

Retention Immediate Roadside Sanctions (IRS) ZERO: Commercial Program (Updated July 1, 2024)

Under Alberta Regulation 224/2020 drivers operating a commercial vehicle must have a zero blood alcohol/drug level when driving.

The IRS ZERO: Commercial Program is administered under section 88.02 of the Traffic Safety Act, and applies to drivers when law enforcement has reasonable grounds to believe that a commercial driver has operated a commercial vehicle with any alcohol or drug in their body. A commercial driver may also be sanctioned if a officer determines they are impaired by fatigue or any prescribed or over the counter drug.

The IRS ZERO: Commercial Program applies to any driver who is operating a:

1. Commercial vehicle, or combination of commercial vehicles, that has a registered gross vehicle weight of more than 11,794 kg
2. Commercial vehicle that has a manufacturer's seating capacity originally designed for 11 or more passengers, including the driver.

Commercial drivers must have a zero (0.00) blood alcohol concentration or blood drug concentration when driving a commercial vehicle.

SUBSTANCES / CONSIDERATIONS

The IRS ZERO: Commercial Program applies to all alcohol and drugs, illicit, prescribed and over the counter. It also applies where an officer determines a commercial driver is impaired by fatigue. Under the IRS ZERO: Commercial Program, there is a zero tolerance approach for any impairment for commercial drivers operating a commercial vehicle.

IMMEDIATE ROADSIDE APPEAL

You can request a second breath test on a different instrument to confirm your blood alcohol concentration or a blood test for drugs to confirm your blood drug concentration. If the results of your second test show that you do not have alcohol or a drug in your body then your licence will be returned and the Notice of Administrative Penalty will be canceled.

APPEAL

Following a sanction there is a 7 day window in which you may appeal based on very limited conditions. [https:// www.alberta.ca/dispute-a-notice-of-administrative-penalty](https://www.alberta.ca/dispute-a-notice-of-administrative-penalty)

SANCTIONS

Once the Notice of Administrative Penalty is issued by law enforcement, the driver's licence suspension or disqualification begins immediately. A Confirmation of Suspension will be sent to the last known address listed on your motor vehicle file. If you reside outside of Alberta, your home jurisdiction will be notified of the suspension or disqualification. Repeat alcohol driving occurrences show a pattern of high-risk driving behaviour and therefore the penalties escalate with each prior occurrence.

If you are issued a Notice of Administrative Penalty under the IRS ZERO: Commercial Program, you will receive the following sanctions:

FIRST OCCURRENCE IN A 10-YEAR PERIOD

You will receive:

- An immediate 3-day driver's licence suspension where you are unable to drive under any circumstances
- A \$300 fine plus victim surcharge of 20%

SECOND OCCURRENCE IN A 10-YEAR PERIOD

You will receive:

- An immediate 15-day driver's licence suspension where you are unable to drive under any circumstances
- A \$600 fine plus victim surcharge of 20%

THIRD AND SUBSEQUENT OCCURRENCE WITHIN A 10-YEAR PERIOD

You will receive:

- An immediate 30-day driver's licence suspension where you are unable to drive under any circumstances
- A \$1,200 fine plus victim surcharge of 20%

Commercial driver's are also subject to other potential IRS Sanctions including IRS 24 Hour Suspension.

If you are suspected of being impaired by alcohol, drugs or a physical or medical condition that affects your ability to safely drive, you are subject

to a 24-hour driver's licence suspension.

- If your blood alcohol concentration is 0.08 or more
- If you fail or refuse drug and alcohol testing
- If you fail drug recognition tests

Penalties for an IRS Fail are considered to be an Immediate 2-stage, fixed-term driver's licence suspension consisting of 2 distinct parts on the first occurrence.

- 90 days where you are unable to drive under any circumstances
- A further 12 month driver's licence suspension:

During this 12 month suspension period, you may participate in Alberta's IRS: FAIL Ignition Interlock Program and operate a vehicle equipped with an interlock device. If you choose not to participate in the Ignition Interlock Program, your licence will remain suspended, and you cannot legally drive. You must:

- Complete the Planning Ahead course
- 30-day vehicle seizure. - \$1,000 fine plus victim fine surcharge of 20%
- If you receive criminal-level impaired charges and convicted, the court will also impose additional penalties

Additionally **ALL SANCTIONS** appear on your drivers abstract as an Alcohol/Drug related offence which has serious implications and consequences.

If a commercial driver is issued an **Immediate Roadside Sanction** the vehicle will be seized. However, the cargo (if applicable) will be released to the carrier.

If you have questions specific to your business, or would like additional information, please reach out to your Lloyd Sadd Advisor.

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**LET US HELP YOU
MANAGE YOUR RISK**

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