

## **Requesting a reconsideration of a referral to Remedial Programs Frequently Asked Questions**

In April 2013 RoadSafetyBC (formerly the Office of the Superintendent of Motor Vehicles) put in place an enhanced referral and formal administrative reconsideration process for drivers referred to remedial programs – the Responsible Driver Program (RDP) and the Ignition Interlock Program (IIP), under section 25.1 of the Motor Vehicle Act (Act). Under the enhanced process, drivers with alcohol-related driving prohibitions referred to remedial programs under section 25.1 of the Act are provided with a copy of their driving record and information about the formal process available to have their referral reconsidered.

### **Q1. Who is eligible to apply for a reconsideration?**

A. Only drivers who are referred to remedial programs under section 25.1 of the Act are eligible to apply for reconsideration. Remedial program referrals made under section 25.2 of the Act are mandatory, and are not eligible for reconsideration. Drivers with out of province remedial requirements are also not eligible for reconsideration.

### **Q2. How do I apply for a reconsideration?**

A. There is a formal application form available on the RoadSafetyBC website at <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/remedial-program-reconsideration-application.pdf> or at ICBC Driver Licensing Offices.

### **Q3. What are the grounds people can use when applying for reconsideration?**

A. Drivers who request a reconsideration of their referral to remedial programs may make submissions on any grounds relevant to their referral to remedial programs. Adjudicators will decide the case on its merits, and can uphold, vary or terminate the referral in a written decision. Drivers referred

### **Q4. How will reconsiderations be processed?**

A. Submissions need to be made in writing to the Superintendent, using the application form available on RoadSafetyBC's website. Submissions will be considered and a decision to confirm, vary or terminate the referral will be made by an adjudicator, under authority delegated by the Superintendent.

**Q5. How long will the reconsideration take?**

A. We are working to reconsider files as expeditiously as possible; however, we are unable to advise you as to the exact date your file will be reconsidered. Once your file has been reconsidered, you will receive a formal letter in the mail advising you of the outcome of your reconsideration, confirming whether or not your referral to remedial programs is upheld, varied or terminated.

**Q6. Will my requirements be put on hold while you review and decide on my application for reconsideration?**

A. If your application is filed within 30 days of the date on your Notice of Referral, your referral will be stayed (put on hold) while a reconsideration is being conducted. If your application is filed more than 30 days after your referral, your referral proceeds uninterrupted while your reconsideration is being completed and you must register and participate in the program to which you have been referred as a condition of keeping your driving licence or before you can regain driving privileges.

**Q7. Can I apply for reconsideration before I have been referred?**

A. No, you can only apply for reconsideration once a referral decision has been made. If you are referred to remedial programs, then you will receive a Notice of Referral which contains information on why you have been referred, including a copy of your driving record, at which point you can apply for reconsideration.

**Q8. I have already completed the remedial program requirements - can I apply for a reconsideration or a refund?**

A. No. Your referral was based on a drug or alcohol related driving event that represented a serious risk to public safety and the Superintendent does not have legal authority to reconsider completed referrals. The Superintendent cannot offer any reconsideration or refunds to drivers who have completed or participated in the programs.

**Q9. My referral has been terminated early on reconsideration, can I get my money back for the parts of the programs I have paid for?**

- A. No. Should the requirement for you to participate in these programs be varied or terminated early, you will not receive a program fee refund.