

**PROCEDURES
FOR
IMPOUND LOT OPERATORS
(Version 6)**

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 6

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1. GENERAL

Police are required to impound vehicles driven by unlicensed, under-licensed, prohibited and suspended drivers; street racers and stunt drivers; excessive speeders; many impaired drivers; certain motorcycle offenders; and other unsafe motor vehicle operators. The impound period depends on the nature of the infraction and may escalate for vehicle owners with prior impounds. Vehicle impoundment (VI) places responsibility on the registered owner to ensure that their vehicle is operated only by an individual who holds a valid driver's licence. The VI legislation mandates the following periods of impoundment:

VEHICLE IMPOUNDMENT LENGTHS (EFFECTIVE SEPTEMBER 20, 2010)

	1st Offence	2nd Offence	3rd Offence
Driving while unlicensed	7 days	30 days	60 days
Driving while prohibited	7 days	30 days	60 days
Street racing	7 days	30 days	60 days
Stunt driving	7 days	30 days	60 days
Excessive speeding	7 days	30 days	60 days
Motorcycle infractions	7 days	30 days	60 days
IRP - warn	3 days	7 days	30 days
IRP – fail/refuse	30 days	30 days	30 days

RoadSafetyBC, located in Victoria, British Columbia, maintains an approved list of qualified tow companies referred to as Impound Lot Operators (ILOs).

A registered owner who has had their vehicle impounded as a result of (1) unlicensed driving, prohibited driving, street racing, stunt driving, excessive speeding, or motorcycle infractions resulting in 30 or 60 day impoundments or (2) impaired driving resulting in a 30 day impoundment, may make application to RoadSafetyBC for a review of the impoundment. If successful, the registered owner or person authorized by the registered owner will have the vehicle released early. In these cases RoadSafetyBC will order the vehicle to be released.

There are several grounds for review. If the review is successful, the towing and storage charges may, in some cases, be paid by RoadSafetyBC. Unless the Order of Release (MV2713A) or (MV2713B) indicates otherwise, the registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

Vehicles that are reported to a peace officer as stolen may be released early by the peace officer or in some instances RoadSafetyBC. In these cases the vehicle should not be released without the appropriate order from either a peace officer or RoadSafetyBC. The registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

For some impounded vehicles there may be third parties with a security interest registered against the vehicle under the Personal Property Security Act (PPSA) who may want the vehicle released. RoadSafetyBC/ICBC requires secured parties or bailiffs who work on their behalf to obtain authorization from the owner or a court order. Once the secured party or bailiff has obtained authorization from the owner or a court order the secured party or bailiff must attend an Insurance Corporation of British Columbia (ICBC) Driver Services Centre, Government Agent, or Appointed Agent to complete the Request for Vehicle Release (MV2711) and Order of Release (MV2713A) or (MV2713B).

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1.1 Tow Company Participation in the VI Program

RoadSafetyBC/ICBC will monitor ILO performance through compliance with contractual arrangements and legislative requirements to ensure that ILOs meet and maintain standards under the VI program (see Section 9).

1.2 RoadSafetyBC Contacts

General Mailing Address	RoadSafetyBC PO Box 9254 Stn Prov Govt Victoria, BC V8W 9J2 (250) 387-7747
Intake Services	(250) 356-6573
Invoice Payments	(250) 978-8079
Except as noted, all specified program forms will be faxed to RoadSafetyBC	

1.3 Rates for Towing & Storage

Towing and storage rates under the VI program are set out in the *Lien on Impounded Motor Vehicle Regulation* whether payable by the registered owner/person authorized by the registered owner or by the Superintendent of Motor Vehicles (the Superintendent). The rates change from time to time and ILOs will be notified directly by RoadSafetyBC when the rates change.

1.4 Changes to ILO Information

Each ILO is responsible for notifying RoadSafetyBC of any changes to their information. Please contact RoadSafetyBC for an "Impound Lot Operator Application and Information Update" form (see Section 1.3). Some changes may only result in RoadSafetyBC updating the ILO's file whereas other changes may affect the ILO's ability to participate in the VI program. The following table provides examples of common changes and the corresponding result for the ILO:

Information Change	Result
Company/business name	RoadSafetyBC will initiate an amendment to the agreement.
Impound lot location	New lot must be approved and an amendment to the agreement will be initiated.
Company/business ownership	RoadSafetyBC will initiate a new contractual agreement between the new owners and the Superintendent.
Mailing address, contact telephone, or fax number	RoadSafetyBC updates ILO file.
Status as an ICBC supplier	May result in disqualification from the VI program.

