An administrative driving prohibition (ADP) is a 90-day driving ban served to drivers affected by alcohol, drugs or a combination of alcohol and drugs, by police under the Motor Vehicle Act.

An ADP is separate from any Criminal Code charges that may result from the same incident.

An ADP cannot be served in conjunction with an Immediate Roadside Prohibition.

**ADP Notice of Driving Prohibition**

A police officer may serve an ADP in the following circumstances:

- A person has a blood alcohol concentration equal to or exceeding 80 mg of alcohol in 100 mL of blood within two hours of operating a motor vehicle (s.94.1 (1) (a));
- A person had a blood drug concentration (BDC) equal to, or exceeding, the amount prescribed for that drug, under the Motor Vehicle Act Regulations (MVAR), within two hours of operating a motor vehicle (s.94.1 (1) (a.1));
- A person had a combined blood alcohol concentration (BAC) and BDC equal to, or exceeding, the amount prescribed under the MVAR in instances where alcohol and that drug are combined, within two hours of operating a motor vehicle (s.94.1 (1) (a.2));
- A person operated a motor vehicle while the person’s ability to operate the motor vehicle was impaired by a drug, or a combination of alcohol and a drug, as determined by an evaluation by a Drug Recognition Expert (DRE) (s.94.1 (1) (a.3)); or
- A person fails or refuses to comply with a demand under the Criminal Code without a reasonable excuse (s.94.1 (1) (b)).

If you received a Notice of Driving Prohibition you must surrender your driver’s licence to the police officer. In some circumstances, a 7-day temporary licence may be provided:

<table>
<thead>
<tr>
<th>Prohibition</th>
<th>Temporary licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>s.94.1 (1) (a) Breath</td>
<td>No – Prohibition Immediate</td>
</tr>
<tr>
<td>s.94.1 (1) (a) Blood</td>
<td>Yes</td>
</tr>
<tr>
<td>s.94.1 (1) (a.1)</td>
<td>Yes</td>
</tr>
<tr>
<td>s.94.1 (1) (a.2)</td>
<td>Yes</td>
</tr>
<tr>
<td>s.94.1 (1) (a.3)</td>
<td>Yes</td>
</tr>
<tr>
<td>s.94.1 (1) (b)</td>
<td>No – Prohibition Immediate</td>
</tr>
</tbody>
</table>

This 7-day temporary licence allows you to arrange for alternative transportation or, if you believe you have grounds, apply for a review of the prohibition. (See ‘Review Process’ and ‘Ground Rules’, on page 2.)

The ADP also applies to out-of-province drivers.

**Guidelines**

- Your 90-day driving ban begins in accordance with the table above.
- You may not drive while prohibited. There is no 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 will face fines, jail time and further driving prohibitions if convicted. The vehicle you are driving will be impounded under the Vehicle Impoundment Program. Whether or not you are the owner of the vehicle, it will be towed immediately.
- All towing and storage costs will be charged to the owner – visit [Vehicle Impoundment Program](https://www.gov.bc.ca/roadsafetybc).

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**Administrative Driving Prohibition (ADP)**

**Fact Sheet**

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**Ministry of Public Safety and Solicitor General**

**Revised July 15, 2019**

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Victoria, BC V8W 9J2
Phone: 250 387-7747
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www.gov.bc.ca/roadsafetybc
Additional Sanctions
As a result of receiving a 90-Day ADP you may be required by the Superintendent of Motor Vehicles to complete the Responsible Drivers Program (RDP) and may be required to participate in the Ignition Interlock Program. If required to complete remedial programs, you will need to register for the RDP and/or have an interlock device installed before you may apply for a new driver’s licence. See the ‘Ignition Interlock Program’ and ‘Responsible Driver Program’ fact sheets on our website www.gov.bc.ca/roadsafetybc/publications for more information.

Getting a New Licence
After the prohibition ends, you must obtain a new driver’s licence from a driver licensing office before you can drive again. If you are granted a new driver’s licence following a prohibition, it will be for a two-year term (not the usual five years). You will be required to pay a $250 reinstatement fee, as well as any outstanding motor vehicle related fines, fees or debts owed to the Province or the Insurance Corporation of B.C. (ICBC).

The Review Process
You have seven days from the date you received the Notice of Driving Prohibition to request a review. The review application form is available at any driver licensing office. You may apply in person or a lawyer may act on your behalf. All transactions require proof of identity from you or your lawyer. If your Notice of Driving Prohibition is available, you should produce it when you apply for the review. Submit the completed application, along with the review fee, depending how you want to present your case:

- A written review costs $100 – you will document your case in writing.
- An oral review costs $200 – you will present your case, on a scheduled date, to an adjudicator on the phone.

When you file your application, you receive a copy of the review guidelines. Your review will be conducted by an adjudicator at RoadSafetyBC. Prior to the review you will receive a copy of police information that the adjudicator considers. You are given an opportunity to present further information to the adjudicator before the review is held.

The Ground Rules
There are limited grounds under which you may seek a review depending on the type of prohibition you were served.

Individuals served a prohibition under s.94.1 (1) (a), s.94.1 (1) (a.1) or s.94.1 (1) (a.2) can apply for a review of their prohibition on the following grounds:

- You were not the driver;
- Your blood alcohol concentration, blood drug concentration, or both combined, was not equal to or exceeding the amount set for that ADP;
- Your blood alcohol concentration, blood drug concentration, or both combined, was equal to or above the set amount because of all three of the following:
  - You consumed alcohol or a drug, or both after ceasing to operate the motor vehicle;
  - After driving, you had no reasonable expectation that you would be required to provide a sample of your breath, or blood, or both; and
  - Your alcohol consumption was consistent with you having a blood alcohol concentration, or blood drug concentration, or both combined, below the amount set for that ADP.

Individuals served a prohibition under s.94.1 (1) (a.3) can apply for a review on the following grounds:

- You did not operate the motor vehicle;
- Your evaluation was not conducted by an evaluating officer;
- The evaluating officer did not comply with the prescribed requirements;
- You were not impaired by a drug and/or alcohol AND the results of the evaluation were due to your medical condition;
- The presence of one or more of the drugs identified by the evaluating officer as impairing your ability to drive was found in a sample of your bodily substance because both of the following apply:
  - You consumed the drug, or drugs after ceasing to operate the motor vehicle;
AND

- You had no reasonable expectation that you would be required to provide a sample of a bodily substance.

- Individuals served a prohibition under s.94.1 (1) (b) can apply for a review on the following grounds:
  - You did not fail or refuse to comply with a demand under section 320.27 or 320.28 of the Criminal Code, in respect to the operation of a motor vehicle; or
  - You had a reasonable excusing for failing or refusing to comply with a demand under section 320.27 or 320.28 of the Criminal Code, in respect to the operation of a motor vehicle.

**The Review Decision**

Once the review is complete, a written decision revoking or confirming the prohibition is sent to you. There are two possible decision outcomes:

1) **Driving Prohibition Revoked**

If the adjudicator revokes the driving prohibition, you may reapply for a driver’s licence. The review fees will be refunded, less any outstanding fees or debts owed to the Province or ICBC.

2) **Driving Prohibition Confirmed**

If the adjudicator confirms the driving prohibition, your 90-day driving ban will continue. Review decisions are final, but subject to judicial review through the B.C. Supreme Court.

**For more information**

Visit RoadSafetyBC’s website
Visit ICBC for information on driver licensing