

Vehicle Impoundment Program

The Vehicle Impoundment Program is a road safety program that requires police to immediately impound the vehicles being operated by:

- prohibited, suspended and unlicensed drivers
- excessive speeders
- stunt drivers and street racers
- under-licensed and improperly seated motorcyclists
- impaired drivers (see '*Immediate Roadside Prohibitions*' fact sheet on OSMV website).

What Happens If Caught

Police will issue you a Notice of Vehicle Impoundment right at the roadside (a copy of the notice will be mailed to the person named as registered owner of the vehicle). Police will call a tow truck and the vehicle you were operating will be immediately towed at the expense of the vehicle owner. As well, depending on the offence committed, there may be other consequences imposed.

Impoundment Period

The duration of the impoundment period depends on the offence committed.

- Impaired drivers may see the vehicle they were operating impounded anywhere from 24 hours, to three, seven or 30 days, and the period may escalate based on the driving record of the impaired driver.
- Other offenders may see the vehicle they were operating impounded for 7 days but the duration of the impoundment may be extended by the Superintendent of Motor Vehicles to either 30 or 60 days depending on the number of previous impoundments showing on the registered owner's impoundment history.

Reclaiming the Impounded Vehicle

After the period of impoundment ends, the owner may reclaim the vehicle from the impound lot. If the impoundment was 30 days or more, the owner of the

vehicle must complete a Vehicle Release form, available from any driver licensing office, to submit at the impound lot. The towing and storage fees must be paid at that time as well.

If the owner of the vehicle is not retrieving the impounded vehicle himself/herself, he or she must complete an Owner's Authorization form (available from any driver licensing office) allowing another individual to claim the vehicle on his/her behalf.

If the vehicle is not reclaimed at the expiry of the impoundment period, the company that impounded the vehicle may apply to the Superintendent to dispose of the vehicle. If the towing and storage costs are outstanding on the vehicle that was impounded, the vehicle owner may be unable to apply for a driver's licence or insure another vehicle until this debt to the impoundment company is paid.

Applying for a Review

You may request a review of a vehicle impoundment from the Superintendent of Motor Vehicles within 15 days of the date of the impoundment. (Note: Reviews are not available for impoundments for seven days and under.)

There are essentially two kinds of reviews: appeals and early releases.

Appealing the Vehicle Impoundment

To request the review, visit any driver licensing office to apply and make payment. Make sure to bring:

- proof of your identity and proof of motor vehicle ownership, (and the vehicle owner's consent if he or she is naming you as a third party to act on their behalf)
- a copy of the Notice of Impoundment
- all relevant information in support of your application

The grounds for review are set out on the form. Prior to the review, you will receive a copy of the police information that the adjudicator will consider, and you will be given an opportunity to present further information to the adjudicator before the actual review is held.

Applying for an Early Release

A person with a valid driver's licence who resides with the vehicle owner may apply for compassionate early release of the vehicle if it can be shown that the vehicle is needed for work, education or medical treatment and no other form of transportation is available. Both the owner and the applicant must apply together.

A business owner may also request early release of a vehicle if the owner can demonstrate that the impoundment would create economic hardship.

There are two ways you may present your case:

A written review - \$50 (\$100 for Early Release)

- Include, with your application package, your case, presented in writing plus a certified cheque or money order made payable to the Superintendent of Motor Vehicles for \$50.
- The adjudicator will consider information provided by you and by the police when making the decision.

An oral review - \$100

- Submit your applications package, including a certified cheque or money order made payable to the Superintendent of Motor Vehicles for \$100.
- You will be sent a date and time for you (or your representative) to present by phone to the adjudicator.
- You may make a written submission in advance of the oral review by including it with your application package.

Review and Early Release Decisions

The Review Decision for Appeals

The adjudicator will send the written decision to the registered owner of the vehicle within seven days of the date the review was held. The decision will indicate whether the vehicle should be released or the impoundment should continue for the full term. The decision is final, but subject to judicial review. (Under the Judicial Review Procedures Act, any administrative decision can be taken to the B.C. Supreme Court for appeal)

The Early Release Decision

If the application is successful, the vehicle owner must pay a vehicle release fee of \$100 if the vehicle is released early on compassionate grounds or \$450 if it is released on economic hardship grounds. If the application is denied, the vehicle will be impounded for the full term outlined in the Notice of Impoundment. The decision is final, but subject to judicial review.

Other Ways to Get the Impounded Vehicle Released Early

You may apply to have the vehicle released from impoundment before the end of the stated impoundment period if:

- it was stolen (in this case the owner should contact police to file a stolen vehicle report and terminate the impoundment so the owner can pay the impound lot and retrieve the vehicle)
- the unlicensed driver of the impounded vehicle has obtained a valid driver's licence (in this case, ICBC can direct you toward paying and retrieving the vehicle from the impound lot).

Reclaiming Your Vehicle Upon Review or Early Release Decision

Unless advised otherwise by an adjudicator, the owner or authorized representative may reclaim the vehicle (see 'Reclaiming Impounded Vehicle' on page 1).

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