Increasing alcohol interlock participation rates in Canada: Best practices and effects of insurance

Erika Chamberlain and Robert Solomon, Faculty of Law, Western University
Andrew Murie, Mothers Against Drunk Driving (MADD) Canada

Abstract

Context
Alcohol interlocks are an effective means of reducing recidivism among impaired driving offenders. However, interlock programs in Canada and elsewhere have suffered from low participation rates, and thus have not achieved their optimal traffic safety potential. Moreover, many offenders who do not participate in an interlock program choose instead to drive without a licence or insurance. These unlicensed drivers are overrepresented in fatal crashes and expose the public to the risk of uncompensated losses and injuries.

Objectives
To review the alcohol interlock programs across Canada and identify possible barriers to participation. Having determined the provinces\(^{1}\) with the highest participation rates, this paper identifies program features that are most conducive to increasing participation.

Key Outcomes
The provinces with the highest interlock participation rates generally have the most inclusive mandatory programs that apply to the greatest number of federal impaired driving offenders. In these jurisdictions, enrollment in the interlock program is a condition of relicensing, preventing offenders from simply “waiting out” the hard licence suspension period. Most of these provinces also reduce the minimum licence suspension period to encourage offenders to install an interlock.

Discussion and Conclusions
The provinces and territories should design their alcohol interlock and related policies to maximize participation rates. This would include making interlock participation mandatory for all federal impaired driving offenders and shortening the provincial licence suspensions that would otherwise apply. The total costs of an impaired driving conviction, including insurance, should be kept at a level that does not encourage offenders to forego the interlock program and drop out of the licensing system altogether. Enhancing the provincial licence check and vehicle impoundment programs would increase the risks associated with driving unlicensed and thus would likely further increase interlock participation rates. In turn, this would have significant traffic safety benefits.

Introduction
Alcohol interlocks have been recognized as an effective and important component of the strategy to deal with impaired drivers (Beirness & Marques, 2004; National Highway Traffic Safety Administration (NHTSA), 2010). Research indicates that impaired driving offenders with interlocks on their vehicles have significantly lower recidivism rates during that period than offenders who do not (The Cochrane Collaboration, 2009, p. 8; NHTSA, 2007, p. 11). For example, a 2007 New Mexico study found that offenders with an interlock on their vehicle had a 66\% lower recidivism rate during that period than comparable offenders

\(^{1}\) Unless otherwise indicated, reference to the provinces should be interpreted as including the territories.
serving hard licence suspensions (Roth, Voas, & Marques, 2007, p. 24). A Florida study found that offenders who installed an interlock had an 80% lower recidivism rate over a two-year period than offenders who received only a licence suspension (Voas, Tippetts, Fisher, & Grosz, 2010, p. 1426). Similar positive results have been reported in Canada (Voas, Marques, Tippetts & Beirness, 1999; Vezina, 2002).

Increasing interlock participation rates also has significant traffic safety benefits. For instance, a recent Washington State study estimated that if the participation rate of first offenders had been 100%, rather than the actual rate of 24%, the offenders’ two-year cumulative recidivism rate would have fallen from 9.1% to 3.2% (McCatt, Leaf, Farmer, & Eichelberger, 2012, p. 16). The study also indicated (p. 18) that if all drivers in the United States with a single impaired driving conviction within the past three years had been kept from driving after drinking, nearly 650 crash deaths would have been prevented in 2010.

Moreover, increasing interlock participation decreases the risk that impaired driving offenders will drive while suspended. As a group, suspended drivers have very high rates of alcohol-related fatal and personal injury crashes (Scopatz, Hatch, DeLucia & Tays, 2003, p. 8). An Ontario study reported that crashes involving drivers suspended for impaired driving were 3.5 times more likely to be fatal than crashes among the general driving population (MADD Canada, 2007, p. 21). These suspended drivers were also 16.3 times more likely to have been impaired when involved in a fatal or personal injury crash (p. 31) and almost 14 times more likely to try and flee (p. 22).

