

## Immediate Roadside Prohibition (IRP)

An immediate roadside prohibition (IRP) is a driving ban issued to impaired drivers under the Motor Vehicle Act due to drinking and driving with blood alcohol concentrations of 50 milligrams per 100 millilitres of blood (50mg% or 0.05 BAC) and above.

Immediate Roadside Prohibition process is based on breath tests taken on a handheld approved screening device (ASD). Administrative Driving Prohibition (ADP) process is based on test results from an approved instrument (“breathalyzer”) at the police station.

### IRP Notice of Driving Prohibition

A police officer will issue an IRP 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 screening device:

- has a blood alcohol concentration over 50 mg% (the “Warn” range)
- has a blood alcohol concentration over 80 mg% (the “Fail” range)
- fails or refuses to comply with a breath test without a reasonable excuse.

If you receive a Notice of Driving Prohibition you must surrender your driver’s licence to the police officer and the prohibition begins immediately. The prohibition ranges from three days to 90 days, depending on the circumstances. If you believe you have grounds to have the prohibition reviewed, you may do so by applying to the Superintendent of Motor Vehicles for a review. (See ‘Review Process’ and ‘Ground Rules’, on page 2.)

### Consequences

Your driving ban begins immediately when you are served with the Notice of Driving Prohibition with the actual prohibition days calculated starting the following midnight. The following chart shows consequences based on roadside test results:

<p>“WARN” BAC 0.05 - 0.08 1st offence</p>	<ul style="list-style-type: none"> <li>• 3-day driving prohibition</li> <li>• Possible 3-day impoundment</li> <li>• \$200 monetary penalty</li> </ul>
<p>“WARN” BAC 0.05 - 0.08 2nd offence (within 5 years)</p>	<ul style="list-style-type: none"> <li>• 7-day driving prohibition</li> <li>• Possible 7-day impoundment</li> <li>• \$300 monetary penalty</li> </ul>
<p>“WARN” BAC 0.05 - 0.08 3rd offence (within 5 years)</p>	<ul style="list-style-type: none"> <li>• 30-day driving prohibition</li> <li>• 30-day impoundment</li> <li>• \$400 monetary penalty</li> <li>• Responsible Driver Program</li> <li>• Ignition Interlock Program</li> </ul>
<p>“FAIL” (BAC over 0.08) or Refuse breath test</p>	<ul style="list-style-type: none"> <li>• 90-day driving prohibition</li> <li>• 30-day impoundment</li> <li>• \$500 monetary penalty</li> <li>• Responsible Driver Program</li> <li>• Ignition Interlock Program</li> </ul>

You **must 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 our website: [www.gov.bc.ca/pssg/osmv](http://www.gov.bc.ca/pssg/osmv))

## When Prohibition Period Ends

After the prohibition period ends and before you may drive again, you must obtain a new driver's licence from a driver licensing office. If you are granted a new driver's licence following a prohibition, the licence will be valid for a two-year term (not the usual five years). In addition to the monetary penalty, 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.

Also, if you are required to take the Responsible Driver Program (RDP) and Ignition Interlock Program, you will need to register for the RDP and have the interlock device installed **before** you may apply for a driver's licence.

## 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 representative 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 (available only for 30-day and 90-day prohibitions) costs \$200 - you will present your case, on a scheduled date, to an adjudicator.

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 driving prohibition will continue while the review process is ongoing.

## The Ground Rules

The grounds under which you may seek a review:

- you did not operate or have care or control of the vehicle
- your breath test did not register "warn" or "fail"
- you did not fail or refuse to comply with a demand for a breathtest, 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

After the review the adjudicator will send you a written decision. In most cases, the decision will be sent within 21 days from the date you were served with the Notice of Driving Prohibition. The three possible decision outcomes are:

### 1 Driving Prohibition Revoked

You will be advised to reapply for a driver's licence. The reinstatement fees and monetary penalties will be waived or refunded, however you will need to pay any outstanding fees or debts owed to the Province or ICBC.

### 2 Driving Prohibition Varied

You will be advised that your driving prohibition has been reduced. The monetary penalty may be altered, waived or refunded. You will also need to pay any outstanding fees or debts owed to the Province or ICBC.

### 3 Driving Prohibition Confirmed

If the adjudicator confirms the driving prohibition, the terms of your driving prohibition will be unchanged.

When the prohibition is revoked or varied, the owner will be reimbursed eligible towing and storage charges, as long as the vehicle was not impounded for another reason.

**Review decisions are final, but subject to judicial review.**

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**For more information, visit:**

Office of the Superintendent of Motor Vehicles  
Web site at [www.pssg.gov.bc.ca/osmv](http://www.pssg.gov.bc.ca/osmv)

ICBC's Web site at [www.icbc.com](http://www.icbc.com)