

October 23, 2019

**Undertaking #14**

MPI to provide information re whether initiatives that require legislative change have been introduced as bills.

**RESPONSE:**

Regarding photo enforcement outside Winnipeg; only The City of Winnipeg and The Winnipeg Police Service, acting on behalf of The City of Winnipeg, are authorized to use image capturing enforcement systems pursuant to section 5 of the Image Capturing Enforcement Regulation under The Highway Traffic Act (HTA). To date, legislation changes that would expand this authority to other municipalities outside of Winnipeg have not been introduced.

Regarding the low blood alcohol content (BAC), and the administrative roadside suspension for impaired driving, under the HTA, drivers who register a "warn" (BAC between .05 and .08) on an approved alcohol screening device are subject to a 3, 15, 30, or 60-day suspension depending on the number of prior suspensions the driver may have received in the previous 10 years.

Bill 7 – The Highway Traffic Amendment Act (Immediate Roadside Prohibitions), received Royal Assent on June 3, 2019 and is anticipated to come into force later this year.

Bill 7 expands the above consequences for "warn" readings to include:

- 3, 7 or 30-day vehicle impoundment (depending on the number of previous impoundments);
- A mandatory one year ignition interlock requirement for a third and each subsequent "warn" in 10 years; and
- An administrative penalty to be determined by regulation.

October 23, 2019

2020 GENERAL RATE APPLICATION  
Undertaking #14 Transcript Page 1054

---

Bill 7 also creates a new approach for drivers who register a “fail” on an approved screening device or who refuse a demand for a breath sample.

Currently, the only option for the police is to proceed with charges under the *Criminal Code*, against drivers who refuse a breath demand or register a “fail” on an approved screening device.

Bill 7 enables police to use discretion for first time offenders involved in incidents not involving bodily harm or death (or where there are no other significant aggravating circumstances). Instead of laying criminal charges, the police will have the option to pursue administrative sanctions under the HTA which will deliver consequences equivalent to criminal charges.

Under Bill 7, HTA administrative sanctions, drivers who refuse a breath demand or who register a ‘fail’ will receive the following consequences:

- an immediate 90-day roadside driver’s licence suspension;
- a 30-day vehicle impoundment (or 60 day impoundment for refusal);
- a mandatory 12-month Ignition Interlock;
- a requirement to undergo an Addictions Foundation of Manitoba Assessment;
- 10 Driver Safety Rating System Demerits; and
- an administrative penalty to be determined by regulation.