

99 Consequences of a DUI Conviction in British Columbia

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Court Consequences:

1. You will receive a criminal record.
2. You will be ineligible to apply for a pardon for five years if prosecuted summarily, and ten years if prosecuted by indictment. The time is calculated from the end of your sentence. Any pardon application currently being processed will be unsuccessful.
3. There is a mandatory *minimum* one-year driving prohibition for a first offence, which is in effect Canada-wide, 24 hours a day, seven days a week. The driving prohibition can be higher if your blood alcohol readings are high, if you cause an accident, or if you kill or injure another person.
4. If you are caught driving while under a court-ordered prohibition, you will be charged with driving while disqualified. The sentence for driving while disqualified usually involves jail time and a longer driving prohibition.
5. If you are caught driving while under a *Motor Vehicle Act* prohibition, including for pleading to a lesser offence or an administrative prohibition related to your criminal charge, you will be charged with driving while prohibited. The mandatory minimum penalty for this is a \$500 fine and a one-year driving prohibition. Subsequent offences have a minimum fourteen day jail sentence in addition to the fine and driving prohibition.
6. There is a mandatory *minimum* \$1000 fine for a first offence. Just as with the driving prohibition, the fine may be higher if the blood alcohol readings are high, if there was an accident, or if someone is killed or injured.
7. You may face jail. The maximum sentence for impaired driving is 18 months in jail. There is a *minimum* 30 days jail for a second conviction, and a *minimum* 120 days jail for a third or subsequent conviction. If you injure someone, jail is presumptive and the maximum sentence is 10 years jail. If someone is killed, the maximum sentence is life in prison.
8. There is a *mandatory* Victim Fine Surcharge of 15% on any fine you pay. This cannot be waived by the judge for financial hardship or any reason. This applies even if you are convicted of a lesser offence under the *Motor Vehicle Act*.
9. Creates a prior offence to be used on sentencing in future offences. This means that you are less likely to receive a conditional or an absolute discharge or a

- referral to alternative measures programs if you are charged with any other offence in the future.
10. You may receive a period of probation. This can include conditions to perform Community Work Service hours, abstain from drinking or using drugs, attend alcohol or drug counselling, driving prohibitions or restrictions on driving, or anything else the judge feels is appropriate in your circumstances. A period of probation can be as long as two years.
 11. Your name will be published on daily court lists, and the disposition of your case will be a matter of public record. Your name will be searchable on the BC Government's Court Services Online database and in completed court lists.
 12. You will be issued a Promise to Appear with a date for attending court. You or your lawyer is required to attend court on that date. A typical DUI case has many court appearances before a trial or resolution. If you do not have a lawyer, you will be required to attend court for these appearances. This can cause you to miss work. Court lists are often busy, and it is common for those charged to have to wait several hours before their file is called and they can leave court.
 13. You will also be given a date by the police to attend the police station for fingerprints and photographs. These fingerprints and photographs are then used to investigate other crimes. Your photograph may end up in a photo line-up presented to a witness. Or your fingerprints may be compared against those found at a crime scene. This could lead to further legal complications if you are mistakenly identified as the perpetrator of a crime, and charges are laid against you based on this identification.
 14. If you fail to attend Court or your fingerprinting date, a warrant will be issued for your arrest and you may face criminal charges related to failing to appear in Court. If you are convicted of failing to appear for court or fingerprinting, you will receive a criminal record.
 15. If you are convicted of a DUI involving death or injury, you may be ordered to provide a sample of your DNA to the National DNA Databank. This can then be used in the same way as your fingerprints and photographs in investigating crimes.
 16. If you have a previous history of impaired driving, prior criminal convictions, or your offence was particularly serious, you may be released on bail conditions. These are court-imposed conditions to do or not do certain things. Typically bail conditions in impaired driving cases may involve restrictions on driving, abstaining from using or possessing alcohol or drugs, and reporting to a bail supervisor. Breaching any bail conditions you are required to comply with will result in further criminal charges and potentially jail time pending the completion of your case.