2. VEHICLE IMPOUNDMENT

The steps below must be followed in the course of impounding a vehicle under the VI program:

Peace Officer:	<ul style="list-style-type: none">Issues Notice of Impoundment (MV2721) to the driver of a motor vehicle.
Peace Officer Dispatch:	<ul style="list-style-type: none">Contacts ILO and requests appropriate service at location.
ILO:	<ul style="list-style-type: none">Ensures a suitable tow truck is on the road within ten minutes of the request and proceeds directly to the vehicle location.
Peace Officer:	<ul style="list-style-type: none">Provides the tow truck driver with a copy of the Notice of Impoundment (MV2721).

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Tow Truck Operator:	<ul style="list-style-type: none"> Records the condition of the vehicle, including a description of any damage, and inventories all personal property and removable accessories using the Vehicle Impound Invoice (MV2714). Requests that the vehicle driver sign the completed Vehicle Impound Invoice (MV2714) and then also signs this same form. If the vehicle driver refuses or is unable to sign, the tow truck operator will note that fact on the form. Provides the pink copy of the Vehicle Impound Invoice (MV2714) to the driver and returns the remaining copies to the ILO office. Tows the vehicle to the impound lot via the most direct route.
ILO:	<ul style="list-style-type: none"> Retains the copies of the Vehicle Impound Invoice (MV2714) and Notice of Impoundment (MV2721) on file.
Peace Officer:	<ul style="list-style-type: none"> Faxes RoadSafetyBC a copy of the Notice of Impoundment (MV2721) and supporting documentation.

2.1. Impounded Vehicle is Not to be Moved

Neither the ILO nor the registered owner may move the vehicle to another impound lot during the impoundment period unless directed to do so by the peace officer who impounded the vehicle.

2.2. Peace Officer Seizure of Impounded Vehicle

A peace officer may, on occasion, be required to seize and remove an impounded vehicle from an ILO for investigative purposes. In this event, the following procedures will apply:

Peace Officer:	<ul style="list-style-type: none"> Presents ILO with warrant or other written request to seize the vehicle
ILO:	<ul style="list-style-type: none"> Records the peace officer's name and badge number on the Vehicle Impound Invoice (MV2714). Makes a copy of the warrant or other written request and attaches it to the Vehicle Impound Invoice (MV2714).
Peace Officer:	<ul style="list-style-type: none"> Seizes vehicle and arranges removal from ILO storage
ILO:	<ul style="list-style-type: none"> Records the VI number on the copy of the warrant Faxes a copy of the warrant or written request to RoadSafetyBC at (250) 356-6544

Upon return of the vehicle, the following procedures should be followed:

Peace Officer:	<ul style="list-style-type: none"> Returns vehicle to the ILO. Note: Any towing and storage costs incurred by the ILO or other towing company relating to the peace officer's seizure and return of vehicle will be paid by the peace officer's law enforcement unit. The ILO will not charge the registered owner or RoadSafetyBC for any towing or storage costs during the period of police seizure.
ILO:	<ul style="list-style-type: none"> Notes on the copy of the warrant that the vehicle has been returned. Faxes a copy of the warrant to RoadSafetyBC at (250) 356-6544

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3. LONGER IMPOUNDS

For registered owners with previous vehicle impoundment offences within two years, the impound period will be increased as per the chart in Section 1 – GENERAL of these Procedures.

RoadSafetyBC:	<ul style="list-style-type: none">Notifies the registered owner and faxes the ILO, indicating that the impoundment period is increased. All other conditions of the impoundment remain unchanged.
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4. ACCESS TO VEHICLE

The registered owner or person authorized by the registered owner will be given a reasonable opportunity to retrieve personal possessions that are not attached to or used in connection with the operation of the vehicle. The ILO may choose to collect a portion of the towing and storage monies owing from the registered owner before allowing access to the vehicle. This portion will be deducted from the final towing and storage amount owing.

Other access may be required by representatives of RoadSafetyBC, ICBC or by peace officers for a continuing investigation.

Owner, Peace Officer or ICBC:	<ul style="list-style-type: none">Requests access to the vehicle during normal business hours.
ILO:	<ul style="list-style-type: none">Provides access to the vehicle during normal business hours.Must supervise access by the registered owner or person authorized by the registered owner. No unsupervised access by the registered owner or person authorized by the registered owner is permitted.Ensures the licence plates and other related equipment attached to the vehicle remain with the vehicle.Must attach a written record to the Vehicle Impound Invoice (MV2714) documenting any personal possessions that have been removed from the vehicle. This record must include the names, dates and times of any person accessing the vehicle and must be dated and initialled by the registered owner or person authorized by the registered owner.

