



RoadSafetyBC
Ministry of Public Safety and Solicitor General

Immediate Roadside Prohibition and Administrative Driving Prohibition Review Policies

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1.0 Overview

In 2010, RoadSafetyBC introduced the Immediate Roadside Prohibition (IRP) program to immediately remove alcohol-affected drivers from BC’s roads, reduce the number of motor vehicle collisions and resulting injuries and fatalities. The IRP program also serves as a deterrent to alcohol-affected driving behaviour.

An IRP is a Driving Prohibition issued by a peace officer under the *Motor Vehicle Act* (Act) based on breath tests taken on an approved screening device (ASD). Peace officers must issue an IRP and impound the vehicle if a driver provides a breath sample into an ASD which results in either a [WARN](#) or a [FAIL](#) reading, or if a driver refuses to provide a breath sample into an ASD. The Driving Prohibition takes effect immediately upon service by the peace officer.

In its first year, the IRP program was credited with reducing motor vehicle fatalities by 40%, motor vehicle injuries by 23% and motor vehicle property damage by 10.5% province-wide. Since 2010, there has been an over 50% reduction in alcohol-related fatalities. Despite the program’s success, alcohol-affected driving persists as a leading contributing factor in motor vehicle fatalities in BC, causing an average of 65 deaths each year.

In 1997, the Administrative Driving Prohibition (ADP) program was established to remove drivers with a Blood Alcohol Content of over .08 as measured by an Approved Instrument, from the road for 90 days. In July of 2019, the ADP program was expanded to remove drivers with prescribed blood drug levels, a combination of prescribed blood alcohol and drug levels, impairment by drugs, or impairment from a combination of drugs and alcohol, from driving. Drug ADPs are issued after evaluation by a drug recognition expert (DRE) and through a bodily substance sample of the affected driver. ADPs are also issued if a driver refuses to comply with a peace officer’s demand for a breath sample, a bodily substance sample or a DRE examination. Evidence collected through the ADP process meets the rigor of *Criminal Code* requirements and can lead to charges under the *Criminal Code*.

1.1 Terms and Definitions

Act	<i>Motor Vehicle Act.</i>
Adjournment	Determination by the Superintendent that a review will be postponed and reconvened at a later date and time. An adjournment may be requested by the Applicant or suggested to the Applicant by the Superintendent.
Adjudicator	An independent decision-maker to whom the Superintendent may delegate the authority to conduct an ADP or IRP review.
ADP	Administrative Driving Prohibition.
Applicant	Person who has been served with an ADP or IRP Notice of Prohibition and, within 7 days of the date of service, filed a complete IRP Application for Review (MV2726) or ADP Application for Review

(MV2687) at a Driver Licensing or ServiceBC office, and paid the prescribed fee.

ASD	Approved screening device prescribed by the <i>Criminal Code</i> used by peace officers for the purposes of alcohol screening. All police agencies in BC use the Alco-Sensor FST.
Blood Alcohol Concentration	Concentration of alcohol in a person's blood expressed as "mg%" (milligrams of alcohol per 100 millilitres of blood).
Decision	The official decision sent to an applicant outlining the outcome reached by the Superintendent upon completion of an ADP or IRP review.
Disclosure	All evidence provided by the peace officer to the Superintendent, and any technical information and materials that may be relied upon by the Superintendent in the review so the Applicant is fully aware of the case that he or she must address.
DLO	Driver's Licensing or ServiceBC office. Locations of DLO's may be found at http://www.icbc.com/locators/Pages/default.aspx . Current wait times may be found at http://www.icbc.com/driver-licensing/visit-dl-office/Pages/Best-times-to-visit.aspx .
Driver	A person on whom an ADP or IRP Notice of Prohibition has been served.
Driving Prohibition	A Prohibition from driving for 3, 7, 30, or 90 days issued by a peace officer under ss. 215.41 or 94.1 of the MVA.
FAIL Reading	An ASD reading which indicates the breath sample contains a blood alcohol concentration of 100 milligrams or more of alcohol per 100 millilitres of blood
Mandatory Information	Required Information set out in the Prescribed ADP or IRP Notice of Prohibition. Mandatory information (for IRP) includes the person's name, date of Prohibition, location of the Prohibition, reason for the Prohibition, and the peace officer's signature.
Onus	In the review of a Driving Prohibition under s. 215.41, the onus is on the Applicant (person to whom the Notice of Driving Prohibition was served). In a review of a Driving Prohibition under s. 94.1, there is dual onus on the issuing peace officer and the Applicant.
Refusal	IRP or ADP issued to a person for refusing to comply with a demand made under the <i>Criminal Code</i> .
Representative	A lawyer, translator, guardian, or other person authorized by the Applicant to deal with matters relating to the IRP or ADP Review process on his or her behalf

