



07-06 Appendix A

Ability Impaired/80 mg and Over Summary Chart

Status: Amended

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Result	Action Taken	Authority To Tow Motor Vehicle
Less than 50 mg/100 mL	Criminal Code – Impaired Operation (where an officer has reasonable and probable grounds of impairment to any degree)	Criminal Code – No Action
	Provincial – No Action	Provincial – Tow motor vehicle in accordance with provisions of HTA or By-law
Any presence of alcohol (BAC>zero) novice/young driver (under 22)	Criminal Code – No Action	Criminal Code – No Action
	Provincial May charge under provisions of the HTA – Follow the administrative driver's licence suspension provisions of the HTA to determine the length of suspension (7, 14, or 30 days)	Provincial – Tow motor vehicle in accordance with provisions of HTA or By-law
Any presence of alcohol (BAC>zero) Commercial driver	Criminal Code – No Action	Criminal Code – No Action
	Provincial May charge under provisions of the HTA – Follow the administrative driver's licence suspension provisions of the HTA to determine the length of suspension (3 days)	Provincial – Tow motor vehicle in accordance with provisions of HTA or By-law

Chapter 7 – Vehicle Investigations & Traffic Enforcement

Result	Action Taken	Authority To Tow Motor Vehicle
Between 50 – 79 mg/100 mL	Criminal Code – No Action	Criminal Code – No Action
	Provincial – Follow the administrative driver's licence suspension provisions of the HTA to determine the length of suspension (7, 14, or 30 days)	Provincial – Tow motor vehicle in accordance with provisions of HTA or By-Law
80 mg/100 mL and Over (2 tests of 80 mg/100 mL or over)	Criminal Code – Charge with Impaired Operation (if applicable) – Charge with 80 mg/100 mL or over – Request Letter of Opinion CFS	Criminal Code – No Action
	Provincial – Shall avoid novice driver charges where <i>Criminal Code</i> charges apply – 90 day Administrative Drivers Licence Suspension (does not apply for Impaired Operation.)	Provincial – Tow motor vehicle in accordance with provisions of HTA or By-Law
Fail/refuse to provide suitable samples and Fail to accompany	Criminal Code – Charge with Fail to Provide Blood Sample – Charge with Fail to Provide Breath Sample – Charge with Impaired Operation (if applicable) – Charge with Fail to Accompany	Criminal Code – No Action
	Provincial – Shall avoid novice driver charges where <i>Criminal Code</i> charges apply – 90 day Administrative Drivers Licence Suspension (does not apply for Impaired Operation)	Provincial – Tow motor vehicle in accordance with provisions of HTA or By-Law

Chapter 7 – Vehicle Investigations & Traffic Enforcement

Result	Action Taken	Authority To Tow Motor Vehicle
<p>Impaired Operation (charge as a result of a DRE evaluation where a bodily fluid demand has been made by a DRE).</p>	<p>Criminal Code</p> <ul style="list-style-type: none"> – Charge with Impaired Operation by a drug or a combination of a drug and alcohol 	<p>Criminal Code</p> <ul style="list-style-type: none"> – No Action
	<p>Provincial</p> <ul style="list-style-type: none"> – 90 day Administrative Drivers Licence Suspension (applies for Impaired Operation by a drug or a combination of a drug and alcohol) 	<p>Provincial</p> <ul style="list-style-type: none"> – Tow motor vehicle in accordance with provisions of HTA or By-Law
<p>Impaired Operation – Investigation (As a result of operator’s poor SFST performance and a DRE not being available).</p> <p><i>NOTE: These circumstances would be unlikely as TSV has partnered with surrounding police agencies to ensure DRE availability.</i></p>	<p>Criminal Code</p> <ul style="list-style-type: none"> – Investigation for Impaired Operation by a drug or a combination of a drug and alcohol 	<p>Criminal Code</p> <ul style="list-style-type: none"> – No Action
	<p>Provincial</p> <ul style="list-style-type: none"> – Follow the Administrative Driver’s Licence Suspension provisions of the HTA to determine the length of suspension (7, 14, or 30 days) 	<p>Provincial</p> <ul style="list-style-type: none"> – Tow motor vehicle in accordance with provisions of HTA or By-Law

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