5. NORMAL RELEASE OF VEHICLE

At the end of the impound period the vehicle can be claimed by the registered owner or person authorized by the registered owner as follows:

RoadSafetyBC/ICBC :	<ul style="list-style-type: none">3 or 7 day impoundments: The registered owner does not need to make a Request for Vehicle Release (MV2711) or an Order for Release (MV2713A) or (MV2713B) for 3 or 7 day impoundments. However, if the registered owner wants to appoint another person to retrieve the vehicle on his/her behalf, he/she will need to attend a Driver's Service Centre, Government Agent or Agent to fill out the Owner's Authorization (MV2712).30 or 60 day impoundments: The registered owner makes a Request for Release application at a Driver Services Centre, Government Agent or Appointed Agent. The registered owner fills out the Owner's Authorization (MV2712) if he/she wants to appoint another person to retrieve the vehicle on his/her behalf. If approved, the Driver Services Centre, Government Agent, or Appointed Agent will fax the Order of Release (MV2713A) to the ILO and will fax a copy of the Request for Release and
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	Owner's Authorization to RoadSafetyBC.
Registered Owner or Person Authorized by the Registered Owner:	<ul style="list-style-type: none"> Is responsible for all towing and storage charges. Pays all towing and storage charges against the vehicle according to the prescribed program rates. Signs the Order for Release (MV2713A) (for 30 or 60 day impounds only) and the Vehicle Impound Invoice (MV2714). Order for Release (MV2713A) is not necessary for 3 or 7 day impoundments. Where a person has been authorized by the registered owner to retrieve the vehicle, that person must present the Owner's Authorization (MV2712). Provides a driver's licence or other suitable identification to the ILO.
ILO:	<ul style="list-style-type: none"> Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) from RoadSafetyBC/ICBC, unless it is a 3 or 7 day impoundment. Note: In the case of a 3 or 7 day impoundment, the ILO may release the vehicle to the registered owner or the person authorized by the registered owner at least 3 or 7 full 24-hour days after the time and date of the impoundment. The registered owner does not require an Order of Release (MV2713A). Records on the Order of Release (MV2713A) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner. Sends a copy of the completed Order of Release (MV2713A) by fax to RoadSafetyBC at (250) 978-8079. Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy. If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), storage charges will continue to accrue at the prescribed rate.

6. EARLY RELEASE OF VEHICLE

Under certain circumstances the Superintendent or a peace officer may authorize early release of the vehicle. Depending on the reason for release, either the registered owner/person authorized by the registered owner or the Superintendent will pay for the towing and storage charges. The following procedures should be followed:

RoadSafetyBC:	<ul style="list-style-type: none"> Sends Order for Release (MV2713A) (registered owner pays towing and storage charges) or (MV2713B) (Superintendent pays towing and storage charges) by fax to the ILO. Where the Superintendent is paying all or part of the towing and storage charges (as indicated on the (MV2713B)) refer to Section 7.
Peace Officer	<ul style="list-style-type: none"> A peace officer may order a vehicle be released if they are satisfied that the impounded vehicle is stolen property. In the case of a stolen vehicle, the peace officer will complete an Order of Release (MV2715) and notify the ILO and the RoadSafetyBC by fax. The registered owner will pay all towing and storage charges.
ILO:	<ul style="list-style-type: none"> Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) or (MV2713B) from the RoadSafetyBC/ICBC or a Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715). Records on the Order of Release (MV2713A), (MV2713B) or (MV2715) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner. Sends a copy of the completed Order of Release (MV2713A), (MV2713B) or (MV2715) by fax to RoadSafetyBC at (250) 978-8079.

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	<ul style="list-style-type: none"> Where the Superintendent is paying all or part of the towing and storage charges (indicated on the Order of Release (MV2713B) refer to Section 7. Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy. If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), (MV2713B) or (MV2715), storage charges will continue to accrue at the prescribed rate.
<p>NOTE: If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A) or (MV2713B) and that Order indicates RoadSafetyBC will pay for the towing and storage charges, the vehicle owner will be responsible for additional storage charges as outlined in Section 7.</p>	

7. INVOICING RoadSafetyBC

Under certain circumstances the Superintendent must pay for all or part of the towing and storage charges during an impoundment. The ILO will be reimbursed as follows:

RoadSafetyBC:	<ul style="list-style-type: none"> Sends Order of Release (MV2713B) by fax to ILO. Order of Release (MV2713B) indicates the part of the towing and storage charges that the Superintendent will pay (located at the bottom of the Order of Release). Where the Superintendent is paying all or part of the towing and storage charges, charges will be covered up to the end of the business day of the authorized date of release and only for fees and charges authorized by Section 255(2) of the <i>Motor Vehicle Act (MVA)</i> and prescribed under the <i>Lien on Impounded Vehicle Regulation</i>. If the registered owner or person authorized by the registered owner is unable to collect the vehicle on the day of release, the Superintendent will authorize payment of storage charges for one additional day. Beyond that date, the registered owner or person authorized by the registered owner is responsible for further storage charges.
ILO:	<ul style="list-style-type: none"> Completes the Vehicle Impound Invoice (MV2714) clearly showing VI number, towing charges, distance towed and storage charges. Charges can be estimated using an online calculator on RoadSafetyBC's website at: http://pssg.gov.bc.ca/osmv/impoundment/calculator.htm Inserts the ICBC Supplier Number in the right side of the box labelled Impound Lot Information. Maintains the completed Vehicle Impound Invoice (MV2714) and the completed Order of Release (MV2713B) on file and where RoadSafetyBC is paying all or part of the towing and storage charges sends the completed Vehicle Impound Invoice (MV2714) and the completed Order of Release (MV2713B) by e-mail to RoadSafetyBC at roadsafetybc.finance@gov.bc.ca or by fax to RoadSafetyBC at (250) 978-8079.
RoadSafetyBC	<ul style="list-style-type: none"> Reviews the invoiced amount and, if confirmed, authorizes payment to ILO. Please allow 4-6 weeks for payment.

8. DISPOSAL OF UNCLAIMED VEHICLE

An impounded vehicle that is not claimed by the owner shall only be disposed of in one of the following two ways: (1) authorization by the Superintendent under the *MVA* or (2) transfer of ownership under the conditions of the *Warehouse Lien Act*. RoadSafetyBC shall be notified, in writing, of **all** disposals of impounded vehicles. The detailed requirements and procedures are set out in the *MVA* and are summarized below:

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8.1 Motor Vehicle Act Disposal

8.1.1 Early Disposal

When a vehicle owner indicates that they have no intention of claiming his/her vehicle, the ILO and the vehicle owner can complete the Early Disposal Agreement form (MV2729). The vehicle owner will transfer ownership of the vehicle to the ILO. The vehicle must be designated as “Dismantle” on the Tax Transfer Form. The ILO must complete an Early Disposal Statutory Declaration (MV2728) and agrees to discharge the lien on the vehicle. This allows the ILO to remove an abandoned vehicle from the lot prior to the expiry date of the impound period.

ILO:	<ul style="list-style-type: none"> • Completes the Early Disposal Agreement form (MV2729) with the owner of the vehicle. • Completes a Statutory Declaration Early Vehicle Disposal (MV2728). • Presents the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2728) will be sworn at this office, and forwarded to RoadSafetyBC for processing. The original Statutory Declaration Vehicle Disposal (MV2728) will be returned to the ILO. • ILO representative making the Statutory Declaration Vehicle Disposal (MV2728) will be required to provide a current driver’s licence as proof of identification. • Note: Early Disposal Agreement form (MV2729) and Statutory Declaration Early Vehicle Disposal (MV2728) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none"> • Provides required forms. • Swears Statutory Declaration Vehicle Disposal (MV2728) (original returned to ILO). • Forwards the Early Disposal Agreement forms (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to RoadSafetyBC by fax to (250) 356-5919.
RoadSafetyBC:	<ul style="list-style-type: none"> • Reviews the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request. • If the Early Vehicle Disposal is denied, RoadSafetyBC will notify the ILO in writing. • If the Early Disposal application is approved, RoadSafetyBC directs the ILO to attend at an Autoplan broker office to transfer the vehicle ownership.
ILO:	<ul style="list-style-type: none"> • If the Early Vehicle Disposal is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2728), a completed Transfer/Tax form (APV9T), vehicle registration, and the licence last issued under Section 3 of the MVA for the vehicle to an Autoplan broker.
ICBC:	<ul style="list-style-type: none"> • Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO. • Cancels any vehicle licence issued with respect to the vehicle. • Forwards any refund from the cancellation of the vehicle licence to the previous registered owner. • Destroys the surrendered plates.

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8.1.2 Normal Disposal

After the expiration of the impoundment period, the ILO may apply to transfer the registration of the vehicle to themselves provided:

- there is no security interest registered against the motor vehicle under the PPSA, and
- the amount of the lien on the motor vehicle exceeds the amount calculated by subtracting \$1,000.00 from the estimated value of the motor vehicle.