Finally, because suspended drivers are uninsured, they expose the public to the risk of suffering losses and injuries for which there is no third-party compensation (Solomon, Hanc, Ricci, & Visser, 2005, p. 38-40). In contrast, drivers subject to interlock orders are much less likely to drive while impaired (Elder et al., 2011, p. 367) and, in any event, are at least partially insured against third-party liability if they cause a crash. Unfortunately, interlock programs in Canada and other jurisdictions have struggled with low participation rates (Beirness & Marques, 2004, p. 301; Elder et al., 2011).

The legislative framework governing impaired driving in Canada
The federal government has used its constitutional authority over criminal law to enact the Criminal Code impaired driving offences and their penalties. For example, the federal offences of impaired driving, driving with a blood-alcohol concentration (BAC) above .08%, and refusing to participate in a required impairment test each carry a minimum sentence of a $1,000 fine and a one-year driving prohibition for a first offence. In 1999, this provision was amended to allow the one-year minimum federal driving prohibition for first offenders to be reduced to three months for interlock participants. In 2001, the Criminal Code was further amended to permit the minimum federal driving prohibition to be reduced to six and twelve months, respectively, for second and subsequent offenders enrolling in an interlock program.

The federal government does not administer any alcohol interlock programs. Rather, this falls to the provinces, which can impose administrative licence sanctions pursuant to their constitutional authority over driver and vehicle licensing. Although most provinces have

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2 A driver subject to an interlock order who drives a vehicle that is not equipped with an interlock is considered an unauthorized driver. In most provinces, the driver’s third-party coverage would be limited to the statutory minimum (generally $200,000), regardless of how much additional third-party coverage he or she had purchased. Moreover, the insurance company could attempt to recover from the unauthorized driver any third-party damages that it had to pay (Solomon, Hanc, Ricci & Visser, 2005, p. 38-40).
some form of interlock program for federal impaired driving offenders, these vary greatly in terms of inclusion criteria, the duration of the interlock orders, and conditions for relicensing (Chamberlain & Solomon, 2012).

The provinces also have constitutional authority over automobile insurance. In British Columbia, Saskatchewan, Manitoba, and Quebec, automobile insurance is administered by a public agency and is tied to vehicle and driver licensing. In others, the government simply regulates the private insurance industry. In either case, the provinces have authority over insurance rates, including those of impaired driving offenders. Clearly, the provinces have sufficient legislative power to implement interlock programs and related measures that would maximize participation rates.

Interlock participation rates in Canada

Table 1 sets out the number of interlock orders as of December 31, 2011 and the number of drivers convicted of a federal impaired driving offence from July 1, 2010 until June 30, 2011. These figures were used to provide an estimate of the percentage of offenders enrolled in interlock programs in each jurisdiction. Because the reporting periods for interlocks and convictions are not coextensive, the estimated participation rates provide merely rough approximations. Since most provinces do not mandate interlock participation for all offenders and/or limit eligibility, they would have to amend their traffic act to create the potential for 100% participation.

**Table 1: Interlock Participation Rates among Federal Impaired Driving Offenders in Canadian Provinces and Territories**

<table>
<thead>
<tr>
<th>Province/Territory</th>
<th>Interlocks: 31/12/2011</th>
<th>Impaired Driving Convictions: 2010/11</th>
<th>% of Offenders in Interlock Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>2,180</td>
<td>5,738</td>
<td>38%</td>
</tr>
<tr>
<td>BC</td>
<td>1,188</td>
<td>5,591</td>
<td>21%</td>
</tr>
<tr>
<td>MN</td>
<td>155</td>
<td>1,771</td>
<td>9%</td>
</tr>
<tr>
<td>NB</td>
<td>137</td>
<td>1,209</td>
<td>11%</td>
</tr>
<tr>
<td>NL</td>
<td>89</td>
<td>608</td>
<td>15%</td>
</tr>
<tr>
<td>NS</td>
<td>599</td>
<td>1,586</td>
<td>38%</td>
</tr>
<tr>
<td>NT</td>
<td>0</td>
<td>158</td>
<td>0%</td>
</tr>
<tr>
<td>NU</td>
<td>0</td>
<td>66</td>
<td>0%</td>
</tr>
<tr>
<td>ON</td>
<td>6,209</td>
<td>13,414</td>
<td>46%</td>
</tr>
<tr>
<td>PE</td>
<td>85</td>
<td>321</td>
<td>26%</td>
</tr>
<tr>
<td>QC</td>
<td>9,533 ***</td>
<td>6,483</td>
<td>139%</td>
</tr>
<tr>
<td>SK</td>
<td>400</td>
<td>2,672</td>
<td>15%</td>
</tr>
<tr>
<td>YU</td>
<td>24</td>
<td>167</td>
<td>14%</td>
</tr>
<tr>
<td>Canada</td>
<td>20,559</td>
<td>40,144</td>
<td>51%</td>
</tr>
</tbody>
</table>

