

# Driving and Impairment



# 6

## Driving and Impairment



This chapter contains information on various factors that affect your ability to safely drive a motor vehicle.

To operate a motor vehicle, you must be mentally alert and unimpaired. As a driver, you must be able to identify what is happening around you, predict potential outcomes, make key decisions, and respond quickly and safely.

## Alcohol and Drugs

The degree to which alcohol and drugs affect you depends on many factors: your age; gender; physical condition, such as your height, weight, or general fitness; emotional condition, such as depression, anger, happiness, or fatigue; amount of food consumed; interactions with other substances; and other factors.

### *Drinking and driving*

Drinking and driving is a high-risk behaviour that can have serious consequences for you, your passengers, and other motorists or pedestrians. Alcohol is absorbed directly into the blood stream. This means that alcohol-induced impairment begins with the first drink. Legal impairment is defined as having a blood-alcohol content (BAC) of .08 per cent or more. However you can be charged and convicted below this level if you show other symptoms of impairment.



Don't Drink and  
Drive Symbol

# 6

## Driving and Impairment

The only way to remove alcohol from your system is through time. Your liver breaks down alcohol at the rate of .015 mg/hr. It takes more than one hour to eliminate each standard drink from your system. A standard drink is a 340 ml (12 oz.) bottle of beer, 43 ml (1.5 oz.) of spirits, or a 142 ml (5 oz.) glass of unfortified wine. They all contain the same amount of alcohol. Black coffee, cold showers, or a jog around the block won't remove the alcohol from your system.

As the effects of alcohol start to wear off, you begin to feel better or more in control. However, you are probably not sober and may still be impaired. The solution? Don't Drink and Drive!

### *Getting caught*

If a police officer or other peace officer reasonably suspects that you are impaired by alcohol, you will be ordered to supply a breath sample. There are two steps to this process. The first is a roadside screening using the SL2 unit; the second step, the breathalyzer test. The roadside test, which is normally administered in the police vehicle, indicates "pass," "warn," or "fail." If the device reads "pass," you will be permitted to leave if there are no other violations. If the device reads "warn" the police may issue a 24-hour roadside suspension. If the device reads "fail," you will be arrested. You must accompany the police officer to the police station or a sub-station where you will be asked to take a breathalyzer test. It is an offence to refuse the breathalyzer or the SL2. If you refuse, you will be charged with "failing to comply" or "refusing the breathalyzer."

A survey<sup>1</sup> of Canadian drivers injured in 1994 indicated that 44 per cent had been drinking. Eighteen per cent had a BAC of .01-.08 per cent. A staggering 82 per cent were legally impaired, with 20 per cent having a BAC between .081-.149 per cent and 62 per cent having a BAC above .150 per cent. Anyone driving at nighttime should be aware that roughly 10 per cent of those sharing the road with you have been drinking and 3 per cent are legally impaired.

### *Drug impairment*

Impairment can also be caused by prescription and non-prescription medications, herbal remedies, illegal drugs, or other substances. Drinking in combination with drugs can be a lethal cocktail causing serious impairment.

Pay close attention to the precautions noted on all medications that you may take before and during a planned road trip. When in doubt, ask your pharmacist.

Some prescription and non-prescription drugs that may affect your driving skills are

- pain killers such as codeine or other narcotics
- antidepressants such as tricyclic antidepressants
- antiemetic agents for nausea such as Gravol
- antihistamines—sinus and allergy medications
- antipsychotic drugs—major tranquilizers and similar medications, like phenothiazines (i.e., chlorpromazine), haloperidol
- ophthalmic preparations including eye ointments and drops
- sedatives and anxiolytics including barbiturates, benzodiazepines
- muscle relaxants including skeletal relaxants

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<sup>1</sup> Study of the Profile of High-Risk Drivers, Transport Canada Publication #TP-13108 E, Authors: D.J.Bierness & H.M. Simpson, Performing Organization: Traffic Injury Research Foundation of Canada

# 6

## Driving and Impairment

- antihypertensive or blood pressure medications (usually during the first week as your body adjusts to the new medication)
- antineoplastic agents
- chemotherapeutic agents
- immunosuppressants
- steroids

(Source: *Physician's Guide to Driver Examination*)

### *Penalties for impaired driving*

Certain driving behaviours are considered sufficiently dangerous to be dealt with under the Criminal Code of Canada. It is an offence to operate or have care or control of a motor vehicle while impaired by alcohol or drugs. The penalties for a conviction are severe, including a fine of up to \$2000 and a prison term of up to life for impaired driving causing death. If you are convicted under the Criminal Code of Canada, you will also be prohibited from operating a motor vehicle anywhere in Canada for one year to life.