ILO:	<ul style="list-style-type: none">• Does a PPSA search and obtains a certificate showing that no security interest is registered against the motor vehicle under that Act. If a security interest exists the ILO may not dispose of the vehicle under this procedure (see Section 8.2).• After the expiration of the impoundment period and at least 14 days prior to making an application for disposal, notifies the registered owner, by ordinary mail, of the intent to dispose of the vehicle if the outstanding charges are not paid. The letter must identify the vehicle impound number, vehicle identification number, vehicle licence plate number, registered owner name(s), address, date of impoundment, amount of the outstanding charges at the time of notification, and the contact information for RoadSafetyBC in the event that the registered owner wants to dispute a request for disposal.• RoadSafetyBC will conduct a review of the Request for Vehicle Disposal (MV2704) to ensure that the request was submitted within 30 days of the expiry of the impoundment period. If more than 30 days has expired since the end of the impoundment period in order for the amount of the lien to accumulate and to exceed the estimated value of the motor vehicle by subtracting \$1,000.00, RoadSafetyBC may request a written explanation from the ILO for the delay in submitting the request. In the absence of a reasonable explanation, the Request for Vehicle Disposal (MV2704) may be denied and the ILO may be directed to dispose of the motor vehicle under the <i>Warehouse Lien Act</i>.• RoadSafetyBC will also conduct a review of the value of the vehicle using the wholesale price listed for British Columbia in the Gold Book. RoadSafetyBC may request a written explanation if there is a dispute in the value of the vehicle, including, but not limited to, photos of the vehicle and/or a cost estimate from an ICBC authorized auto body shop or repair facility to repair the vehicle.• At least 14 days after sending the notice of intention to dispose of the vehicle the ILO completes a Statutory Declaration Vehicle Disposal (MV2704) indicating the amount of the lien, details of the vehicle, and estimated value of the vehicle.• After the expiration of the impoundment period completes a Request for Vehicle Disposal (MV2709).• Presents the completed Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) and any number plates that were attached to the vehicle to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2704) will be sworn at this office, and forwarded to RoadSafetyBC for processing. The original Statutory Declaration Vehicle Disposal (MV2704) will be returned to the ILO.• ILO representative making the Statutory Declaration Vehicle Disposal (MV2704) will be required to provide a current driver's licence as proof of identification. <p>Note: Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered</p>
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	forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none"> • Provides required forms. • Swears Statutory Declaration Vehicle Disposal (MV2704) (original returned to ILO). • Forwards Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) to RoadSafetyBC by fax to (250) 356-5919. • Forwards any numbered plates and a copy of the Request for Vehicle Disposal (MV2709) to ICBC Revenue Stock using the plate disposal envelopes (INV21 or INV22).

8.1.2 Normal Disposal (cont'd)

RoadSafetyBC:	<ul style="list-style-type: none"> • Reviews the Request for Vehicle Disposal (MV2709) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request. • If the Request for Vehicle Disposal (MV2709) is denied, RoadSafetyBC directs the ILO to return 5 business days from the date of the Vehicle Disposal Decision to the Driver Services Centre, the Government Agent, or the Appointed Agent to retrieve the surrendered plates. • If the Request for Vehicle Disposal (MV2709) is approved, RoadSafetyBC directs the ILO to attend at an Autoplan broker to transfer the vehicle ownership. • Informs ICBC Revenue Stock via email of the Vehicle Disposal Decision.
ICBC:	<ul style="list-style-type: none"> • If the Request for Vehicle Disposal (MV2709) is approved, ICBC: • Cancels any vehicle licence issued with respect to the vehicle. • Forwards any refund from the cancellation of the vehicle licence to the previous registered owner. • Destroys the surrendered plates. • Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO. • If the Request for Vehicle Disposal (MV2709) is denied, ICBC returns the surrendered plates to the Driver Services Centre, Government Agent, or Appointed Agent for pick-up by the ILO after 5 business days from the date of the Vehicle Disposal Decision.
ILO:	<ul style="list-style-type: none"> • If the Request for Vehicle Disposal (MV2709) is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2704), a completed Transfer/Tax form (APV9T), and vehicle registration, to an Autoplan broker. • If the Request for Vehicle Disposal (MV2709) is denied, the ILO must return to the Driver Services Centre, Government Agent, or Appointed Agent to retrieve the licence plates after five business days from the date on the Vehicle Disposal Decision.

8.2 Warehouse Lien Act Disposal

Vehicles that have a security interest registered against them under the PPSA can only be disposed of under the *Warehouse Lien Act*. The Superintendent will not authorize disposal of a vehicle with an existing lien. Upon disposal under the terms of the *Warehouse Lien Act* the ILO will notify RoadSafetyBC, by faxing or mailing to RoadSafetyBC (refer to RoadSafetyBC Contacts Section 1.3) a completed and notarized Declaration of Seizure of a Vehicle under the Warehouse Lien Act MV1481 and a copy of the Vehicle Registration APV250, together with the VI number, vehicle identification number, and vehicle make and year, within 5 days of the disposal transaction.