* In addition to the interlocks imposed on federal impaired driving offenders, 6,841 interlocks were imposed under the “provincial administrative interlock” program. These latter interlocks are not factored into the participation rate of federal impaired driving offenders. While no other province separately reports these two categories of interlock orders, relatively few provincial administrative interlocks were imposed in the remaining provinces. Nevertheless, these additional interlock orders somewhat inflate the preceding estimates of participation among federal impaired driving offenders.

** This is the number of interlocks installed throughout 2011, not the number in operation as of 31/12/2011.

*** Quebec had far more federal offenders in its interlock program at the end of 2011 than convictions in 2010/2011, due to the significant number of long-term interlock orders and the very high participation rates.

Key features in provinces with higher participation rates
In this section, we outline the aspects of the interlock programs that appear to have been conducive to participation, focusing on provinces with participation rates in excess of 20%, namely Alberta, British Columbia, Nova Scotia, Ontario, Prince Edward Island, and Quebec. While our commentary is based on the programs as of December 2011, significant changes have been made in the last two years. A summary of the current mandatory interlock programs is provided in the Appendix.

**Mandatory interlock program**

Enrollment in an interlock program should be a mandatory relicensing requirement for all federal impaired driving offenders. Not surprisingly, the provinces with the highest participation rates had the most inclusive mandatory programs. In British Columbia and Ontario, the interlock program was mandatory for all *Criminal Code* impaired driving offenders, including those convicted of refusing or failing a required impairment test. In Alberta, Nova Scotia, Prince Edward Island, and Quebec, only repeat offenders, those with a BAC above .16%, or other “high-risk” offenders were required to participate.³

As their name suggests, mandatory interlock programs require offenders to install an interlock at some time prior to regaining full licensure. Offenders cannot simply “wait out” the hard suspension period, an option that many would otherwise take to avoid the cost, inconvenience and stigma of installing an interlock (NHTSA, 2010a, p. 26). In most provinces, the minimum length of the interlock order was one year for first offenders, and two or three years for repeat offenders.⁴ A lifetime interlock order applied to with a third impaired driving offence in Ontario and a fourth offence in Manitoba (Chamberlain & Solomon, 2012, p. 349).⁵

**Reduced hard suspension for interlock participants**

Evidence suggests that offenders are less likely to participate in an interlock program if it is preceded by a lengthy hard licence suspension (NHTSA, 2010a, p. 26). Accordingly, reduced provincial licence suspensions can be used to motivate offenders to enter a program. This was recognized by the federal government when it reduced the mandatory federal driving prohibitions for interlock participants in 1999 and 2001.

Most of the provinces with relatively high participation rates shortened the provincial licence suspensions for some categories of federal offenders who enrolled their interlock programs. Nova Scotia and Prince Edward Island reduced the provincial licence suspension for all federal interlock participants.⁶ This incentive was not available to the more serious categories of impaired driving offenders in Quebec and Ontario, and was discretionary in Alberta.⁷ These limits on reduced provincial licence suspensions may reflect deference to victims or government concern about being viewed as “going soft” on impaired driving offenders (Beirness & Marques, 2004, p. 306).

**Enhanced enforcement**

³ Alberta, Manitoba and Prince Edward Island have since expanded their mandatory programs to include all alcohol-related *Criminal Code* impaired driving offences.

