

High-Risk Driving Prohibition Guidelines:

1.0 Glossary:

Reasonable Person

A hypothetical person used as a legal standard. The reasonable person acts sensibly, exercises average care, skill and judgement, and takes proper precautions. In the context of operating a motor vehicle, he or she has regard for the safety of the public and must take proper precautions to guard against the risks that may reasonably be anticipated to arise from time to time as he or she proceeds on his or her way. As a general rule, personal factors (including, but not limited to, employment, medical considerations, family responsibilities, hardship, etc.) need not be taken into account in determining a reasonable person standard.

1.1 Prohibition Guidelines:

Section 93 of the *Motor Vehicle Act* provides the Superintendent with the authority to prohibit a person from driving a motor vehicle, if the Superintendent considers it to be in the public interest. If the Superintendent is satisfied that the driver is an immediate risk to public safety, the driver may be prohibited. In these instances, a High-Risk Driving Incident Report may be completed by a peace officer and reviewed by the Superintendent. In cases where a driver has engaged in high-risk driving behaviours that meet a certain criteria, the Superintendent will issue a Notice of Prohibition in order to immediately intervene and ensure public safety by removing the driver from the road. The chart below provides a list of criteria that the Superintendent may consider in determining if an intervention is appropriate and the appropriate length of any intervention related to a high-risk driving incident.

The criteria are not exhaustive. The Superintendent maintains the discretion to intervene and prohibit drivers that engage in all types of high-risk driving behaviours. The length of prohibition is at the discretion of the Superintendent and depends on the individual circumstances in each case, including the potential and actual harms that have resulted from the driving behaviour. The types and severity of circumstances that result in a prohibition are greatly varied and for that reason, the guidelines do not contain specific prohibition lengths. Rather, the Superintendent exercises discretion in determining what is appropriate in each case. The prohibition criteria listed below are guidelines only.

Length of Prohibition:	Criteria:
3+ months	<p>Criteria that the Superintendent may consider in determining whether to prohibit a person from driving a motor vehicle under section 93(1)(c) of the <i>Motor Vehicle Act</i>:</p> <ul style="list-style-type: none"> • The police have identified the driver. • The police have served any violation tickets and/or have recommended, or intend to recommend, that the driver be charged

with any *Motor Vehicle Act* or *Criminal Code* offences.

- There has not been a previous intervention for the incident under section 93(1)(a) of the *Motor Vehicle Act*.
- The incident demonstrated an immediate risk to public safety, which may include but is not limited to:
 - The risk was foreseeable to a reasonable person; and,
 - The details of the incident increased the risk to public safety; or,
 - The number of specific actions and decisions made by the driver within the same incident increased the risk to public safety.

Criteria that the Superintendent may consider in determining the length of any intervention related to a High-Risk Driving Incident Report:

- The details of the incident increased the risk to public safety, which may include but are not limited to:
 - Location;
 - Weather;
 - Traffic and pedestrian conditions; and,
 - Any further details or evidence in the High-Risk Driving Incident Report.
- Other factors increased the risk to public safety, which may include but are not limited to:
 - Alcohol;
 - Drugs;
 - Speed;
 - Licensing status;
 - Passengers (including minors); and,
 - Property damage, personal injury and/or fatality, or the significant likelihood of property damage, personal injury and/or fatality.
- Specifics of the driving record, which may include but are not limited to:
 - Multiple prior convictions;
 - Prior motor vehicle-related *Criminal Code* convictions and/or *Motor Vehicle Act* convictions for high risk driving offences; and,
 - Previous interventions under section 93 of the *Motor Vehicle Act* and the length of the time between those interventions.