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8.3 Release of Valued Abandoned Vehicles

Valued abandoned vehicles are vehicles that have been left at impound lots by the registered owners and at the expiry of the impoundment period the ILO's lien on the motor vehicle does not exceed the estimated value of the vehicle by subtracting \$1,000.00 from the estimated value of the vehicle. These vehicles may be owned outright by the registered owner, may have a security interest registered against them under the PPSA, or may be leased by the owner. RoadSafetyBC will not authorize disposal of these vehicles. In these circumstances the ILO may dispose of the vehicle under the *Warehouse Lien Act*.

8.3.1 Release of Valued Abandoned Vehicles to Lien Holders

Bailiffs acting for third parties with a security interest registered against the vehicle under the PPSA have no jurisdiction to seize vehicles impounded and/or abandoned under the VI program unless they have authorization from the registered owner or a court order and they obtain a release from RoadSafetyBC or ICBC. The party with the security interest is responsible for all towing and storage costs.

9. ILO QUALIFICATION STANDARDS

9.1 Qualifications

As necessary, RoadSafetyBC will review existing ILO agreements and consider new entrants to the program.

9.2 Mandatory Requirements

Upon application to the VI program, RoadSafetyBC/ICBC will qualify the company's ability to meet these standards. At all times while participating in the VI program, the ILO will be required to maintain these standards and may be subject to performance audits by RoadSafetyBC representatives or ICBC representatives from time to time. An agreement, specific to this program, will be required to be entered into between each qualified ILO and the Superintendent.

The ILO must maintain the standards set out in this Section 9.2 during the term of that agreement. Further, the Superintendent may assign that agreement to ICBC at any time during the term of the agreement. Upon such assignment all references in these procedures to RoadSafetyBC or the Superintendent shall automatically become references to ICBC.

9.2.1 Business Qualifications

- Impound lots, records and tow vehicles must be maintained in accordance with program requirements contained in this document and will be available for inspection by RoadSafetyBC/ICBC or law enforcement representatives.
- Minimum business hours are: office: 8am to 5pm, Monday to Friday; dispatch and towing: 24 hours, seven days per week.
- Maintain a valid ICBC Garage Policy with comprehensive coverage and a valid business licence issued by a municipality applicable to the business of towing and storing vehicles, or a valid Land Use contract.
- A valid ICBC Supplier number.
- A towing dispatch service must provide two-way communications with all tow trucks at all times.
- A fax machine which must be capable of unattended and continuous operation.

9.2.2 Tow truck requirements

- The tow company must have tow trucks available to the program that comply with the following standards:
- All tow trucks must be licensed and insured to operate in BC as a tow car, tow truck, wrecker, recovery vehicle or flat deck.
- ILOs will ensure that any lease operators have the ILO National Safety Code number recorded on vehicle registrations.
- Tow trucks will meet all Provincial and Federal vehicle mechanical, safety and licensing standards.

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9.2.3 *Impound Lot*

- The impound lots must meet the following minimum standards:
- Secure storage for all types of vehicles, including some space for vehicles up to a maximum of 45 ft in length.
- The lot shall consist of an asphalt surface or other well graded and drained surface condition.
- The impound lot must have a minimum six foot chain link fence, or equivalent, around the perimeter plus a 12" barbed wire overhang and a locking gate of matching height. The fence, overhang and gate shall be maintained in a good state of repair at all times.
- Impounded vehicles shall not be stored in the same area as vehicles under repair, being dismantled for parts or other similar activities.
- Access to impounded vehicles will be strictly controlled and at no time will unaccompanied vehicle owners or public access be permitted. Please refer to Section 4, Access to Vehicle.

9.2.4 *Service Levels*

The ILO must dispatch a suitable tow truck and commence travel directly to the indicated location within 10 minutes of initial request from the police.

9.2.5 *Administrative Requirements*

All equipment and services specified in this program are the responsibility of the ILO. ILOs must adhere to all administrative requirements of the VI program including, without limitation:

- Maintain all records required by the *MVA* or other legislation.
- Collect towing and storage charges from vehicle owners only in accordance with the prescribed rates as set out in the regulations.
- Tow, store, and dispose of vehicles in compliance with the *MVA* or the *Warehouse Lien Act*.
- Maintain VI program forms described in Section 10 below and program records at the normal ILO business office for a period of at least twelve months from the date of vehicle impoundment or until the vehicle is disposed of.

9.2.6 *Disqualification or Withdrawal from the VI Program*

At any time an ILO may be disqualified for failure to adhere to the program standards. Notice will be given in writing and the agreement may be terminated.