⁴ Alberta and Prince Edward Island have since increased the length of their minimum interlock orders, and both jurisdictions now impose a minimum five-year interlock order on third-time offenders.

⁵ In Manitoba, the offender may apply to have the lifetime interlock order shortened.

⁶ In Ontario, the reduced licence suspension applies only to first offenders. Moreover, the mandatory hard licence suspension is three months for those who plead guilty and six months for those who do not.

⁷ Alberta has since reduced the hard provincial licence suspension for all federal impaired driving offenders who enroll in its interlock program.
Early relicensing may not alone be sufficient to motivate offenders to participate in an interlock program. Many offenders will choose to avoid the expense and inconvenience of using an interlock device, and drive while suspended (NHTSA, 2010a, p. 6; Voas & Marques, 2003). The laws against driving while suspended need to be strengthened and more effectively enforced. This may include: enhanced vehicle impoundment and immobilization legislation; more effective licence verification programs; and broader police powers to demand and, if appropriate, seize drivers’ documentation. If offenders perceive that there is a greater risk of apprehension and punishment for driving while suspended, they will probably be more willing to enroll in an interlock program.

All of the provinces with higher interlock participation rates, and most others, have some form of vehicle impoundment program for suspended driving. However, current mechanisms for identifying suspended drivers, even if they are stopped by the police, appear to be largely ineffective. The provincial licensing agencies and police do not consistently seize the licences of impaired drivers who are suspended. For example, a Moncton Area study found that 91% of suspended drivers stopped at a roadside check program provided the police with an apparently valid driver’s licence (Malenfant, Van Houten, & Jonah, 2002, p. 441-42). The ease with which impaired driving offenders can forgo the interlock program and drive while suspended significantly undermines the interlock programs and, more broadly, the impaired driving laws (Voas et al., 2010; NHTSA, 2010a).

Licensing measures are also required to prevent interlock participants from driving vehicles not equipped with an interlock. Of the provinces with higher interlock participation rates, Alberta, British Columbia, Ontario, and Prince Edward Island indicate on the driver’s licence that he or she is subject to an interlock order (MADD Canada, 2008, p. 17). Thus, unless the driver is using a forged or another person’s licence, the police will be alerted to the driver’s status and can take appropriate action if the vehicle is not equipped with an interlock.

**Insurance rates**

While the cost of installing and maintaining the interlock is often cited as a barrier to participation (NHTSA, 2010b, p. 27; DeYoung, 2002; NHTSA, 2010a), less attention has been paid to the impact of insurance costs on participation rates (MADD Canada, 2012). Even for drivers with a clean record, automobile insurance is generally expensive in Canada, particularly in the nine jurisdictions that do not have public insurance systems. For example, the estimated cost of insurance for a 22-year old with four years’ driving experience and a clean record would be $3,065 in Toronto, $2,822 in Calgary, and $1,659 in Halifax (MADD Canada, 2012).

The cost of insurance for impaired driving offenders should not be set at a level that creates a compelling financial incentive to forgo assessment and treatment, drop out of the licensing system, and drive illegally and without insurance. (Scopatz, et al., 2003, p. 30). These unlicensed drivers are much more likely to drive impaired, cause a crash, and attempt to flee the scene. Impaired driving offenders in an interlock program should be offered substantially

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8 This is partially due to the costs of the mandatory first-party benefits, and the minimum third-party liability coverage of $200,000 required in all jurisdictions, except Quebec ($50,000 of third-party vehicle damage insurance) and Nova Scotia ($500,000 of third-party liability coverage). The Insurance Bureau of Canada also attributes the high costs of insurance to rising personal injury damages, hidden legal fees, for-profit personal injury clinics, and fraud (Insurance Bureau of Canada, 2013).

9 The private insurance industry provides coverage in Alberta, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, and the three Territories.
reduced premiums, both as an incentive to participation and as a reflection of the reduced risks they pose while driving an interlock-equipped vehicle.