17. You may be ordered by the court to pay restitution for any property damage or medical bills incurred as a result of your DUI conviction. If you damage city property, these bills can easily run in excess of \$10,000.
18. Your criminal charges for DUI, administrative suspension, or impaired driving conviction may be used as evidence against you in a divorce or child custody case. A judge may find that you are not fit to be the primary parent, or that your custody agreement should be varied to prevent you from driving with your children in the vehicle.
19. If you injure or kill someone in a crash, you will likely become the defendant in a lawsuit. Your conviction means that you must pay out of pocket. You can also be subjected to additional punitive damages as a result of breaking the law while driving. Even if you are successful in beating the DUI in criminal court, the standard of proof in civil court is lower and it can be proven that you were impaired on less evidence than is required in a criminal case.
20. Your DUI may be used against you in an unrelated car accident case as evidence of your propensity to drive unlawfully.

Financial Consequences:

21. Your insurance rates may go up. If you have non-ICBC third party insurance, you may be refused insurance coverage in the future or you may have to pay a special premium.
22. If you have health insurance beyond the basic MSP coverage, your insurance rates may go up as a result of conviction.
23. You may be denied life insurance from some life insurance companies, or your life insurance premiums may be increased to reflect the additional risk you are viewed as posing.
24. Your disability premiums may increase, or you may be denied disability insurance because you are viewed as a greater risk as a result of the DUI.
25. If you were involved in an accident, your insurance coverage from ICBC will be automatically breached if you are convicted of a DUI offence. This means that you will be required to pay out-of-pocket for any damages to your vehicle, and any other vehicles or property involved in the collision. If there are injuries, this can mean hundreds of thousands or even millions of dollars of consequences.
26. Even if you are not convicted, ICBC may try to breach your insurance conditions on the basis of the evidence in the police report. An insurance breach for DUI does not have to be proven beyond a reasonable doubt. It only needs to be shown that it is more likely than not that you were impaired by alcohol. ICBC can rely

- on *Motor Vehicle Act* consequences, including administrative prohibitions, as evidence of this.
27. ICBC will refuse to provide insurance coverage to anyone who has a debt owing. Unless you are able to negotiate a payment plan, you will not be insured in British Columbia until your debt from the breach is paid off.
 28. If you are uninsured or underinsured, you can also be sued personally for anything that you are not covered for. This means that even if you are covered by ICBC anything beyond the value of your coverage you can be personally liable for. In injury cases this can be particularly costly.
 29. Many American insurers will not provide coverage on rental vehicles, or vehicles you may keep at your vacation properties. You may be required to get a special insurance certificate for insurance on any vehicles owned in the United States. This can include boats, trailers, and RVs.
 30. You will be required to pay the Driver Risk Premium. This is an annual premium assessed over a three-year period based on *Criminal Code* driving convictions and roadside prohibitions. If you received two or more roadside prohibitions in a three year period, you will have to pay fines beginning at \$370. This includes 24 Hour Prohibitions and Administrative Driving Prohibitions. If you are convicted of a criminal code offence, the fines begin at \$905 for a first offence, and jump to \$3760 for a second offence in a three-year period. The premium is assessed annually on your birthday, and takes into consideration offences added to your record in the past three years. This means that you can pay a premium three times for one conviction.
 31. You may be required to pay the Driver Penalty Point Premium. This is an annual premium assessed based on the number of penalty points you receive in a one-year period, ending five months before your birthday. If you receive more than three points in this one-year period, you are assessed a penalty based on the number of points received. Offences that count for both the Driver Risk Premium and the Driver Penalty Point Premium are not doubly charged. Rather, you are assessed based on whichever fee is higher. For example, this means that if you receive a DUI conviction and a regular speeding ticket in a one-year period, you will pay the Driver Penalty Point Premium of \$1680 in the first year. The following two years you will pay the Driver Risk Premium.
 32. Once your driving prohibition ends, whether it is a roadside prohibition or a court-ordered prohibition, you will be required to pay the License Reinstatement Fee of \$250. If you receive a roadside prohibition with your DUI charge, and are then later convicted of DUI, you will have to pay this reinstatement fee after each prohibition ends, which means that one DUI could result in two License Reinstatement Fee charges.