Representation Authorization	Document filed by the Applicant at a DLO, which includes the name and contact information of the Representative(s), as well as the Applicant's signature explicitly stating that the Superintendent may communicate directly with and provide disclosure and the review decision to the stated Representative(s).
Required Documents	Documents which peace officers must promptly forward to the Superintendent after issuing an IRP Notice of Prohibition. For an IRP, required documents are the IRP Notice of Driving Prohibition and Certificate of Service (MV2723); the Report to Superintendent (MV2724); and, with respect to warn and fail IRPs, information relating to the calibration of the ASD on the basis of which the IRP Notice of Prohibition was served. For an ADP, required documents are the ADP Notice of Driving Prohibition and Certificate of Service (MV2685); the Report to Superintendent (MV2702A); and a copy of any certificate of analysis under Part VIII.1 of the <i>Criminal Code</i> .
Statutory Declaration	Document filled out and filed at an ICBC DLO by a person who has been issued an IRP or ADP lost his or her licence.
Stay	A temporary suspension of an Applicant's Driving Prohibition which the Superintendent may authorize in circumstances where the Superintendent extends the time to make a decision beyond 21-day timeframe.
Superintendent	The Superintendent of Motor Vehicles, or a person to whom his or her powers. Duties or functions have been delegated. For the purposes of this document, the Superintendent's authority will likely be carried out by a delegated person.
Technical Materials	Technical, medical or scientific evidence or information as defined by section 215.49(6) and 94.5(5) of the Act.
Warn Reading	An ASD reading which indicates the breath sample contains a blood alcohol concentration of 60 to 99 milligrams of alcohol per 100 millilitres of blood.
Warn IRP	Driving Prohibition issued to a person who registers a Warn Reading on an ASD.

1.2 Authorities and Delegations IRP and ADP

[Section 117](#) of the [Act](#) provides the Superintendent with the authority to delegate powers, duties or functions to staff of RoadSafetyBC and ICBC.

The Superintendent typically delegates the authority to conduct IRP and ADP reviews to [Adjudicators](#) and managers at RoadSafetyBC.

The Superintendent has delegated the following functions to [ICBC DLOs](#):

- providing and processing Applications for Review and collecting the prescribed review fees;
- receiving and cancelling Drivers’ licences seized by police or surrendered by Drivers;
- scheduling oral and written reviews;
- providing disclosure;
- providing and processing [Statutory Declaration](#) forms when Driver has lost his or her licence;
- issuing temporary licences when IRPs and ADPs are stayed;
- issuing new licences when IRPs and ADPs are revoked; and,
- collecting re-instatement fees when Drivers complete their [Driving Prohibitions](#).

Section [215.44](#) of the Act requires a person served with an IRP to pay a prescribed monetary penalty of not more than \$500.

Section [215.5\(7\)](#) and [94.6\(4\)](#) authorizes the Superintendent to extend the timeline for a making a decision beyond the legislated 21 days.

Section [215.5\(8\)\(a\)](#) and [94.6\(5\)\(a\)](#) provides the Superintendent with the discretionary authority to [Stay](#) a Driving Prohibition if the Superintendent is unable to send a decision within the legislated 21-day timeline.