*Effective December 1, 1999, any driver with a blood-alcohol level of .05 or more may be removed from the road and suspended from driving for 24 hours.*

### *Administrative Licence Suspension Program*

The Administrative Licence Suspension Program was introduced June 1, 1995, as a further deterrent to drinking and driving. The program provides for an immediate three-month suspension of driving privileges for failing the breathalyzer or refusing to give a breath sample.

The specific objectives of the program are to

- 1 decrease the number of drinking drivers by providing a strong deterrent
- 2 reduce the potential for additional incidents by immediate suspension of driving privileges

If you are charged, the police will order a three-month suspension of your driving privileges and will issue a seven-day temporary licence, only if you have a valid licence.

Penalties in Nova Scotia for driving while impaired are outlined below. However, judges will make decisions based upon the specific facts of each case. Fines will vary between the minimum and the maximum limits. There could also be a difference in the fine and prison term for convictions if death or bodily harm or dangerous driving is involved.

#### 1st offence:

- applicable fines
- revocation (loss) of driving privileges for one year from the date of conviction
- applicable reinstatement fees to get your licence back
- completion of an Alcohol Assessment Program with Addiction Services of the District Health Authority and the submission of the applicable fees
- you **may** be required to be re-examined, including written, road, and vision tests

*If your licence is suspended or revoked while you are in the Graduated Driver Licensing Program, you will have to begin the two-year GDL Program over again after serving the suspension.*

#### 2nd offence:

- applicable fines
- possible prison term of at least 14 days\*
- revocation (loss) of driving privileges for three years from the date of conviction
- completion of an Alcohol Assessment Program with Addiction Services of the District Health Authority and the submission of the applicable fees
- applicable reinstatement fees
- you **will** be required to be re-examined, including written, road, and vision tests

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\* Persons prosecuted by indictment for offences under Sections 253, 254 of the Criminal Code (Canada) are liable to receive a prison term of up to five years. Persons prosecuted by way of summary conviction under these sections are liable to receive a prison term of up to six months.

# 6

## Driving and Impairment

3rd offence:

- applicable fines
- prison term of at least 90 days\*
- revocation (loss) of driving privileges is indefinite (minimum of ten years) from the date of conviction
- completion of an Alcohol Assessment Program with Addiction Services of the District Health Authority and the submission of the applicable fees
- applicable reinstatement fees
- you will be required to be re-examined, including written, road, and vision tests

4th offence:

- permanent revocation (loss), in addition to all of the penalties provided under the *Criminal Code of Canada*

### ***Being a responsible host or hostess***

When hosting a party that involves alcohol, you must consider the safety of your guests as they return home. Here are some suggestions for being a responsible host or hostess.

- 1 Offer non-alcoholic alternatives and do not add alcohol to the punch bowl. Never press alcoholic beverages on any guest. Respect the wishes of any guest who says, "No, thanks."
- 2 Serve snack foods early in the evening, as food tends to slow down the absorption of alcohol.
- 3 As part of your party routine, close the bar an hour or so before guests are expected to leave and serve non-alcoholic beverages.
- 4 Support the Designated Driver Program by encouraging individuals to remain alcohol- and drug-free during the social event. Make sure that group members are driven home by a designated driver, or arrange other safe transportation.

*Friends do not let friends drink and drive.*

## Being in Shape to Drive: Physically and Mentally

### *Guidelines for issuing a licence*

Service Nova Scotia and Municipal Relations manages the driver-licensing program that ensures road safety. We consider both the needs and safety of the general public and the needs and rights of individual drivers to get around and to travel. Through the use of our licence classification system, conditional and restricted licences, and the approval of modified (specially equipped) vehicles, Nova Scotians are able to get and keep their driving privileges as long as it is safe to do so.