33. After a DUI incident, ICBC will often refuse to issue a five-year renewable license. Instead, you will be given a two-year renewable license and a \$31 short-term license administration fee will be assessed against you.
34. While your driver's license is suspended, you will be required to have alternative identification. You will incur fees by applying for a new BC Identification Card, or a Health Services Card if your license was combined with your Health Services Card. Alternatively, you may apply for a Canadian Passport, but again you will be required to pay the passport application and processing fees.
35. Your vehicle may be impounded, for as few as 24 hours to as long as 30 days. You are responsible for the towing and storage costs of the vehicle impoundment, which can run as high as \$900 in the case of a 30-day impound.
36. If you are prohibited from driving and remain uninsured for a long period of time, your insurance rates may be higher. If you cancel your vehicle insurance while you are serving a driving prohibition, you can also be subject to a cancellation premium or financial penalty.
37. You may be required by your employer or the court to undergo drug and alcohol screening and evaluation. If treatment for alcohol or drug dependency is necessary, the cost of these programs is often high and can wind up costing thousands of dollars.
38. Your interest rates on home equity loans or other loans may be higher as a result of having a criminal record. You may only be able to secure a loan through a high-risk loan company.
39. Your credit score can be harmed by a criminal conviction.

Driver's License Consequences:

40. In addition to the minimum one-year Court-ordered prohibition from driving, the *Motor Vehicle Act* creates an automatic one-year prohibition from driving for a first DUI conviction. This prohibition is in effect across British Columbia seven days a week, twenty four hours a day. There is absolutely no provision to allow for a restricted license for work or family obligations.
41. The *Motor Vehicle Act* creates escalating penalties upon conviction. For a second impaired driving related conviction in a ten-year period, an automatic three-year driving prohibition is imposed. A third or subsequent conviction will result in an automatic lifetime driving ban. There is no provision allowing an appeal of these prohibitions.
42. You will be required by the Superintendent of Motor Vehicles to complete the Responsible Driver Program. This is a remedial alcohol counselling and education

- course that is between eight hours and two weeks in length. The cost for the Responsible Driver Program is over \$850 plus tax. Your driver's license may be suspended if you do not enrol in the program, and your license may also be suspended until the program is complete. If your performance in the program is not satisfactory, you will be required to redo it at an additional cost.
43. You will be required by the Superintendent of Motor Vehicles to install an Ignition Interlock device on any vehicle you operate for one year. This will be a condition of your license, so that you may not operate a vehicle unless it is equipped with an Interlock. You will be required to pay for the Interlock, approximately \$1700 plus tax. You must also have the data from the device downloaded monthly, at a cost to you, and forwarded to the Superintendent of Motor Vehicles for monitoring. Fails on the device can result in license suspensions or further time in the program.
 44. Your DUI conviction will be registered on your driving record and cannot be removed. Your driving record is forever. Even receiving a pardon will not remove the entry from your driving record.
 45. You may be issued a 90-day Administrative Driving Prohibition for providing breath samples over 80 mg% or for refusing to provide samples. This prohibition commences twenty-one days after it is served. Your physical driver's license is confiscated.
 46. Alternatively, you may be issued a 90-day Immediate Roadside Prohibition. This is an immediate 90-day prohibition of your license for blowing a Fail on a roadside screening device, or refusing or failing to provide a sample. If you provide a sample that results in a Warn reading, your license is subject to escalating penalties: three days for a first offence, seven days for a second, and 30 days for a third offence. There is a mandatory vehicle impound associated with 30 and 90 day prohibitions.
 47. You may be issued a 24 hour prohibition from driving. Your physical driver's license will be seized by the police and you will have to attend the police station after 24 hours to pick it up. With a 24-hour prohibition, police have the discretion to order the impoundment of your vehicle during the period of the prohibition and you are liable for the towing and storage costs.
 48. If you have a Class 7L or Class 7 N driver's license, you may be issued a 12-hour prohibition if there is any alcohol content in your body. This prohibition is added to your driving record and can trigger further prohibitions from the Superintendent of Motor Vehicles. Your physical license will be seized by the police for 12 hours, and your vehicle may also be impounded at the discretion of the officer.

49. Any alcohol-related convictions on your driving record will trigger a review of your record by the Superintendent of Motor Vehicles. You could be issued a driving prohibition under the Driver Improvement Program as a result of this.
50. ICBC can refuse to issue you a 5-year license if you have had a DUI. You may only be issued a 2-year renewable license, which has additional fees associated with it.
51. A criminal conviction for impaired driving comes with an automatic 10 Driver Penalty Points.
52. Although there are no penalty points for roadside driving suspensions, receiving two or more of these in a three year period will subject you to the Driver Risk Premium.