In Quebec, the province with the highest interlock participation rate, automobile insurance is provided by a public agency (SAAQ). The insurance surcharges for a Criminal Code impaired driving conviction are very modest, even for repeat offenders (i.e. $300, $350 and $400 for a first, second and third conviction). Similarly, in British Columbia, which also has a public insurance system, the surcharge for a first offence is $905 for three years (MADD Canada, 2012). In contrast, if the 22-year-olds described above had a single impaired driving conviction, their premiums would increase for three years to roughly $10,000 - $20,000 in Toronto (326% - 653%), $7,500 in Calgary (266%) and $9,000 in Halifax (542%) (MADD Canada, 2012). The relatively high interlock participation rates in these three jurisdictions, despite the high insurance surcharges, requires some explanation.

First, while Ontario’s, Alberta’s and Nova Scotia’s interlock participation rates are relatively high, they are still below 50%. Second, a significant number of interlock participants apparently do not inform their insurer of their conviction, even when asked. Since the companies do not routinely check offence records on an annual basis, these offenders may be able to avoid paying the costly surcharges (Murie, personal communication, May 20, 2013). However, if these offenders knowingly misinform their insurer, their insurance coverage will be largely negated. Their first-party benefits are greatly limited, and their third-party coverage is typically restricted to the provincial minimum. While these offenders may benefit from participating in the interlock program and nominally remain in the licensing system, they expose the public to the risk of injuries and losses for which there is only limited third-party coverage. In any event, significantly more impaired driving offenders would likely enroll in an interlock program and appropriately inform their insurers of their conviction if the insurance surcharges were not prohibitive.

Other factors that may affect interlock participation rates
Several other factors warrant brief mention. All of the provinces have some kind of remedial education or treatment program that must be completed prior to or while participating in the interlock program (Chamberlain & Solomon, 2012, p. 351; MADD Canada, 2013). These programs vary in duration, cost and the criteria for successful “completion” (eg simple attendance, behaviour modification, or a period of “violation free” driving). If these remedial programs are costly and require completion prior to entering the interlock program, some offenders may be reluctant to participate (Voas & Marques, 2003).

Participation rates will also be affected by the availability of interlock service and maintenance providers, and the required inspection schedule. If offenders have to drive long distances on a regular basis to have the interlock inspected and serviced, they will be less likely to participate in and/or successfully complete the program (DeYoung, 2002, p. 480). These factors vary widely both between and within the provinces.

Summary and Conclusions
The preceding review suggests that certain program features and related policies will encourage increased interlock participation rates. Participation tends to be higher if the program is mandatory for all offenders and provides a reduced hard licence suspension as an incentive to participation. More effective licence check programs, vehicle impoundment legislation, and similar measures are needed to discourage offenders from driving illegally. Finally, if the total relicensing costs are unaffordable, due to insurance costs, interlock
installation and maintenance fees, and/or other remedial program charges, large numbers of federal impaired driving offenders will abandon the licensing system, as would appear to be the case in almost every jurisdiction in Canada.

References


MADD Canada. (2012). *Are Insurance Rates a Barrier to Alcohol Interlock Programs* (Slide Presentation). Oakville, ON: Murie, A.


National Highway Traffic Safety Administration. (2010b). *Key Features for Ignition Interlock Programs*. Washington: Marques, P. R., & Voas, R. B.