The prescribed Monetary Penalties for an IRP are as follows:

	Warn IRP			Fail or Refusal IRP
	1 st offence	2 nd offence within 5 years	3 rd offence within 5 years	1 st or subsequent offence
Driving Prohibition Length	3 days	7 days	30 days	90 days
Administrative Monetary Penalty³	\$200	\$300	\$400	\$500

The blood drug concentration levels prescribed under section 94.1(a.1) for ADPs are:

Item	Drug	Concentration
1	Tetrahydrocannabinol (THC)	5ng/mL of blood
2	Lysergic acid diethylamide (LSD)	Any detectable level
3	Psilocybin	Any detectable level
4	Psilocin	Any detectable level
5	Phencyclidine (PCP)	Any detectable level
6	Monoacetylmorphine	Any detectable level
7	Ketamine	Any detectable level
8	Cocaine	Any detectable level
9	Gamma hydroxybutyrate (GHB)	5mg/L of blood
10	Methamphetamine	Any detectable level

The combination of blood alcohol and blood drug concentration levels that are prescribed under section 94.1(a.2) for ADPs are:

Drug	Alcohol Concentration	Drug Concentration
Tetrahydrocannabinol (THC)	50mg/100ml of blood	2.5 ng/ml of blood

Section [94.1 \(a.3\)](#) authorizes a peace officer to issue an ADP if a person’s ability to operate a motor vehicle was impaired to any degree by a drug or combination of alcohol and a drug as determined by certain criteria and section 94.1(b) authorizes a peace officer to issue an ADP if a person failed or refused to comply with a demand made under section 320.27 or 320.28 of the *Criminal Code* in respect of the operation of a motor vehicle.

Section [94.2](#) of the Act prohibits a person served with a Prohibition outlined under section [94.1](#) from driving a motor vehicle for a period of 90 days.

Section 94.4 states that a person may apply, within 7 days of being served a notice of Prohibition under section 94.1 to the Superintendent for a review of the Driving Prohibition.

2.0 Application for Review

Under section [215.48](#) and [94.4](#) of the Act, a Driver may apply to the [Superintendent](#) for a review of their Driving Prohibition, regardless of the length of the Prohibition.

An Application for Review (Application) can be completed and submitted to any [ICBC DLO](#).

2.1 Legislated Timeframe for Receiving Applications

To apply for a review, a Driver must submit an Application and pay the prescribed fee within 7 days of being served the IRP/ADP Notice of Prohibition.

Applications will not be accepted after 7 days from the date of service of the IRP/ADP as the Superintendent has no authority to conduct reviews outside of the legislated timeframe.

2.2 Review Fees

The fee for a written review is \$100.

The fee for an oral review hearing is \$200.

2.3 Oral Review Hearings

Oral review hearings are available to Drivers served with Driving Prohibitions of 30 and 90 days, provided that the Applicant:

- requests an oral hearing on his or her application; and,
- pays the prescribed oral hearing fee.

Oral review hearings are limited to 30 minutes and are conducted by telephone. The Superintendent oversees and manages the review within that time frame in accordance with administrative law principles.

The Superintendent will call the telephone number indicated by the Applicant on the Application to initiate the review; the Applicant is responsible for ensuring that they, and/or their [representative](#), is available at the time of the call.

If the call is missed, the hearing will automatically change to a written review and the Superintendent will make a decision on the basis of any written submissions in the review file.

See section [3.0 14-Day Hearing Policy for Oral Reviews](#) for more information on oral review hearings.

2.4 Written Statements/Evidence

The Applicant must provide their submissions (i.e., their statement/legal arguments and any evidence) to the Superintendent 48 hours prior to the date and time of the scheduled oral or written review. Any written statements submitted must be compliant with [Division 43](#) of the Motor Vehicle Act Regulations. The written statement (i.e., the legal arguments) provided by the Applicant must not exceed 30 pages in total. The page size of the written statement is to be a maximum of 21.59 cm by 27.94 cm or 8.5 inches

by 11 inches. If the statement is typewritten, it must:

- Be in Times New Roman, Arial or any other similar font that is at least 11 points in size;
- Have margins of at least 2.5 cm or 0.98 inches; and
- Have lines that are at minimum, single-spaced.

Evidence is not included in the 30-page limit. Evidence is material an applicant submits to support their statement. Some examples of evidence include: affidavits, medical documentation, witness statements, maps, photographs, text messages and telephone call logs.

However, if the total submission (i.e., statement and evidence combined) exceeds 30 pages, the statement must be separated from the supporting evidence and not interspersed. To summarize:

- An Applicant may submit up to 30 pages of statement (i.e., legal argument) and any number of pages of evidence.
- If the total submission (i.e., statement and evidence) is more than 30 pages, the evidence must be separated (e.g., attached to the statement as an appendix).
- If the total submission (i.e., statement and evidence) is 30 pages or less, Applicants are not required to separate their evidence from their statement, but it remains a best practice in the interest of the efficient administration of justice.