Societal Consequences:

53. Most major car rental companies will not rent a vehicle to you with a DUI conviction on your driving record. If you are permitted to rent a car from a rental company, you will likely be required to pay higher rental fees.
54. You will not be approved for car-share services such as Car2Go, ZipCar, Modo Car Co-Op because of the DUI conviction on your driving record. Even an administrative or 24 hour prohibition can prevent you from obtaining membership with one of these organizations.
55. MADD (Mothers Against Drunk Driving) has been known to start letter-writing campaigns to individuals convicted of drunk driving. You may be the target of such a campaign.
56. Many small towns will publish police blotters or court information. Your name may end up in the local paper, or on a local website, associated with your DUI conviction or arrest. If you injure or kill someone you could be the focus of a larger media story.
57. RCMP and police departments maintain their own news release pages on their websites. Information about your arrest or your case could be published on the RCMP or police department website. This is particularly common during the summer and holiday Counterattack campaigns.
58. You may be denied a volunteer position, particularly at an organization where children or vulnerable people are involved. Many organizations require criminal record checks for volunteers, and some are mandatory under British Columbia's *Criminal Record Review Act*. Your existing volunteer position may also be terminated.

59. Professional matchmaking organizations and professional networking organizations require background checks for membership. This can also apply to social clubs such as golf or country clubs. You may be denied membership or participation in these organizations if you have a criminal conviction for DUI on your record.
60. Police use automatic license plate scanners to identify potentially unlawful drivers. As a result of the DUI incident on your driving record, you may be subject to random traffic stops to check your sobriety or that you are complying with any license conditions. In addition, you may be the subject of greater scrutiny at roadblocks.
61. Your DUI conviction may be used to deny or delay your application for a firearms Possession and Acquisition License, and if you are involved in an accident where death or injury results, you may be required to forfeit your firearms to the Crown.
62. Potential landlords can require a criminal record check, and you may be denied a particular apartment, condominium, or house to rent as a result of your criminal record or DUI conviction.
63. You will be unable to purchase a new vehicle without a driver's license. You will be unable to purchase insurance for any vehicles unless you are a validly licensed driver.

Travel and Immigration Consequences:

64. You may be refused entry on the basis of a criminal conviction to any country of which you are not a citizen. This means that you could be turned around at the border, after already purchasing plane tickets.
65. All border services officials have access to your criminal record and your arrest history. If you are untruthful about your DUI when asked, you may face criminal charges in another country. You may be subject to greater scrutiny at the border, both returning to Canada or seeking entry to another country.
66. Canada's immigration laws are very strict when it comes to DUI convictions. A DUI conviction can prevent you from completing your immigration application, and may subject you to deportation proceedings in some cases. If you are not a Canadian citizen, you may no longer be eligible to become a Canadian citizen or may be removed from the country after the completion of your sentence.
67. If you are not a Canadian citizen, a DUI conviction will make you ineligible for entry into Canada. The only way around this is to either allow five years to pass before seeking approval from an Immigration official, or to seek a Temporary Residence Permit if five years has not passed from your conviction. To be eligible

- for a TRP, you must show that your need to enter Canada outweighs the risks to the Canadian population based on your criminal history.
68. You may be denied travel insurance, or your travel insurance rates may go up as a result of the DUI incident.
 69. If you are applying for naturalization as a US Citizen, or for a US Green Card, the process will be delayed. You will not be able to apply for naturalization for five years. Similarly, any work visas or pending work visa applications may be denied or delayed.
 70. Because you are subject to greater scrutiny and can be denied entry at the point-of-entry into other countries, your travel will often take longer and you may end up missing connecting flights or parts of your vacation because of this.
 71. Some countries, including the United States, will prevent you from shipping or obtaining a hunting rifle or sport firearms if you have a DUI conviction on your record. This means that if you hunt for sport and intend to travel for this purpose, you may be prevented from doing so.

Employment and Education Consequences:

72. You will be required to disclose the fact that you have a criminal record when applying for many jobs. The British Columbia *Criminal Record Review Act* lists a wide variety of professions where criminal record checks are mandatory.
73. You may be denied a security clearance, which can prevent you from obtaining certain government jobs, international jobs, or jobs with the police or RCMP, including civilian jobs.
74. Many organizations have morality clauses in employment contracts. Independent contractors representing organizations may also be subject to such clauses. This means that if you are an independent contractor, or you work for a professional sports organization such as the NHL or the MLB, you may be immediately terminated from your contract with cause.
75. If you are a teacher or work in a school or community organization with children, you will not be permitted to drive or transport students or children on field trips and outings. All individuals who work with children must undergo regular criminal record checks.
76. Many employers will revoke employee vehicle privileges, or deny coverage for insurance on employee vehicles if there is a DUI conviction or incident on the driving record.