Either party may withdraw from the agreement by giving thirty days notice in writing. If either party withdraws, any impounded vehicles remaining in storage will remain impounded under all original program terms, conditions and rates until such time as the vehicles are released to the owners or are disposed of in the prescribed manner.

10. PROGRAM FORMS

The following forms may be used in the program. The Superintendent reserves the right to add to or delete from this list.

10.1 *Notice Of Impoundment (MV2721)*

Issued by the peace officer to the offending driver with a copy provided to the tow truck operator.

10.2 *Vehicle Impound Invoice (MV2714)*

The required program form is available at each ICBC Claims Centre. Completed by the tow operator with a copy provided to the driver of the impounded vehicle at the time of impound. The form describes the vehicle and equipment condition at the time of impoundment as well as the non-attached personal possessions remaining in the vehicle.

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10.3 Fax Cover Sheet to Increase Impoundment Periods

Issued by RoadSafetyBC to the ILO as notification that the impound period has been increased to 3, 7, 30 or 60 days.

10.4 Order of Release (MV2713A)

Issued by the RoadSafetyBC, by fax, to notify the ILO that a vehicle is to be released subject to payment of towing and storage charges by a registered owner, or person authorized by the registered owner.

10.5 Order of Release (MV2713B)

Issued by the RoadSafetyBC by fax to notify the ILO that a vehicle is to be released, and who it should be released to. It will indicate whether the Superintendent or the authorized person retrieving the vehicle will pay towing and storage charges.

10.6 Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715)

Completed by a peace officer if satisfied the impounded vehicle is stolen property.

10.7 Request for Vehicle Disposal (MV2709)

Completed by the ILO to request authorization from the RoadSafetyBC to dispose/transfer the vehicle.

10.8 Statutory Declaration for Vehicle Disposal (MV2704)

Declaration by the ILO that they have attempted to contact the registered owner, are accurately assessing the value of the vehicle, and that outstanding charges exceed the estimated value of the impounded vehicle.

10.9 Early Disposal Agreement – Section 255(8) – Motor Vehicle Act

Completed by the ILO and the vehicle owner where the owner indicates they have no intention of claiming his/her vehicle. (See Section 8.1.1 of these Procedures).

10.10 Statutory Declaration – Early Disposal (MV2728)

Declaration by the ILO that they have entered into an Early Disposal Agreement with the owner of the impounded vehicle.

10.11 Vehicle Disposal Decision Letter

Sent by the RoadSafetyBC to the ILO indicating that the vehicle is or is not approved for transfer.

10.12 Owner's Authorization (MV2712)

Filled out by the registered owner to allow an alternative driver to drive a car off the lot.

10.13 Impound Lot Operator Application and Information Update Sheet

To be used when ILO information has changed. To be completed and faxed to RoadSafetyBC at (250) 356-6544. A copy is included in these Procedures for use.

10.14 Request for Refuse to Issue (MV0727)

Completed by the ILO to request that the Superintendent of Motor Vehicles direct the Insurance Corporation of British Columbia to refuse to issue a British Columbia Driver's Licence to the owner of the motor vehicle until the outstanding amount of the lien is discharged.

10.15 Statutory Declaration for Refuse to Issue (MV0726)

Declaration by the ILO that they have applied to dispose of the motor vehicle with 30 days of the expiry of the impoundment period, that they have received authorization from the Superintendent of Motor Vehicles to dispose of the motor vehicle, that they disposed of the motor vehicle within 30 days of the expiry of the

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impoundment period, that they have attempted to contact the registered owner, and that the outstanding amount of the lien was not discharged.

10.16 Lien Discharge Notice (MV0728)

Completed by the ILO to notify the Superintendent of Motor Vehicles that the amount of the lien is now discharged.