Any information submitted after the 48-hour prior deadline is considered a late submission. Late submissions will not be considered by the Superintendent unless they are accepted through the late submissions process.

See section [9.0 Late Submissions](#) for more information about the late submissions process.

2.5 Confirmation of Licence Status

At the time of the Application, the ICBC DLO will enquire as to the status of the driver's licence. To complete the Application and proceed with the review, the licence must have been:

- seized by police after serving the Notice of Prohibition;
- surrendered to an ICBC DLO; or,
- if the licence was lost or stolen, a Statutory Declaration must be completed by the Applicant and submitted at the time of application.

2.6 Authorization for Representation

If an Applicant would like to be represented for some or all of the IRP/ADP review process they, or their [Representative\(s\)](#), must provide a written authorization to an ICBC DLO or directly to RoadSafetyBC. The written authorization must contain:

- the Applicant's name;
- the name of the Applicant's Representative(s);
- an explicit statement authorizing RoadSafetyBC to communicate and disclose documents to the Representative(s); and,
- the signature of the Applicant.

A written authorization allows RoadSafetyBC to communicate directly with, and to provide disclosure and the review decision directly to the Applicant's Representative(s). If the authorization is incomplete, RoadSafetyBC will advise what is missing and/or any further requirements.

2.7 Disclosure

Applicants who submit an Application to an ICBC DLO and pay the prescribed fee will be provided with [Disclosure](#) at the time of Application.

RoadSafetyBC will notify the Applicant or their Representative(s) of disclosure that is not available at the time of Application, or that is forwarded to the Superintendent after initial disclosure. RoadSafetyBC will inform the Applicant that the document(s) are available and can be picked up at an ICBC DLO or sent directly by fax to the Applicant or his or her Representative(s).

If disclosure cannot be provided at least 48 hours before the review, RoadSafetyBC may offer to reschedule the review to allow the Applicant sufficient time to prepare.

See section [4.0 Required Documents](#) for more information about the contents of disclosure.

2.8 Incomplete Applications

The ICBC DLO will fax the Application to RoadSafetyBC for processing. If a section is incomplete, RoadSafetyBC will contact the ICBC DLO and the Applicant, or their Representative(s), to obtain the necessary information.

RoadSafetyBC will not proceed with the review until the missing information is received.

2.9 Licence Cancellations, Suspensions and Requirements Unrelated to the IRP/ADP

The filing of an Application does not [Stay](#) the Driving Prohibition or alter or affect any other licence cancellation, licence suspension and/or any outstanding licensing requirements.

3.0 14-Day Review Policy

Applicants are required to submit their Application for Review and receive a hearing time within 14 days of being served a Driving Prohibition. This gives time for adjudicators to render a decision within 21 days, supporting the Superintendent in meeting the 21-day timeline for sending a decision to the Applicant which is required by section [215.5\(6\)](#) and [94.6\(3\)](#) of the Act. The intent of this policy is to help ensure that the Applicant receives a timely review decision.

3.1 Review Booking Process

Applicants served with Driving Prohibitions of either 30 days (IRP) or 90 days (IRP/ADP) in length, who request a review will be offered three oral review hearing dates and time options to choose from by the ICBC DLO agent. All three dates offered will be within the 14-day period.

3.2 Applications for Reviews Scheduled More than 14 Days from the Date of Service

An Applicant, who is unable or unwilling to schedule a review within 14 days of being served with a Notice of Prohibition, will be asked to provide a reason on his or her Application for not being able to schedule the review on the offered dates. RoadSafetyBC will contact the Applicant or their Representative(s) to schedule a date of review.

If a review hearing is scheduled outside of 14 days from the date of service of the Notice of Prohibition, the Superintendent may not be able to render a decision within the legislated 21-day timeline. In these circumstances, the Superintendent will extend the timeline for the decision. If a review is scheduled outside of 14 days from the date of service, the Superintendent may choose to Stay the Driving Prohibition pending a final decision on the review.

In deciding whether to Stay an Applicant's Driving Prohibition, the Superintendent will consider the reason(s) that the Applicant provided for scheduling the review on a date and time after the 14-day period set out in this policy, and will also consider the personal circumstances provided by the Applicant as well as the person's driving record, including the history, if any, of alcohol or drug-affected driving.

