

When the Driving Ability of Someone Concerns You: “Unsolicited Driver Fitness Reports”

The scope of Superintendent's authority to determine a driver's fitness to drive

Under the Motor Vehicle Act (MVA), the Superintendent of Motor Vehicles has the responsibility for determining if those who hold or are applying for a British Columbia driver's licence are fit to drive. While the Superintendent personally holds ultimate decision making authority, this authority may be delegated to staff of the Office of the Superintendent of Motor Vehicles (OSMV).

In addition to the regular testing conducted when applying for a licence, the Superintendent may require a driver to take a vision test, a functional driving assessment, or get a medical or other examination in order to help determine whether a driver is able to drive safely. Usually this is done if a person's driving record suggests that it is appropriate, or if information is received concerning a driver's fitness to drive.

Who can advise OSMV about concerns that a person is not fit to drive safely?

Medical professionals, vision specialists, family members, allied health care providers, or concerned citizens can send a report to the OSMV regarding concerns they have about a driver's fitness to drive safely. Because there are approximately 3 million licensed drivers in B.C., some of whom have similar names, we require as much identifying information as you can give about the driver. Most important is the driver's full name, and a further distinguishing detail. While a driver's licence number is best, we recognize that it is often not available to the person making the report. Other details that assist us in accessing the correct driver's record include the driver's birth date, and their address.

The report must include details concerning the driver's fitness to drive safely. We also need the full name of the person providing the report, and a contact number or address.

OSMV will not consider anonymous reports, or verbal reports. Reports must be in writing and give supporting reasons, rather than

simply stating that a person is unfit to drive. The report must be from a person with first hand knowledge.

Reports can be mailed to the following address:

Office of the Superintendent of Motor Vehicles
Attn: Driver Fitness Unit
PO Box 9254 STN PROV GOVT
Victoria, BC V8W 9J2

What happens after a report is received by OSMV?

Unsolicited reports expressing concerns regarding a driver's safety on the road are given high priority by OSMV. The report will be reviewed and, if a decision is made that medical information or another exam is required, the driver will be contacted directly.

Will the driver know who contacted OSMV regarding their fitness to drive?

Confidentiality is protected under the Freedom of Information and Protection of Privacy Act (FOIPPA). Unsolicited reports are placed on the driver's file but OSMV will not release the report or information supplied by the writer to the driver. The exception is that if medical conditions are

disclosed in the report, it will become known to the driver what condition was reported. An individual's personal information cannot be released to any third party without authorized consent. If a driver submits a request for a copy of their driver fitness file under the Act, and an unsolicited report is found, the writer of the report will be given the opportunity to express their concerns regarding disclosure.

Will OSMV advise the reporting person whether action was taken regarding the driver?

Due to client confidentiality, OSMV cannot disclose what actions it has taken to anyone other than the driver, or a person authorized by the driver in writing to have access to this information (for example, a driver may give this authority to their lawyer). This is pursuant to section 22 of FOIPPA.

For more information:

- Visit the Office of the Superintendent of Motor Vehicles website at www.pssg.gov.bc.ca/osmv
- Visit ICBC website at: www.icbc.com

To request records under the FOIPPA, please contact:
Information Access Operations
PO BOX 9569 STN PROV GOVT, Victoria, BC V8W 9K1
E-mail: FOI.Requests@gov.bc.ca Fax: (250) 387-9843
www.gov.bc.ca/citz/iao/index.html

For any additional information, call the Office of the Superintendent of Motor Vehicles in Victoria at (250) 387-7747.