11. REFUSE TO ISSUE PROCEDURES

ILO:	<p>ILO applies to dispose of the motor vehicle.</p> <ul style="list-style-type: none"> • Applied within 30 days of the last day of the impoundment period under section 215.46 or 251(1) of the <i>Motor Vehicle Act</i> (the Impoundment Period). • Received authorization from the Superintendent of Motor Vehicles (the Superintendent) to dispose of the motor vehicle. • Disposed of the motor vehicle within 30 days of the last day of the Impoundment Period.
ILO:	<p>ILO sends out a notice to the registered owner (the owner) that a refuse to issue (RTI) application will be made to request that the Superintendent direct the Insurance Corporation of British Columbia (ICBC) to refuse to issue a driver's licence to the owner (RTI hold).</p> <ul style="list-style-type: none"> • After receiving approval from the Superintendent to dispose of the motor vehicle under section 255(7) of the <i>Motor Vehicle Act</i> (MVA), and at least 14 days prior to making an application for the RTI hold, the ILO sent notice to the owner of the unclaimed motor vehicle by ordinary mail, of the intent to apply for the RTI hold if the outstanding amount of the lien (amount of lien declared on Statutory Declaration Vehicle Disposal MV2704 form) under section 255(2) is not discharged. • The notice must include the following: <ul style="list-style-type: none"> ○ The vehicle impound number, vehicle identification number, vehicle licence plate number, owner name(s) and address, date that the motor vehicle was impounded, amount of the lien at the time of notice, and RoadSafetyBC contact information including phone number 250-356-6573 in the event the owner wants to dispute a RTI application.
ILO:	<p>Applies to the Superintendent to direct ICBC to RTI a driver's licence to the owner by sending in the Statutory Declaration MV0726 form (the Statutory Declaration) and the Request for Refuse to Issue MV0727 form (Request for Refuse to Issue).</p> <ul style="list-style-type: none"> • Presents the completed the Statutory Declaration and the Request for Refuse to Issue form to an ICBC driver licensing office, Service BC or Government Agent. The Statutory Declaration will be sworn and forwarded to RoadSafetyBC for processing. The original Statutory Declaration will be returned to the ILO and must be retained by the ILO until the amount of the lien is discharged. <ul style="list-style-type: none"> ○ The Statutory Declaration confirms that the motor vehicle has been disposed of and the amount of the lien that has not been discharged (costs of impoundment minus any amount from the motor vehicle disposal). • ILO representative making the Statutory Declaration will be required to provide a current driver's licence or another form of primary ID as proof of identification.
Superintendent:	The Superintendent receives the ILO's RTI request by fax. If received on a

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	<p>weekend, the Superintendent may rescind the direction to ICBC to RTI a driver's licence to the owner outside of regular business hours.</p> <ul style="list-style-type: none"> • Ensures that the ILO's application meets all the requirements for a RTI hold. <ul style="list-style-type: none"> ○ ILO has disposed of the motor vehicle within 30 days of the last day of the Impoundment Period. ○ ILO has not disposed of the motor vehicle under the <i>Warehouse Lien Act</i>. ○ ILO has not entered into a date of disposal or early disposal agreement under section 255(6) or 255(8) of the MVA. • Reviews the Statutory Declaration for accuracy and ensures all required information is provided. • Confirms that the Statutory Declaration is properly declared.
Superintendent:	<p>If the ILO's request meets all requirements for a RTI hold.</p> <ul style="list-style-type: none"> • Directs ICBC to RTI a driver's licence to the owner. • Sends notice to the ILO advising that the Superintendent has directed ICBC to RTI a driver's licence to the owner until the Superintendent rescinds the direction. • Sends notice to the owner advising that the Superintendent has directed ICBC to RTI a driver's licence until the Superintendent rescinds the direction. <p>If the ILO's request does not meet the requirements for a RTI hold.</p> <ul style="list-style-type: none"> • Sends notice to the ILO advising that the Superintendent will not take any action under section 255(11) of the MVA related to this impoundment. • Reasons may include: <ul style="list-style-type: none"> ○ The vehicle was disposed of under the <i>Warehouse Lien Act</i>. ○ The ILO entered into a date of disposal or early disposal agreement under section 255(6) or 255(8) of the MVA. ○ The Superintendent has evidence that the information provided in the request was inaccurate.
Owner:	<p>Goes to ILO and discharges the amount of the lien indicated in the notice from the ILO.</p> <ul style="list-style-type: none"> • If the owner has evidence that the RTI hold was improperly used by the ILO or the information provided in the request was inaccurate the owner may apply to have the RTI hold reviewed by the Superintendent. • The Superintendent will consider evidence from the owner and the ILO in deciding whether to rescind the RTI hold. • Reasons for rescinding the RTI hold may include: <ul style="list-style-type: none"> ○ The ILO discharged the amount of the lien and has not informed the Superintendent. ○ There are other outstanding amounts of liens on the driver's record that may be the basis for ICBC not issuing a licence. ○ There is some other reason that the amount of the lien cannot be discharged, such as the ILO has gone out of business. ○ The ILO is inflating the amount of the lien subsequent to the disposal of the vehicle. ○ There is an indication of abuse or misconduct on the ILO's application for the RTI hold.
ILO:	<p>Notifies the Superintendent by fax when the amount of the lien has been discharged.</p> <ul style="list-style-type: none"> • Under section 255(13)(a) of the MVA the ILO must notify the Superintendent within one business day of receiving payment and

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	discharging the amount of the lien. <ul style="list-style-type: none">• ILO completes the Lien Discharge Notice (MV0728) form and includes receipt of payment.
Superintendent:	Directs ICBC to rescind the RTI hold of a driver's licence to the owner.