4.0 Required Documents

Section [215.47](#) and [94.3](#) of the [Act](#) requires peace officers to promptly forward several [Required Documents](#) to the Superintendent after issuing a Notice of Prohibition.

Required documents are:

- the IRP/ADP Notice of Driving Prohibition and attached Certificate of Service;
- the Report to Superintendent, sworn or solemnly affirmed by the peace officer;
- with respect to warn and fail IRPs, information relating to the calibration of ASD on the basis of which the IRP Notice of Prohibition was served; and
- with respect to ADPs, a copy of any certificate of analysis under Part VIII.1 of the *Criminal Code* with respect to the person, and any prescribed documents or information.

4.1 Process for Missing Required Documents

If a Required Document is missing from the package submitted by police, RoadSafetyBC will request the originating police agency to submit the missing document(s) as soon as possible.

4.2 Unsworn/Unaffirmed Reports to Superintendent

If a review is requested and a sworn or solemnly affirmed Report to Superintendent has not been provided to RoadSafetyBC within 7 days of the date of service, the Applicant's file will be forwarded to the Superintendent.

In these circumstances, section [215.48\(7\)\(c\)](#) and [94.4\(7\)\(c\)](#) requires the Superintendent to revoke the IRP or ADP and any corresponding vehicle impoundment will also be cancelled.

When an IRP is revoked, subsection [215.48\(7\)\(d\)](#) requires the Superintendent to reimburse the Applicant for the following IRP related fees, if paid:

- administrative penalty;
- licence re-instatement and licensing fees; and
- towing and storage fees (if applicable).

When an ADP is revoked, subsection [94.4\(7\)\(e\)](#) requires the Superintendent to reimburse the Applicant the ADP application and hearing fees.

Further, when an ADP or IRP is revoked, under section [215.48\(7\)\(e\)](#) and [94.4\(7\)\(d\)](#) of the Act, the Superintendent is required to direct ICBC to return any valid licence or permit to operate a motor vehicle taken into possession by the peace officer or sent to ICBC.

5.0 Mandatory Information

[Mandatory Information](#) refers to required information set out in the prescribed Notice of Prohibition issued under sections [215.41](#) and [94.1](#) of the Act.

Within the IRP context, mandatory information includes the:

- person's name;
- date of prohibition;
- location of prohibition;
- IRP reason for prohibition; and,
- peace officer's signature.

Within the ADP context, mandatory information includes the:

- ADP reason for prohibition

5.1 Missing Mandatory Information

If Mandatory Information is missing from the IRP/ADP Notice of Prohibition at the time of service, it is invalid, and the Driving Prohibition and associated vehicle impoundment (if applicable) may be cancelled by RoadSafetyBC.

5.2 Driving Prohibition Cancellation Process

When the Superintendent cancels a Driving Prohibition, RoadSafetyBC will:

- update RoadSafetyBC's data management systems;
- notify the Applicant in writing;
- if appropriate, notify ICBC to return the Applicant his or her licence under section [215.47\(7\)\(e\)](#) or section [94.47\(d\)](#) as applicable; and,
- notify the police to update the Canadian Police Information Centre (CPIC).

5.3 Vehicle Impoundment Cancellation Process

When the Superintendent cancels a Driving Prohibition, any corresponding vehicle impoundment is also cancelled and RoadSafetyBC will:

- fax an Order of Release to the Impound Lot Operator; and,
- notify the registered owner that the vehicle has been released from impound.

5.4 Reimbursement of Fees Following a cancellation

If a person is served with a Driving Prohibition, and that Prohibition is subsequently cancelled, RoadSafetyBC will reimburse the person for the following fees, if paid:

- administrative penalty;
- application for review fees (if applicable);
- licence re-instatement and licensing fees; and,
- vehicle impoundment towing and storage fees to the registered owner of the vehicle, if applicable.

6.0 Considerations on Review

Pursuant to section [215.48 \(3\)](#), section [94.4 \(3\)](#), and the regulations, an Applicant may attach to the application for review any statement or evidence that the Applicant wishes the superintendent to consider and that meets the requirements of the regulations.