77. If you work in any field where driving is a large part of your work, your employment may be terminated with cause if you are unable to perform your employment obligations because you cannot drive. Companies such as Uber and Lyft will not hire drivers without a background check, and an impaired driving incident recorded on the driving record will prevent you from obtaining a driving position with these organizations.
78. You will not be issued a taxi or limousine license, a Commercial Vehicle permit with a National Safety Council designation, or a Class 1 Driver's License with a DUI conviction on your driving record.
79. You will be required to disclose your impaired driving incident in any application for a broker or other license under the Canadian Securities Exchange, including any provincial securities exchange commission. You must also disclose your criminal convictions when seeking to have your company listed on a public trading exchange, such as the Toronto Stock Exchange.
80. Professional organizations, including the Law Society of BC, the College of Physicians and Surgeons, and the Real Estate Council, require that criminal charges be disclosed at the time they occur. This is the case for numerous professional organizations, so if you are a member of a profession you may be required to disclose the case even if it does not result in conviction.
81. If you are seeking membership in a professional organization, your membership application may be delayed. You may have to appear before a board or tribunal and justify why you should be a member notwithstanding your criminal charges.
82. Professional organizations take criminal charges seriously, and you may face additional disciplinary action as a result of your DUI if you are convicted. Some organizations consider a DUI to be professional misconduct.
83. If you are in the Canadian Forces or reserves, you could be subject to a second prosecution under the military law.
84. If you are in the Canadian Forces and are facing deployment, you could be pulled from deployment.
85. If you are planning to enlist in the military, your enlistment can be delayed until your sentence is complete. This includes any time during which you may be subject to the Ignition Interlock Program or the Responsible Driver Program.
86. If you were involved in a DUI accident while working, you may be denied coverage from WorkSafeBC or your employer if it can be shown that your injuries were caused by your unlawful act, as opposed to an unsafe working condition.
87. Similarly, if you were involved in a DUI accident while driving a company vehicle your company may hold you liable for the additional insurance premiums.

You may be sued after termination, or you may have your pay docked to reflect the increased insurance rates the company must pay.

88. Students who are receiving academic scholarships may be subject to a morality clause, which means that the scholarship will be terminated as a result of the DUI conviction.
89. Sports scholarships are often revoked after an impaired driving conviction.
90. You may face disciplinary action from your university or college, including expulsion from studies.
91. You may be required to disclose your DUI conviction or impaired driving incident on a college or university application, and your conviction may prevent you from attending studies at particular schools. This is often the case with professional schools, including law school, dentistry, medicine, and pharmacology.
92. Your commercial or private pilot's license may be revoked. You may be prevented from applying for a pilot's license or prevented from working as a pilot due to an inability or difficulty crossing borders.
93. Doctors, dentists, pharmacists, nurses, and veterinarians may lose the right to dispense, administer, or prescribe medication indefinitely or until they have demonstrated that they have been rehabilitated from the impaired driving event.
94. If you are subject to no-alcohol conditions on bail or as a result of your sentence, you may be unable to work as a bartender, server, or in a place where alcohol is sold or served. This can result in the loss of your employment in this field and make it difficult to obtain other employment.
95. If your DUI incident occurred on school property, you may face a separate hearing from the disciplinary committee at the school and could be subjected to fines, discipline, or expulsion as a result of the on-campus unlawful conduct.
96. You may be denied the ability to participate in a study exchange, involving travel to another country or province for a semester.

Inconvenience:

97. Because you cannot drive during any driving prohibition, you may be required to incur additional expenses paying for taxis or bus passes. Additionally, you may inconvenience your friends or family members by asking for rides.
98. The driving prohibition may also render you unable to perform household driving tasks, such as picking up children from school and activities, or running errands.

You could also no longer be able to participate in hobbies or activities of your own that require the use of a license.

99. A drunk driving charge has a significant stigma attached to it. It is widely discouraged by society and members of the public may not appreciate the unique circumstances that contributed to your situation. You likely will not want to explain them. You may face shame and embarrassment, depression, or anxiety about your situation and the social stigma that corresponds with it.