

Drinking and Driving

Some of the most serious driving offences are the ones involving alcohol or drugs. Many people think you need to be drunk to be charged, but this is not true.

If you **operate a motor vehicle** with a blood alcohol content (BAC) **equal to or over 80 mg per 100 mL of blood (0.08)**, you can be charged with **impaired driving** under *The Criminal Code*. (Other drugs have different legal limits.) However, you can also be charged even if you are not driving, but have **care and control** of the vehicle—for example, if you are sitting in the driver's seat. You can also be charged if your **ability to drive has been impaired** by alcohol or drugs (even if you are under the legal limit), or if you **refuse to take a breathalyzer test** that measures your BAC.

All of these offences have a **maximum sentence of 10 years** in prison, as well as **minimum sentences**:

- **\$1,000 fine** (for a first offence)
- **30 days imprisonment** (second offence)
- **120 days imprisonment** (for every offence after that)

These sentences become even more serious if your **BAC is extremely high** (over 0.12), or if **somebody was hurt or killed**.

If you are convicted of any of these offences, you will also be **prohibited from holding a driver's license** for **at least one year**.

If your **BAC is between 0.05 and 0.079**, you may not be charged, but your **license will be suspended for a minimum 72 hours**, and you will have to pay to have it reinstated.

Criminal Offences

It isn't just impaired driving offences that can result in charges under *The Criminal Code*. **Dangerous operation** is exactly what it sounds like: operating a vehicle in a dangerous way. It can include things like falling asleep at the wheel, failing to yield, and impaired driving. It can result in a **maximum fine of \$5,000** or a **maximum jail sentence of 10 years**.

Criminal negligence means doing something (or failing to do something you were supposed to do) in a way that shows a reckless disregard for other people's safety. It could include things like texting while driving at a high speed, or driving into oncoming traffic. If you are found criminally negligent and have injured someone, you could face a **fine of up to \$5,000** or **up to 10 years in prison**. If your negligence on the road caused a death, you could face **life in prison**.

Other offences under the *Criminal Code* include **failing to stop after an accident**, and **driving while you are prohibited from driving**. Both offences have a **maximum fine of \$5,000**, and you could also face **up to 10 years** in prison.

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Manitoba Driving Laws

Community Legal Education Association



How serious could it be?

Most people aren't too concerned about driving offences. After all, they're no big deal, right? You just pay a fine and carry on.

What many people don't understand is how serious driving offences can actually be. Depending on the offence, you might face jail time, have your license suspended or taken away altogether, or even lose your vehicle.

Speeding

If you are caught speeding, you may be fined under *The Highway Traffic Act (HTA)*. Manitoba has some of the highest speeding fines in North America: a preset fine of **\$7.70 for every kilometre over the speed limit**, plus court costs and surcharges. Even if you were only going 10 km/h over the limit, your fine would be \$181.

The preset fine amount is **double in construction zones**, even if no one is working there at the time. If you were going 10 km/h over the limit in a construction zone, your fine would be \$312.

If the police think you were **racing**, your vehicle could be **impounded for seven days**, your license **suspended for up to a year**, and you could be **fined up to \$5,000**.

Driving carelessly is a separate charge under the *HTA*. This charge means that your driving falls below the standard of a competent driver, or that you were driving without reasonable consideration for other drivers. It can include speeding, as well as other driving offences, like passing without signalling or making an illegal U-turn. Driving carelessly carries a **fine of up to \$5,000** and possible **license suspension of up to one year**.

License Suspensions

Some driving offences will result in an **automatic license suspension**. This means if you are convicted of one of these offences, your license will be suspended for a set period of time. These offences include **impaired driving**, **refusing to take a breathalyzer**, and **failure to stop after an accident**. The suspension period is **one year for a first offence**, but can increase to **5 years, 10 years**, or a **lifetime ban** if you commit the offence more than once. If you drive while your license is suspended, you can be charged with another offence and be suspended for even longer.

If a police officer pulls you over and **suspects you are impaired**, they may suspend your license for **24 hours**. If you have been pulled over for **using a handheld electronic device while driving**, your license will be suspended for **3 days**, or **7 days if it is not your first offence** in the last 10 years.

Miscellaneous Offences

Did you know that the following are offences under *The Highway Traffic Act* and carry a possible **fine of up to \$2,000**, plus a possible **one year license suspension**?

- **Using a handheld electronic device** while driving. This is not an offence if it can be used hands-free, or if it is an emergency.
- **Transporting liquor or cannabis** improperly. It must be kept in a part of the vehicle not accessible to passengers, like the trunk. Liquor can be in the passenger area only if it is unopened.
- **Using a police radio receiver** in a vehicle. The receiver will be seized and you will be fined.
- **Wearing headphones on both ears** while driving.

Impounding



For many driving offences, the **police must seize and impound your vehicle**. Some examples of these offences include:

- Driving while suspended or prohibited
- Having a level of alcohol or drugs in your blood that is above the legal limit
- Refusing to give a breath sample
- Getting a result of FAIL or WARN on a breath screening device
- Having a blood alcohol content between 0.05 and 0.079

How long your vehicle is impounded depends on the offence, but can range from **3 days** to **60 days**. If your vehicle is seized more than once within a 5 year period, it will be impounded longer each time, starting at **90 days for a second offence**. Each time, you will have to pay a fee to get the vehicle back. If you were driving someone else's car when it was seized, the owner can **recover any costs** from you.

For a **third offence**, or any driving offence **where someone was hurt or killed**, you may be ordered to forfeit your vehicle. If you do not do this within 14 days, you may be **fined up to \$1,000**, **imprisoned for up to 6 months**, or both.