The department is responsible for establishing the qualifications of competency and fitness for drivers when issuing and renewing driver's licences. Every person wishing to obtain a driver's licence in Nova Scotia must be able to demonstrate reasonable and ordinary control while operating a vehicle. This includes an understanding of traffic signs and signals and the rules of the road. We may refuse to issue or renew a driver's licence to any person if there are identified concerns with their ability to operate a motor vehicle.

# 6

## Driving and Impairment

### *Health guidelines*

If you have any medical condition that may interfere with the safe operation of a motor vehicle, you may need to see a physician for a Driver's Medical Examination Report.

This report provides detailed information on the following:

- visual acuity/field of vision
- substance abuse
- drug usage
- cerebrovascular diseases
- diseases of the nervous system
- metabolic diseases (including diabetes)
- musculoskeletal disabilities
- cardiovascular diseases
- respiratory diseases
- peripheral vascular diseases
- psychiatric disorders
- hearing

The costs associated with this report are your responsibility. We will review the report in confidence, and may refer it to the Medical Advisory Committee on Driver Licensing.


Reference will be made to the Canadian Medical Association, A Guide for Physicians Determining Fitness to Drive and the Canadian Council of Motor Transport Administrator's Medical Standards for Drivers.

All commercial drivers must file a medical report upon initial application, and every five years thereafter upon renewal, until the age of 64, then annually thereafter.

## *Emotional and physical stress*

Strong emotions and driving do not mix well. Mistakes can and do happen, but they can be prevented. Here are a few tips to help you manage the effects of emotions and stress on your driving:

- If you are under emotional or physical stress, avoid driving and choose another competent driver.
- If you are angry or excited, take a deep breath and, if necessary, take a short walk. Stay off the road until you can give driving your full attention.
- If you are worried, feeling down, or are upset about something, put these emotions aside and concentrate on your driving.
- If a quarrel develops among passengers while driving, safely move the vehicle off the roadway so that you can calmly deal with the situation.
- If you tend to be impatient, develop a set of relaxing routines, and give yourself extra time for your driving trip. Driving aggressively at faster speeds will not get you to your destination sooner.
- Remember, driving a motor vehicle is a responsibility not to be taken lightly. Full attention and concentration are necessary to perform the complex maneuvers necessary to operate a motor vehicle safely.



*For your own  
safety and the  
safety of other  
drivers, drive as  
if your life  
depends on it  
—because it  
does!*

# 6

## Driving and Impairment

### *Vision*

A new driver must pass a vision test before participating in a road test. Your vision must be acceptable by Canadian standards before you are allowed on the road. If you think you need visual correction, see an eye specialist. Bring your visual correction with you when you come to complete the driver's test. We accept the professional opinions of ophthalmologists and optometrists. Higher classes of licence require higher vision standards.

For Class 1, 2, and 4 licences

Applicants for Class 1, 2, or 4 licences must have vision in both eyes and an acuity of not less than 20/50 (6/15) in the poorest eye and 20/30 (6/9) in the better eye, with or without visual correction. You must be able to see from side to side not less than 120 degrees, in each eye examined separately (field of vision), and double vision must not be detected.

For Class 3, 5, 6, 7, and 8 licences

Applicants for Class 3, 5, 6, 7, and 8 licences must have a visual acuity of not less than 20/40 (6/12) in at least one eye and a field of vision of not less than 120 degrees with both eyes open and examined together.

### *Hearing*

When operating a commercial vehicle carrying passengers or dangerous goods, you must be capable of hearing a forced whisper at 5 feet in the better ear.

## *Driver fatigue*

It is unwise and unsafe to drive when you are overtired. You could easily experience highway hypnosis, which causes you to feel disoriented and drowsy, and you could even fall asleep at the wheel. Never use cruise control when you are overtired. You must be mentally alert and prepared to react in an instant in an emergency situation.

You are the best judge of how you are feeling. Don't overdo it. Know when to pull over and stop driving.

### **Remember**

Good health is an important ingredient to a safe driver. Should you feel the need to assess health issues and driving please consult your family physician.



