle while impaired (by alcohol, drugs or both), or to have a BAC that is more than .08. It is also an offence to refuse to provide a breath sample if asked to do so by a peace officer, or to cause an impaired driving crash involving serious injuries or death.

Federal offences and penalties that can result from these charges can be viewed at: www.changetheconversation.ca/drinking_and_driving_facts/offender_programs.php#q1.

Are there provincial/territorial impaired driving laws?

Yes. Provincial and territorial governments are responsible for driver licencing and have the authority to create administrative offences and to impose administrative penalties for drinking and driving through provincial/territorial Motor Vehicle Acts.

Almost all jurisdictions in Canada have chosen to set a lower BAC limit that ranges from .04 to .08. This means that provinces/territories are able to impose driver's licence suspensions and other administrative penalties on drivers with a BAC that is below the criminal limit of .08.

In addition to the criminal penalties imposed by the Courts, administrative penalties can also be imposed by the driver licencing agency in each province/territory. Penalties often include a roadside driver's licence suspension, an administrative licence suspension, and other penalties that escalate with multiple offences. The BAC limits and length of suspensions vary from one province/ territory to another.

18 Marcoux et al. 2011

Provincial/territorial BAC limits and penalties can be viewed at: www.changetheconversation.ca/drinking_and_driving_facts/offender_programs.php#q1.

Are there other drinking and driving laws specifically for young drivers?

Yes. All jurisdictions in Canada have a graduated driver licencing (GDL) program. These programs are multi-staged and place restrictions on new drivers to minimize their exposure to risk. Driving restrictions are gradually lifted until graduation to a full licence¹⁹.

As part of their GDL program, all jurisdictions require young drivers to have zero BAC while driving during the first two years before graduation to a full licence²⁰, regardless of the legal drinking age in each jurisdiction (age 18 in Alberta, Manitoba and Quebec and 19 in all other jurisdictions²¹).

In addition, Ontario, Quebec, Manitoba and New Brunswick also have a zero tolerance law for all drivers under 21 where young and/or new drivers must maintain a zero BAC level while driving²².

SOLUTIONS

Do young Canadians use alternatives to driving after drinking?

Yes. Young drivers aged 16-24 are more likely to use available solutions to avoid driving after drinking than older drivers. In the last 30 days when they had a drink containing alcohol:

- > 42% of young drivers reported taking a taxi (compared to 18% of adults);
- > 40% of young drivers reported taking public transport (compared to 14% of adults);
- > 34% of young drivers reported staying over at a friend's (compared to 14% of adults);
- > 67% of young drivers reported asking someone else to drive (compared to 48% of adults)²³.

What else can young drivers do to ensure a safe ride home after drinking?

Young drivers should have a game plan before they have their first drink. If people plan their rides ahead of time, they are less likely to be in a situation where their only ride home is unsafe.

Individuals who agree to be a designated driver should not consume any alcohol during the evening. Passengers can also learn to look for and recognize the signs that a driver has been drinking in order to make sensible choices. Passengers can positively change driver behaviour by speaking up,

19 Mayhew et al. 2005

20 Poulin et al. 2006

21 CCSA 2011

22 Ontario Ministry of Transportation 2011; New Brunswick Public Safety 2011

23 Marcoux et al. 2011

by offering other solutions, and by refusing to ride with a drinking driver²⁴.

Zador, P.L., Krawchuck, S.A., & Voas, R.B. (2000). Alcohol-related relative risk of driver fatalities and driver involvement in fatal crashes in relation to driver age and gender. *Journal of Studies on Alcohol*, 61, 387–395.

References

Adlaf, E.M., Mann, R.E., Paglia, A. (2003). Drinking, cannabis use and driving among Ontario students. Research letter. *Canadian Medical Association Journal*, 168(5).

Bingham, C.R., Shope, J.T., Parow, J.E., Raghunathan, T.E. (2009). Crash Types: Markers of Increased Risk of Alcohol-Involved Crashes Among Teen Drivers. *Journal of Studies on Alcohol and Drugs* 70: 528-353.

Canadian Centre on Substance Abuse (CCSA). (2011). Legal Drinking Age by Province and Territory in Canada. Retrieved September 22, 2011 from <http://www.ccsa.ca/Eng/Topics/Legislation/LegalDrinkingAge/Pages/default.aspx>.

Cartwright, J., Asbridge, M. (2011). Passengers' Decisions to Ride With a Driver Under the Influence of Either Alcohol or Cannabis. *Journal of Studies on Alcohol and Drugs* 72(1): 86-95.

Ialomiteanu, A.R., Adlaf, E.M., Rehm, J. (2011). Addiction and Mental Health Indicators Among Ontario Adults, 1977-2009. CAMH Research Document Series No.31. Toronto, Ontario: Centre for Addiction and Mental Health.

Marcoux, K., Vanlaar, W., Robertson, R. (2011). The Road Safety Monitor 2010: Youth Drinking and Driving. Traffic Injury Research Foundation. Ottawa, Canada.

Mayhew, D.R., Brown, S.W. and Simpson, H.M. (2011). The Alcohol Crash Problem in Canada: 2009. Ottawa, Ontario: Transport Canada, Road Safety and Motor Vehicle Regulation.

Mayhew, D.R., Ferguson, S.A., Desmond, K.J., & Simpson, H.M. (2003). Trends in fatal crashes involving female drivers, 1975-1998. *Accident Analysis and Prevention*, 35(3), 407-415.

New Brunswick Public Safety. (2011). Requirement for New Drivers. Retrieved from: http://www2.gnb.ca/content/gnb/en/departments/public_safety/drivers_vehicles/content/driving_rules/requirement_for_newdrivers.html?_charset=utf-8.

Organization for Economic Co-operation and Development (OECD). (2010). Drugs and Driving: Detection and Deterrence. Transport Research Centre. OECD Publishing.

Ontario Ministry of Transportation. (2011). Graduated Licensing: Zero Blood Alcohol Concentration (BAC) for Novice and Young Drivers 21 and Under. Retrieved from: <http://www.mto.gov.on.ca/english/dandv/driver/gradu/index.shtml>.

Paglia-Boak, A., Mann, R.E., Adlaf, E.M., Rehm, J. (2009). Drug Use Among Ontario Students, 1977-2009: OSDUHS highlights. CAMH Research Document Series No. 28. Toronto, ON: Centre for Addiction and Mental Health.

Peck, R.C., Gebers, M.A., Voas, R.B., Romano, E. (2008). The relationship between blood alcohol concentration (BAC), age, and crash risk. *Journal of Safety Research* 39: 311-319.

Poulin, C., Boudreau, B., Asbridge, M. (2006). Adolescent passengers of drunk drivers: a multi-level exploration into the inequities of risk and safety. *Addiction* 102: 51-61.

Robertson, R.D., Marcoux, K.D., Holmes, E.A., Vanlaar, G.M. (2011). State of Knowledge: Female Drunk Drivers. Traffic Injury Research Foundation. Ottawa, Canada.

Rothe, J.P., Kokotilo, T. (2005). Impaired driving as lifestyle for 18-29-year-old Alberta Drivers: Telephone Survey Findings. Alberta Centre for Injury Control & Research. October 12, 2005.