

Administrative Driving Prohibition (ADP) Late Review

Fact Sheet

Under the *Motor Vehicle Act*, if you are served with a Notice of Driving Prohibition for an Administrative Driving Prohibition (ADP) you are allowed **seven** days from the date of service to apply for a review of the prohibition.

The Notice of Driving Prohibition served by a police officer states that in order to apply for an ADP review, you must go to an ICBC Driver Licensing Office or Service BC location within seven days, fill out a review application form, and pay the required application fee.

Although the *Motor Vehicle Act* specifies a seven day limit for applying for a review, the *British Columbia Supreme Court in Segers v. British Columbia (Superintendent of Motor Vehicles)* [1999 CanLII 5561] found that the Superintendent has a residual discretion to consider late filed ADP review applications in unusual circumstances. The *Segers* decision specifies that this discretion is to be used sparingly.

The following are factors which the courts have directed RoadSafetyBC to consider when deciding whether or not to extend the seven day application window in a particular ADP case:

1. The Superintendent is satisfied that the driver at all material times had a *bona fide* intent to seek review within the seven day limit;
2. The Superintendent is satisfied that the driver took all reasonable and appropriate steps to seek a review within the seven day appeal period;
3. The Superintendent is satisfied that the driver's failure to apply for a review within the seven day limit was not caused by, or contributed to by, the driver's conduct;
4. The Superintendent is satisfied that the driver has an appeal, argument, or issue that is worthy of consideration;
5. The application for an extension of the seven day limit is submitted as soon as practical.

Please ensure that your submission addresses **each** of the factors outlined above. You can also include any other relevant information about your particular circumstances which you wish to have considered when we determine whether or not an extension is warranted.

If you believe your situation warrants an extension of the seven-day limit, please write to:

ROADSAFETYBC
PO BOX 9254 STN PROV GOV
VICTORIA BC
V8W 9J2

Alternatively, you may submit your application for an extension to RoadSafetyBC by FAX at: **250-356-6544**.

The Superintendent does not accept applications for late reviews of Immediate Roadside Prohibitions or 24hr prohibitions.