



## **THE CONSEQUENCES OF AN EVENING OF TOO MUCH DRINKING**

Marc is really sorry he went out on the evening of December 20<sup>th</sup>. He is a mechanic who works hard. He has a new job, with duties that require him to try out defective vehicles in order to diagnose their problems. On December 20<sup>th</sup>, he met up with some friends at a downtown bar. After a few drinks, he still felt able to drive and since he really did not want to spend \$20 on a taxi ride, he decided to drive his car home. As fate would have it, while he was on his way home, another vehicle crashed into him. The police arrived at the scene, immediately noticed signs of impairment and arrested Marc. After undergoing blood alcohol testing, with the lower of the two results being 123 mg of alcohol per 100 ml of blood, Marc was released, but he was told he would have to show up in court the following month.

Marc is wondering about the consequences of a conviction for driving a motor vehicle with a blood alcohol level above the permitted limit. Since this is the first time Marc is being charged with such an offence, if convicted he will be ordered to pay the minimum fine of \$1000,<sup>1</sup> plus the costs and the surcharge, and his licence will be suspended for one year. However, given his good driving record, after 3 months Marc will be able to apply for a restricted licence if he satisfies the SAAQ conditions,<sup>2</sup> which include registering in the alcohol ignition interlock program. Once the alcohol ignition interlock device has been installed, he will be able to use his vehicle. The restricted licence will be valid until the end of Marc's sentence.

The collateral consequences of this offence will cost him nearly \$5,000 in the first year.<sup>3</sup> First, following Marc's arrest, his licence was administratively suspended for 90 days and his vehicle was towed (\$100) and stored. To obtain his new licence, he will have to participate in an Alcofrein session (\$150) and submit to a summary assessment (\$300) to verify that his behaviour involving alcohol is not incompatible with the safe handling of a vehicle. If he obtains a restricted licence, he will be able to have an alcohol ignition interlock device installed (\$160 + tax). He will have to keep the device until the end of the 9-month prohibition period, at a cost of \$100 + tax per month to lease the device (\$900 + tax), and he will have to have it removed (\$50 + tax) when his file is closed. Marc will also have to pay \$300 to obtain his new licence, and his insurer will increase his premium by about \$3,000.

<sup>1</sup> Section 255 of the *Criminal Code*.

<sup>2</sup> SAAQ Québec website:  
[http://www.saaq.gouv.qc.ca/en/driver\\_licence/restricted\\_licences.php](http://www.saaq.gouv.qc.ca/en/driver_licence/restricted_licences.php)  
<https://secure.saaq.gouv.qc.ca/documents/documentation/sites/all/files/impaird.pdf>

<sup>3</sup> SAAQ Québec website:  
[http://www.saaq.gouv.qc.ca/en/road\\_safety/behaviour/alcohol/laws\\_penalties\\_costs/costs.php](http://www.saaq.gouv.qc.ca/en/road_safety/behaviour/alcohol/laws_penalties_costs/costs.php)

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\* The information set out in  
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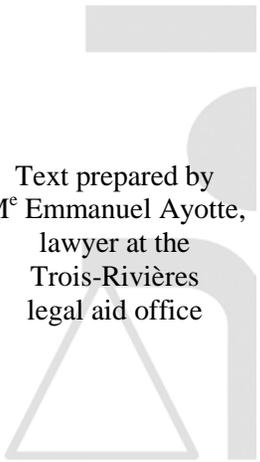
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persons solely in order to simplify  
the text.



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(Continued)**

For a few dollars, this whole mess could have been avoided. Of course, Marc could decide to fight the charge and begin a long process in which he will have to hire an expert to show that the device used by the police officers to test his alcohol level was not working properly or was not properly handled and that the results should have been different. This evidence would be hard to prove and would entail significant costs, without any guarantee of success.

The consequences would have been even greater had Marc been a repeat impaired driving offender. Nevertheless, he will still have to live with a criminal record. In addition, he may lose his job because, as part of his duties, he is required to drive.



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