

24-Hour Prohibition

What is a 24-Hour Prohibition?

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 or a drug. 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.

As of January 17, 2005, drivers issued a 24-hour prohibition due to alcohol have the right to a review of their prohibition by the Superintendent of Motor Vehicles.

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.

Administrative Review of 24-Hour Driving Prohibition

You may request a written review of a 24-hour prohibition from the Superintendent of Motor Vehicles if the prohibition was served on or after January 17, 2005, and if the prohibition was issued due to alcohol. No oral reviews will be conducted. Applications for review must be made **within 7 days** of the date of the Notice of 24-Hour Prohibition.

The 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.

Application Process

To request a written 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.

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All transactions require proof of identity. In addition, there is an application fee of \$50 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 can not be Revoked

If the adjudicator determines that the driving prohibition can not 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.

Consequences of 24-Hour Prohibitions

Drinking driving, whether by alcohol, drugs, or a combination of alcohol and drugs, remains a leading cause of death on British Columbia highways. Even small amounts of alcohol, under the legal limit, can increase the risk of accidents. The 24-hour prohibition provides immediate penalties for drivers who are found drinking and driving at low blood alcohol concentrations, and can lead to additional consequences. 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:

- Drivers who receive two such prohibitions in a two-year period may be prohibited for an additional two months or more by the Superintendent if they have a previous history of impaired driving or driver penalty points in the past five years.
- Drivers who get a third 24-hour prohibition can be prohibited for three months or more.

In addition, drivers with three 24-hour prohibitions can be required to participate in the Responsible Driver Program – a remedial program for drinking drivers.

For more information, visit:

ICBC website at www.icbc.com

Office of the Superintendent of Motor Vehicles website at www.pssg.gov.bc.ca/osmv