## Appendix

### Mandatory Programs: Inclusion Criteria, Suspension Reductions and Duration

<table>
<thead>
<tr>
<th>Prov./Terr.</th>
<th>Inclusion Criteria</th>
<th>Reduced Suspension</th>
<th>Minimum Duration</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB²</td>
<td>Any alcohol-related <em>Criminal Code</em> impaired driving offence³</td>
<td>Yes</td>
<td></td>
<td>1 year</td>
<td>3 years</td>
<td>5 years</td>
</tr>
<tr>
<td>BC</td>
<td>Any alcohol-related <em>Criminal Code</em> impaired driving offence³</td>
<td>No</td>
<td></td>
<td>1 year</td>
<td>2 years</td>
<td>3 years</td>
</tr>
<tr>
<td>MB</td>
<td>Any alcohol-related <em>Criminal Code</em> impaired driving offence</td>
<td>No</td>
<td></td>
<td>1 year</td>
<td>1 year</td>
<td>3 years⁶</td>
</tr>
<tr>
<td>NB</td>
<td>No Mandatory Program.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NL</td>
<td>No Mandatory Program.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NT</td>
<td>No Mandatory Program.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NS</td>
<td>“High-risk first offenders”⁷; drivers convicted of impaired driving causing death or bodily harm⁸; or offenders with a prior impaired driving, failing/refusing a test or driving while disqualified conviction</td>
<td>Yes</td>
<td></td>
<td>1 year</td>
<td>2 years</td>
<td>3 years</td>
</tr>
<tr>
<td>NU</td>
<td>No Interlock Program.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ON</td>
<td>Any alcohol-related <em>Criminal Code</em> impaired driving offence</td>
<td>Yes⁹</td>
<td></td>
<td>1 year</td>
<td>3 years</td>
<td>Life</td>
</tr>
<tr>
<td>PE</td>
<td>Impaired driving or failing/refusing a test¹⁰</td>
<td>Yes</td>
<td></td>
<td>1 year</td>
<td>2 years</td>
<td>5 years</td>
</tr>
<tr>
<td>QC¹¹</td>
<td>Impaired driving offenders who did not apply or were ineligible for the voluntary program</td>
<td>No</td>
<td></td>
<td>1 year</td>
<td>2 years</td>
<td>3 years</td>
</tr>
<tr>
<td>SK</td>
<td>Judges can order offenders convicted of impaired driving or failing/refusing a test to participate in an interlock program</td>
<td>Yes</td>
<td></td>
<td>1 year</td>
<td>2 years</td>
<td>3 years</td>
</tr>
<tr>
<td>YK</td>
<td>No Mandatory Program.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. In addition to the formal interlock program, the traffic authorities typically have broad discretionary power to impose various terms and conditions on the licence of any driver. This residual power could be used to impose interlock orders on federal impaired driving offenders.

2. The lookback period for a prior conviction is 10 years.

3. The phrase “any alcohol-related *Criminal Code* impaired driving offence” includes all offences in ss. 253, 254 and 255.

4. The Registrar has discretion to refrain from imposing an interlock order on a first offender whose BAC was below .16%.

5. Participation is mandated by administrative policy.

6. The lookback period for prior convictions is 10 years. The prescribed interlock period is the driver's lifetime for a fourth conviction, but a driver can apply to have an interlock order longer than 3 years.
removed at the end of the third year.

7. A “high-risk” offender is a driver who has been assessed in an alcohol rehabilitation program as being “high risk.”

8. The minimum participation period for these drivers is 2 years if they are first offenders and 5 years if they are repeat offenders.

9. The reduction only applies to first offenders. Drivers who plead guilty have their licence suspension reduced to a minimum of 3 months, followed by a minimum 9-month interlock order. Drivers who did not plead guilty have their licence suspension reduced to a minimum of 6 months, followed by a minimum 12-month interlock order. No reduction is available to offenders: who were impaired by drugs, or a combination of alcohol & drugs; or who were convicted of impaired driving causing death or bodily harm.

10. In PEI, offenders who are convicted of an offence under s. 255 (impaired causing death or bodily harm; BAC above .08% and causing death or bodily harm; and failing/refusing a test and causing death or bodily harm) are not eligible for the mandatory program.

   The lookback period for a prior conviction is 10 years. If there was a passenger under the age of 16 in the vehicle at the time of the offence, the Registrar may add a further term of up to 12 months to the interlock order for a first, second or third offender.

11. The lookback period for prior convictions is 10 years. The interlock order is 2 years for a first offender who had a BAC above .16% or refused to provide a sample. The order is 3 years for these offenders if they had 1 or more prior cancellations in the preceding 10 years for an alcohol-related offence, unless their BAC exceeded .16% in the prior offence or the offence was for refusing to provide a sample. A lifetime interlock order is imposed on offenders if they had 1 or more cancellations in the preceding 10 years for refusing to provide a sample or for any alcohol-related offence in which their BAC exceeded .16%. A lifetime interlock order is also imposed on drivers with 3 or more alcohol-related impaired driving convictions in the past 10 years.