

September 2010

Administrative Driving Prohibition (ADP)

An administrative driving prohibition (ADP) is a 90-day driving ban issued to impaired drivers under the Motor Vehicle Act, separate from any Criminal Code charges that may result from the same incident.

Note: Depending on the situation, ADPs are served in separate circumstances or as an alternative to Immediate Roadside Prohibitions (IRPs).

ADP Notice of Driving Prohibition

A police officer will issue an ADP Notice of Driving Prohibition when a driver operates or has care or control of a motor vehicle and following a demand to provide a breath sample on an approved instrument:

- has a blood alcohol concentration over the criminal limit of 0.08 within three hours of driving, or
- fails or refuses to comply with a breath or blood alcohol test without a reasonable excuse.

If you received a Notice of Driving Prohibition you must surrender your driver's licence to the police officer. The notice serves as your temporary driver's licence so you may continue to drive for 21 days from the date you receive the notice. This 21-day period is to allow you to arrange for alternative transportation or, if you believe you have grounds, apply for a review of the prohibition. (See 'Review Process' and 'Ground Rules', on page 2.)

If you also receive a 24-hour driving prohibition, you must comply with that prohibition regardless of the 21-day temporary driver's licence.

The ADP applies to out-of-province drivers, except the driver's licence is not surrendered.

The 90-Day Driving Prohibition Period

Your 90-day driving ban begins the day following the 21-day period. You **may not** drive while prohibited. There is no authority for a provisional driver's licence to allow you to drive for educational or employment purposes. If you do drive during this period, you may be charged with driving while prohibited and will face fines, jail and further driving prohibitions if convicted. The vehicle you are driving will also be impounded under the Vehicle Impoundment Program. Whether or not you are the owner of the vehicle, it will be towed on the spot and all towing and storage costs will be charged to the owner. (See fact sheet, 'Vehicle Impoundment Program' on the OSMV website.)

When Prohibition Period Ends

After the prohibition ends, you must obtain a new driver's licence from a driver licensing office before you drive again. If you are granted a new driver's licence following a prohibition, it will be for a two-year term (not the usual five years). You will be required to pay a \$250 reinstatement fee, as well as any outstanding motor vehicle related fines, fees or debts owed to the Province or the Insurance Corporation of B.C. (ICBC).

The Review Process

You have **seven days** from the date you received the Notice of Driving Prohibition to request the Superintendent of Motor Vehicles to review the prohibition.

The application form you need to complete to start the process is available at any driver licensing office. You may apply in person or a lawyer may act on your behalf.

NOTE: All transactions require proof of identity from you or your lawyer. If your Notice of Driving Prohibition is available, you should produce it when you apply for the review.

Submit the completed application, along with the review fee, depending how you want to present your case:

- a written review costs \$100 - you will document your case in writing.
- an oral review costs \$200 - you will present your case, on a scheduled date, to an adjudicator.

Upon filing your application, you will be given a copy of the review guidelines. Your review will be conducted by an adjudicator at the Office of the Superintendent of Motor Vehicles. Prior to the review you will receive a copy of police information that the adjudicator will consider. You will be given an opportunity to present further information to the adjudicator before the review is held.

The review will take place before the 90-day prohibition starts.

The Ground Rules

There are limited grounds under which you may seek a review:

- you did not operate or have care or control of the vehicle
- your blood alcohol concentration was not over the legal limit of 0.08 within three hours of driving, or
- you did not fail or refuse to comply with a demand for a breath or blood alcohol test, or you had a reasonable excuse for failing or refusing to comply.

The adjudicator can consider only these grounds during the review. The hardship that may be caused by the loss of your driving privileges cannot be considered.

The Review Decision

Upon completion of the review, a written decision revoking or confirming the prohibition will be sent to you. In most cases, the decision will be sent before the expiration of the 21-day period prior to the 90-day driving ban.

There are two possible decision outcomes:

1) Driving Prohibition Revoked

If the adjudicator revokes the driving prohibition, you may reapply for a driver's licence. The review fees will be refunded, less any outstanding fees or debts owed to the Province or ICBC.

2) Driving Prohibition Confirmed

If the adjudicator confirms the driving prohibition, your 90-day driving ban will begin as scheduled 21 days after the date of the Notice of Driving Prohibition.

Review decisions are final, but subject to judicial review.

For more information . . .

- visit the Office of Superintendent of Motor Vehicles website at www.pssg.gov.bc.ca/osmv
- visit the ICBC website at www.icbc.com for information on driver licensing.