Section [215.49](#) and [94.5](#) of the Act requires the Superintendent to consider:

- any relevant statements and evidence submitted by the Applicant (or his or her representative[s]) to the Superintendent that meet the requirements of the regulations;
- in the case of an oral hearing, any relevant evidence given or representations made at the hearing;
- all evidence provided by the peace officer, including the IRP/ADP Notice of Prohibition, Report to Superintendent, and any other relevant evidence, such as a narrative summary; and,
- any technical materials, as detailed below.

Any statements or evidence submitted by the Applicant or their legal representative must be compliant with [Division 43](#) of the Motor Vehicle Act Regulations.

6.1 Electronic Statements and Evidence

As per [Section 2.4 Written Statements/Evidence](#) all statements and evidence the Applicant wishes the Superintendent to consider in the review are to be provided 48 hours in advance of the scheduled review. They must be submitted as:

- .pdf, .doc, .docx, and .txt files
- .xls, and .xlsx files
- .png, .jpg and .gif files

Applicants may also submit audio/video evidence for consideration. They must be submitted as:

- USB/flash drive or DVD
- Mp4 (dependant on file size restrictions and method of transmission, i.e.: email).

RoadSafetyBC must be able to open, view, and download all electronic statements and evidence (including digital media; i.e.: audio/video). No other file types other than the ones listed above will be accepted. RoadSafetyBC will not accept cloud or Google docs for evidence.

6.2 Technical Materials

The Superintendent may, on his or her own initiative, refer to [technical materials](#) to determine the issues raised by the Applicant. These materials are either available on RoadSafetyBC's website at: <https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/prohibitions/apply-online>

OR, if the Applicant is unable to access them electronically or if they are not available online, they will be disclosed to the Applicant and their Representative(s) in advance of the review.

7.0 Extensions and Stays

7.1 Legislated Time Frame for Decisions

If an Applicant has a review, section [215.5\(6\)](#) and [94.6\(3\)](#) requires the Superintendent to send the Applicant a decision within 21 days of the date the IRP or ADP Notice of Prohibition was served on the Applicant.

7.2 Decision Extensions

If the Superintendent determines that a review decision cannot be rendered within the legislated time frame, the Superintendent will extend the time to make a decision under section [215.5\(7\)](#), or [94.6\(4\)](#), [as applicable](#), and notify the Applicant of the extension and the new decision date.

7.3 Impact of Extensions on the Driving Prohibition

An extension does not affect the Driving Prohibition; it provides the Superintendent with further time to make a review decision.

7.4 Discretionary Authority to Stay a Driving Prohibition

Section [215.5\(8\)\(a\)](#) and [94.6\(5\)\(a\)](#) provides the Superintendent with discretionary authority to [Stay](#) an Applicant's Driving Prohibition for a period equal to the extension. The Superintendent is not obliged to grant a stay if the time for making a decision has been extended.

If a Stay of the Driving Prohibition is provided to the Applicant, the Superintendent will notify:

- the Applicant;
- the police, to update CPIC;
- ICBC, to issue a temporary licence (if applicable); and,
- the Impoundment Lot Operator to release the vehicle (if applicable).

8.0 Adjournments

An [Adjournment](#) is granted at the discretion of the Superintendent and may be requested by the Applicant or suggested to the Applicant by the Superintendent if it appears that circumstances warrant.

8.1 Adjournments to Obtain Evidence

The Superintendent may grant an Adjournment so the Applicant can acquire new evidence, if the evidence is determined to be relevant, and is temporarily unavailable due to circumstances beyond the Applicant's control.

8.2 Confirmation of Adjournments

An Adjournment will usually result in a decision rendered after the legislated 21-day time frame. In any circumstance wherein the Superintendent grants an Adjournment, the Superintendent will advise the Applicant of that decision either before or during the review.

8.3 Evidence Supplied to the Superintendent

If the Superintendent provides an Adjournment at the request of an Applicant, the Applicant must send the relevant evidence to RoadSafetyBC by the date and time specified. The Superintendent will review the evidence prior to the rescheduled review. Any Adjournment provided or denied will be addressed in the review decision.

9.0 Late Submissions

As per [Section 2.4 Written Statements/Evidence](#) all statements and evidence the Applicant wishes the Superintendent to consider in the review are to be provided 48 hours in advance of the scheduled review. The Superintendent will not consider any information submitted after this time unless it has been accepted through the late submissions process.

