

DRIVING UNDER THE INFLUENCE

The right to drive is a privilege in Canada. Driving while intoxicated or impaired is covered by the *Criminal Code*.

WHAT IS A D.U.I.?

DUI is short for driving under the influence. You can be convicted if you drive or are in care and control of a motor vehicle, while you are under the influence of alcohol or any type of drug that impairs your faculties. If your blood alcohol level is over .08, you are legally drunk. You may have a great tolerance for alcohol, and .08 might not be high for you. But it makes no difference. If you are at .08 or over, you are legally drunk.

What about if my reading is less than .08, can I still be charged?

Yes, some people can only have one beer or one drink, and still be under the limit, but their faculties could still be impaired to the point of not being able to drive. Your faculties are your ability to talk, walk, judge distances, make judgements etc.

Suppose I am sitting behind the wheel, and not driving?

You could be charged with care and control which will carry the same penalty as driving under the influence. Care and control means the ability to put the car in motion. So if the keys are in the ignition, you have care and control even if you are sleeping.

The police ask for a sample of my breath. Do I have to give it?

No you don't. However, you will be charged with a refusal, and your penalty will be the same as if you blow over the limit. If you do blow into the machine, you might be lucky, and not blow over .08.

Are there any defences to D.U.I.'s?

A lot of defences in Canada are based on the Charter: The police have to have reasonable and probable cause to stop you. They have to let you call a lawyer after they read you your rights. If you don't know a lawyer, they have to find you one. More law has been made on D.U. I. cases than almost on all other criminal charges.

If I'm found guilty, what are the penalties?

First offence	Loss of licence and a fine If you blow over 1.60, the fine is larger
Second offence	14 days in jail
Third offence	3 months in jail

You also get a criminal record. It stays with you for life. A pardon does not erase it. Chances are that you may not be travelling to the United States. The Americans are not letting anybody cross the border with a criminal record. Oh yes, your insurance is going to go through the ceiling.

Don't drink and drive! A taxi is a lot cheaper.