

Immediate Roadside Prohibition Fact Sheet

An Immediate Roadside Prohibition (IRP) is a driving prohibition issued to alcohol-affected 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.

The Immediate Roadside Prohibition (IRP) process is based on breath tests taken on a handheld approved screening device (ASD).

The Administrative Driving Prohibition (ADP) process is based on test results from an approved instrument ("breathalyser") at the police station.

IRP Notice of Driving Prohibition

A police officer will issue an IRP Notice of Driving Prohibition when a driver has care or control of a motor vehicle, and following a demand to provide a breath sample on an approved screening device:

- if the driver has a blood alcohol concentration over 0.05% BAC (the "Warn" range)
- if the driver has a blood alcohol concentration over 0.08% BAC (the "Fail" range)
- if the driver 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 licence to the police officer, and the driving prohibition begins immediately. The prohibition ranges from three days to 90 days, depending on the circumstances. If you believe you have grounds to have your prohibition reviewed, you may do so by applying to the Superintendent of Motor Vehicles within seven days of receiving the Notice of Driving Prohibition. (See 'Review Process' and 'Ground Rules', on page 2.)

Consequences

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

<p>"WARN" (BAC 0.05 – 0.08) 1st sanction</p>	<ul style="list-style-type: none"> • 3-day driving prohibition • Possible 3-day vehicle impoundment • \$200 monetary penalty
<p>"WARN" (BAC 0.05 – 0.08) 2nd sanction (within 5 years)</p>	<ul style="list-style-type: none"> • 7-day driving prohibition • Possible 7-day vehicle impoundment • \$300 monetary penalty
<p>"WARN" (BAC 0.05 – 0.08) 3rd sanction (within 5 years)</p>	<ul style="list-style-type: none"> • 30-day driving prohibition • 30-day vehicle impoundment • \$400 monetary penalty • Potential referral to remedial programs
<p>"FAIL" (BAC over 0.08) or refuse breath test</p>	<ul style="list-style-type: none"> • 90-day driving prohibition • 30-day vehicle impoundment • \$500 monetary penalty • Mandatory referral to remedial programs

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, if convicted, may face fines, jail, and further driving prohibitions. Any vehicle you drive will also be impounded under the Vehicle Impoundment Program. Whether or not you are the owner of the vehicle, it will be towed immediately, and all towing and storage costs will be charged to the owner. (See the fact sheet, '[Vehicle Impoundment Program](http://www.gov.bc.ca/roadsafetybc)' on our website: www.gov.bc.ca/roadsafetybc)

When Your Prohibition Period Ends

After your prohibition period ends and before you may drive again, you must obtain a new driver's licence from an ICBC Driver Licensing Office.

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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, and debts owed to the Province or to ICBC.

Also, if you are required to enrol in the Responsible Driver Program (RDP) and/or the Ignition Interlock Program, you will need to register for the RDP and have an 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 ICBC 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 the person acting on your behalf. If your Notice of Driving Prohibition is available, it should be produced when the review application is submitted.

Submit the completed application, and the appropriate review fee, depending how you want to present your case:

- a **written review** costs \$100 – you will document your case in writing.
- an **oral hearing** (available only for 30- and 90- day prohibitions) costs \$200 – you will present your case verbally, on a scheduled date, to an adjudicator.

Your review will be conducted by an adjudicator at RoadSafetyBC. Prior to the review, you will receive a copy of the 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. Your driving prohibition will continue while the review process is ongoing.

The Ground Rules

The grounds under which you may seek a review are:

- you were not the driver, or were not in care or control of the motor vehicle;
- you were not advised of your right to a second test on an approved screening device (ASD);
- you requested a second breath test, but the officer did not perform a second test;
- your second test was not performed on a different ASD;
- the prohibition was not served on the basis of the lower of the two ASD results;

- the result of the ASD test was not reliable;
- the ASD, which formed the basis of the prohibition, did not register a WARN reading;
- the ASD registered a WARN, but your blood alcohol content was less than 0.05% BAC (50mg of alcohol in 100ml of blood);
- the ASD, which formed the basis of the prohibition, did not register a FAIL reading;
- the ASD registered a FAIL, but your blood alcohol content was less than 0.08% BAC (80mg of alcohol in 100ml of blood);
- your 7- or 30- day prohibition should be reduced because you did not have any previous IRP(s);
- you did not refuse or fail to comply with a demand for a breath test, or;
- you had a reasonable excuse for refusing or failing to comply with a demand.

The adjudicator can consider only these grounds during the review. **The burden of proof in a review hearing is on the applicant. The information you provide should focus on the specific grounds of review that you have applied under.**

The Review Decision

After the review, the adjudicator will send you a written decision within 21 days of the date you were served with the Notice of Driving Prohibition.

There are three possible decision outcomes:

1. Driving Prohibition Revoked

You will be advised to re-apply for a driver's licence. The reinstatement fees and monetary penalties will be waived or refunded. You will need to pay any outstanding fees and/or debts owed to the Province or to ICBC.

2. Driving Prohibition Varied

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

3. Driving Prohibition Confirmed

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

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

Review decisions are final, but are subject to judicial review. For more information, visit:

- RoadSafetyBC's website at www.gov.bc.ca/roadsafetybc
- ICBC's website at www.icbc.com