

24-Hour Driving Prohibition & Vehicle Impoundment

Police can prohibit a person from driving for a period of 24 hours if the police officer has reasonable and probable grounds to believe that the person's ability to operate a vehicle is affected by alcohol, drugs or both. A 24-hour prohibition notice is issued roadside to the driver and a copy of the notice is sent to ICBC to be placed on the driver's record. In addition, police have the discretion to immediately impound the driver's vehicle at the roadside.

Impoundment of Vehicle for 24 Hours

A police officer may impound your vehicle for a period of 24 hours when a 24-hour prohibition is issued if the officer believes that impoundment is necessary to prevent the vehicle from being operated before the prohibition expires.

You cannot appeal the impoundment.

You or an authorized representative may go to the impound lot to pay the towing and storage fees and reclaim the vehicle when the impoundment period ends.

Consequences of Receiving a 24-Hour Driving Prohibition

Impaired driving, whether by alcohol, drugs, or a combination of alcohol and drugs, remains a leading cause of death on British Columbia highways and the number one criminal cause of death in the province. Even small amounts of alcohol, under the legal limit, can increase the risk of accidents. The prohibition will stay on your record and may be considered by the Superintendent of Motor Vehicles in a review of your

driving record. A driving record review may result in additional sanctions such as driving prohibitions under the Driver Improvement Program.

In addition, drivers with three 24-hour prohibitions can be required to participate in the Responsible Driver Program and the Ignition Interlock Program which are remedial programs for impaired drivers.

Requesting a Review to have the Prohibition Removed from Your Driving Record

You may request a review of a 24-hour prohibition from the Superintendent of Motor Vehicles if the prohibition was issued due to alcohol. Your submission may only be in writing. No oral reviews will be conducted with an adjudicator. Review applications must be made within 7 days of the date of the Notice of 24-Hour Prohibition.

Review Ground Rules

The grounds under which you may seek a review are:

- the police officer failed to administer a blood alcohol test when requested;
- you were not the driver or did not have care or control of the vehicle.

Review Application Process

To request a review, you must complete an *Application for Review of a 24-Hour Prohibition* form, available at any driver licensing office. You must include the date and location where you were issued the 24-hour prohibition by police and all relevant information to support your request for a review. The customer service representative at the driver licensing office will forward your application to the Office of the Superintendent of Motor Vehicles.

A copy of the police officer's report concerning the Notice of 24-Hour Prohibition will be sent to you by mail or by fax. Once you receive the disclosure information, you may send any evidence in support of your submissions to the Superintendent to be considered in the review. Your evidence must be received in writing by the date set by the Superintendent.

All transactions require proof of identity. In addition, there is an application fee of \$100 which must be paid when submitting your application. There is no provision for a waiver of this fee and the fee will not be refunded after a review has been conducted, regardless of the outcome.

24-Hour Prohibition Review Decision

Upon completion of the review, a written decision will be sent to you. There are two possible decision outcomes:

1) 24-Hour Prohibition is Revoked

If the adjudicator determines that the driving prohibition must be revoked, the prohibition will be removed from your driving record.

2) 24-Hour Prohibition cannot be Revoked

If the adjudicator determines that the driving prohibition cannot be revoked, the prohibition will remain on your driving record and will be considered in any subsequent driver improvement actions.

Review decisions are final and binding, but subject to judicial review in B.C. Supreme Court.

(See OSMV website for fact sheets: '*Driver Improvement Program*', '*Responsible Driver Program*', and '*Ignition Interlock Program*' – www.pssg.gov.bc.ca/osmv)



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