

Driving offences, penalties and prohibitions

Federal Criminal Code and Ontario overview | Reviewed October 8, 2026

This updated reference replaces the 2024 table. It summarizes statutory provisions, not the sentence or licensing outcome in any particular case. The offence date, charge, Crown election, prior convictions and applicable exceptions matter. Obtain advice before relying on a penalty range.

1. Federal offences without bodily harm or death

Offence / provision	Federal punishment	Federal prohibition
Dangerous operation s.320.13(1)	Indictment: up to 10 years. Summary: general maximums apply.	Discretionary order; see page 2.
Impaired operation / prohibited concentration s.320.14(1)(a)-(d)	Indictment: up to 10 years. Summary: up to \$5,000 and/or two years less a day. Minimums below.	Mandatory order ordinarily applies; see page 2.
Failure or refusal to comply with a lawful demand s.320.15(1)	Same maximums as s.320.14(1). First-offence minimum fine: \$2,000.	Mandatory order ordinarily applies; see page 2.
Failure to stop after an accident s.320.16(1)	Indictment: up to 10 years. Summary: general maximums apply.	Discretionary order; see page 2.
Flight from a peace officer s.320.17	Indictment: up to 10 years. Summary: general maximums apply.	Discretionary order; see page 2.
Operation while prohibited s.320.18(1)	Indictment: up to 10 years. Summary: general maximums apply.	Discretionary order; see page 2.
Low prescribed blood drug concentration s.320.14(4)	Summary offence: maximum \$1,000 fine.	Discretionary order: up to one year.

For s.320.14(1), the usual statutory minimums are a \$1,000 fine for a first offence, 30 days imprisonment for a second, and 120 days for each subsequent offence. First-offence alcohol readings of 120-159 mg/100 mL attract at least \$1,500; readings of 160 mg/100 mL or higher attract at least \$2,000. Refusal has the separate first-offence \$2,000 minimum.

General summary maximums: \$5,000 and/or two years less a day (s.787), unless a specific provision says otherwise. Blood-drug thresholds and the precise offence requirements must be checked separately.

2. Injury, death and prohibition orders

Bodily-harm and death offences require their own statutory elements. In particular, refusal after an accident has specific knowledge or recklessness requirements; do not infer the charge solely from a collision.

Applicable offences	Statutory punishment	Prohibition treatment
Bodily harm: ss.320.13(2), 320.14(2), 320.15(2), 320.16(2)	Indictment: up to 14 years. Summary: up to \$5,000 and/or two years less a day. s.320.2 minimums: first \$1,000 fine; second 30 days; subsequent 120 days.	Discretionary under s.320.24(4), not automatically mandatory.
Death: ss.320.13(3), 320.14(3), 320.15(3), 320.16(3)	Indictment: life maximum. s.320.21 minimums: first \$1,000 fine; second 30 days; subsequent 120 days.	Discretionary under s.320.24(4), not automatically mandatory.

Mandatory orders: ss.320.14(1) and 320.15(1)

Prior-offence category	Ordinary federal prohibition period
First offence	One to three years, plus the entire period of imprisonment imposed.
Second offence	Two to ten years, plus the entire period of imprisonment imposed.
Each subsequent offence	At least three years, plus the entire period of imprisonment imposed.

Discretionary orders: other listed offences

Section 320.24(5) sets the range by the punishment to which the offender is liable: a life-maximum offence permits any appropriate duration; more than five years but less than life permits up to ten years; other cases permit up to three years. In each category, add the entire imprisonment period imposed. Obtain advice about the applicable category.

Important qualifications

An approved treatment-program disposition under s.320.23 can affect the ordinary minimum punishment and prohibition. Interlock eligibility is not automatic permission to drive; federal timing rules, the court order and Ontario requirements must all be satisfied. A provincial licence suspension is separate from a federal prohibition. Statutory minimums may raise case-specific legal or constitutional issues.

3. Ontario consequences are separate

Ontario can impose roadside and licensing consequences independently of the criminal sentence. Age, licence class, incident date, driving history and reinstatement conditions affect the result. The Ministry of Transportation reports changes taking effect July 1, 2026.

Situation	Ontario overview
Warn-range / specified sobriety-test failures	Immediate suspensions: first 7 days, second 14 days, third 30 days. Administrative penalties: \$250 / \$350 / \$450. Education or treatment applies; third incidents also attract a six-month interlock condition.
0.08 or more / failure or refusal / specified drug evaluation	Immediate 90-day suspension, seven-day vehicle impoundment and \$550 administrative penalty. Education/treatment and repeat-incident interlock requirements also apply.
First criminal impaired-driving conviction	Licence suspension at least one year; education/treatment; interlock at least one year.
Second conviction within ten years	Licence suspension at least three years; education/treatment; interlock at least three years.
Third conviction within ten years	Lifetime suspension; possible reduction after ten years if criteria are met. Interlock at least six years and medical evaluation.
Fourth conviction within ten years	Lifetime suspension without reduction.
Criminal impaired driving causing death	Lifetime suspension; possible reduction after 25 years if criteria are met. Education/treatment, interlock and medical requirements apply.

Reinstatement fees are additional. Following successful removal of an interlock condition, the applicable minimum six-month "P" condition requires no alcohol or drugs when driving. Young, novice and specified commercial drivers are subject to separate zero-tolerance rules. This table is an overview, not a complete reinstatement checklist.

Sources and further reading

[Criminal Code - offences and punishment](#)

[Criminal Code - impairment definitions](#)

[Criminal Code - refusal / accident requirements](#)

[Criminal Code - punishment in bodily-harm cases](#)

[Criminal Code - punishment in death cases](#)

[Criminal Code - prohibition orders](#)

[Criminal Code - treatment-program exception](#)

[Criminal Code - general summary penalty](#)

[Ontario Ministry of Transportation - impaired driving](#)

[Driving Offences in Ontario](#) | [Request a consultation](#)