9.1 Criteria for Late Submission Requests

Late submissions may be accepted by the Superintendent if it meets certain criteria, such as:

- reasons beyond the Applicant's control (e.g. illness, jury duty or incarceration);
- new evidence becoming available; or
- discovering evidence that existed before the deadline but was not known of by the Applicant.

Under no circumstances will late submissions be considered after a decision has been made.

9.2 Requesting Consideration of Late Submissions

To provide a Late Submission to the Superintendent, an Applicant must explain the reason(s) that the materials were submitted late and why they should be considered. If the Superintendent is satisfied that the Applicant has met one of the required criteria, he or she will consider the late submission prior to rendering a review decision.

Late Submissions without a letter of explanation will not be considered by the Superintendent. A request for consideration of late submissions is to be sent prior to the hearing. Late submissions, if accepted, will count toward the 30-page limit applicable to statements, as set out in [Division 43](#) of the Motor Vehicle Act Regulations.

9.3 Other Licence Cancellations, Licence Suspensions and Outstanding Licence Requirements

A completed application for late submission does not alter or affect any other licence cancellation, licence suspension and/or any outstanding licensing requirement.

10.0 Decision Outcomes

At the conclusion of the IRP or ADP review, the Prohibition will be revoked, upheld, or varied.

10.1 IRP/ADP Revoked

If the IRP/ADP is revoked, RoadSafetyBC will attempt to contact the Applicant or his or her Representative(s) by phone to advise of the revocation. A letter will also be sent.

RoadSafetyBC will:

- remove the Prohibition from the driving record;
- update RoadSafetyBC's data management systems;
- if appropriate, notify ICBC to return the Driver's licence to the Applicant;
- notify the police to update CPIC;
- if paid, reimburse the Applicant for the associated administrative penalty, licence reinstatement fee, and renewal fee; and
- in the case of an ADP, RoadSafetyBC will refund the Application and hearing fees.

When the IRP is revoked, the associated vehicle impound will be cancelled.

RoadSafetyBC will:

- update RoadSafetyBC's data management systems;
- if the vehicle is still impounded, contact the Registered Owner and relay a date and time by which the vehicle must be picked up;
- fax an Order of Release to the Impound Lot Operator; and,
- if applicable, reimburse the Registered Owner for towing and storage fees paid to the impound lot.

10.2 IRP/ADP Upheld

If the Prohibition is upheld, RoadSafetyBC will send the decision explaining the Superintendent's reasoning to the Applicant. If the Applicant is represented, a copy of the decision letter will also be forwarded to their Representative(s).

Decisions of unsuccessful IRP/ADP reviews, in which the Applicant's Driving Prohibition was Stayed will specify the dates on which the Applicant's Driving Prohibition will resume and conclude. Drivers are required to surrender their licence to an ICBC DLO.

In these circumstances, RoadSafetyBC will also:

- update RoadSafetyBC's case management systems;
- notify ICBC of the dates that the Applicant's Driving Prohibition resumes and concludes; and,
- notify the police to update CPIC.

10.3 IRP Varied

If the review determined that a [Warn IRP](#) was issued for an incorrect duration, the Applicant's record will be amended to reflect the appropriate length.

RoadSafetyBC will:

- amend the Prohibition on the driving record;
- update RoadSafetyBC's data management systems;
- if appropriate, notify ICBC to return the Driver's licence to the Applicant;
- notify the police to update CPIC; and,
- if paid, reimburse the Applicant for any fee in excess of the appropriate administrative penalty.

If the review decision determines that the IRP was issued for an inappropriate duration, RoadSafetyBC will:

- update RoadSafetyBC's data management systems;
- if the vehicle is still impounded, contact the Registered Owner to arrange a reasonable timeframe for vehicle pickup;
- fax an Order of Release to the Impound Lot Operator; and,
- if applicable, reimburse the Registered Owner for towing and storage fees paid to the impound lot.

11.0 Appeal and Judicial Review

An IRP/ADP review decision is a final decision. There is no appeal available for an IRP/ADP review decision.

A person can apply to the Supreme Court of B.C. for Judicial Review of an administrative review decision under the *Judicial Review Procedure Act*. However, the grounds for bringing a Judicial Review are limited and a person should seek independent legal advice if he or she is considering filing a Judicial Review. Alternatively, for more information about the Judicial Review Process, please see the [Courts of BC information package](#).