



December 12, 2013

File: C- 405319

s.22

**Driving Prohibition Review Decision – Driver's Licence #** s.22

I am writing in response to a request for a second review concerning your six month prohibition from driving. I am delegated the authority to conduct this review and make a decision concerning this prohibition from driving.

Your driving record indicates that you have held a Class 7 Novice licence since May 2007. As a participant in the Graduated Licensing Program (GLP), your driving record is closely monitored by the Office of Superintendent of Motor Vehicles.

Your driving record also indicates you have received six traffic infractions since February 2009. These infractions include two speed-related violations, two Fail To Display 'L' Or 'N' Sign, a Fail To Produce DL or Insurance, and a Drive Contrary To Restriction. By exceeding the posted speed limit you have demonstrated driving behaviour that disregards the rules of the road and places the welfare of the public at serious risk. As a driver in the GLP, you are required to display the official 'N' sign in any vehicle that you drive. The "N" sign lets other motorists know that you are a Novice driver so they can give you more space on the road. Its use should help reduce your risk of crashing while you are still gaining skills and experience. You must display the official 'N' sign where it is clearly visible to drivers behind you: on your rear windshield, inside or outside, or elsewhere outside your vehicle, at the back. Furthermore, British Columbia (BC) law requires drivers to produce their licence, vehicle registration, and insurance documents when requested by a police officer. Non-compliance shows a fundamental disregard for the rules of the road. In addition, driving contrary to the restrictions of your driver's licence shows a disregard for the rules of the road and public safety. The occurrence of such traffic infractions is significantly correlated with future accident risk. It is therefore in the public interest to prohibit you from driving.

I note that your driving record shows you have incurred three alcohol-related driving violations. As a participant in the GLP, you are required to comply with the regulations of the program. This means that you are required to maintain a zero blood alcohol level when you are in care and control of any vehicle that you drive. Driving under the influence of alcohol is one of the most dangerous driving actions a driver can engage in. This demonstrates poor decision making and puts yourself and other road users at serious risk with potentially fatal consequences.

Your driving record indicates that your alcohol-related violations have initiated your requirement to participate in the Responsible Driver Program (RDP) and Ignition Interlock Program (IIP).

In your submission you say that you work <sup>s.22</sup> and your job requires you to work shifts. Without your driver's licence you rely <sup>s.22</sup> on your mother to drive you to and from work. <sup>s.22</sup> You say that you enjoy your work, but without an income you cannot pay your bills. If you had a driver's licence you could relieve the burden from your mother, by taking your <sup>s.22</sup> <sup>s.22</sup> You say that you have taken this last prohibition very seriously. You acknowledge that you should not drive after drinking and realize that impaired driving is a serious matter with serious consequences. You have apologized to your family and your employer, and you apologize to the Superintendent of Motor Vehicles. You ask that I consider reducing your driving prohibition to allow you to drive.

I have considered your written submission, and reviewed your driving record. I cannot ignore the traffic infractions on your driving record as they relate to public safety. However, I acknowledge that you have already served nearly five months of your six month prohibition, you have registered with RDP, and your driving behaviour will be monitored under the IIP. I also acknowledge that you understand you have made poor choices in the past. As a result of this review, I have reduced your prohibition to five months.

You have acknowledged this prohibition effective July 16, 2013, and it will continue until December 16, 2013. You cannot drive during this period. Should you be apprehended operating a motor vehicle during this prohibition, it will be impounded. In addition, a conviction of Driving While Prohibited carries a minimum \$500 fine, possible imprisonment and an automatic 12 month driving prohibition.

This decision is final; however, you have the right under section 94 of the *Motor Vehicle Act* (the *Act*) to appeal this decision to the Supreme Court of BC within 30 days from the date of this decision.

Due to this prohibition, the Insurance Corporation of British Columbia (ICBC) has cancelled your driver's licence under section 61 of the *Act*. When you reapply for a driver's licence, you will be required to pay the reinstatement fee of \$250, a short term licence fee, and any outstanding fee that may be owing to the Province of BC, the ICBC, or the Court for failure to pay a fine.

You should be aware that if further infractions are added to your driving record within two years following this prohibition, your driving record will be reviewed and further action may be taken.

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Adjudicator  
Driver Improvement Program



November 27, 2013

File: C- 0428987

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### **Driving Prohibition Review Decision – Driver's Licence #**

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I am writing in response to your submission concerning your five month prohibition from driving. I am delegated the authority to conduct this review and make a decision concerning this prohibition from driving.

I note that you have held a Class 7 Novice licence since November 28, 2012. During your participation in the Graduated Licencing Program (GLP), your driving record is closely monitored by the Office of the Superintendent of Motor Vehicles because new drivers are still gaining skills, experience on the road, and have a significantly higher accident rate than more experienced drivers. The risk increases when an inexperienced driver commits driving infractions.

Your driving record indicates that you have received seven infractions since February 5, 2012. These infractions include Drive Contrary to Restriction, Speed In/Outside Municipality and Disobey Traffic Sign or Signal. As a driver in the GLP, you must adhere to the rules of the road as well as the conditions and restrictions of your driver's licence. Speeding infractions are evidence of poor driving behaviour and your disregard for the rules of the road. The occurrence of such traffic infractions is significantly correlated with future accident risk and poses a serious public safety concern. It is therefore in the best interest of the public to prohibit you from driving.

I must also consider your driving history, which indicates that you were previously prohibited from driving. Despite having experienced a prohibition, it appears that you have not changed your driving behaviour as a result.

In your submission, you agree that your driving record is unsatisfactory. However, you state that you had made an effort to improve your driving habits prior to receiving the Notice of Prohibition, and you have not received a violation on your driving record since April 25, 2012. You explain how you are currently employed with <sup>s.22</sup> and you must be available for graveyard shifts. Some of the work is in remote locations which are not accessible by public transit, especially late at night. You assist your mother and younger sister with driving, and you fear that they will face difficulties if you are unable to drive them to work and school. You have made positive changes in your life, and you wish to continue to do well. You ask for a reconsideration of your prohibition from driving, and vow that you will not incur further violations on your driving record.

I have considered your written submission and reviewed your driving record. I cannot ignore the seriousness of the **infractions** on your driving record as they relate to public safety. It is your responsibility to follow the rules of the road to ensure your safety and the safety of other road users. However, I have taken into consideration that you have not received any further infractions since April 25, 2012, and I take this as evidence that your driving behaviour has changed. I have also weighed the impact the prohibition will have in regards to your employment and your ability to assist you family. As a result of this review, I have decided to cancel your driving prohibition. However, you will remain on probation for the duration of your participation in the GLP. As the GLP is a probationary program, your driving record will be closely monitored as long as you are in the GLP. The requirement for safe driving does not end once you become a class five driver.

Please be advised that you may not receive lenience for any future driving prohibitions. This letter should serve as a warning that further incidents entered on your driving record can result in action being taken by the Superintendent of Motor Vehicles which will likely jeopardize your privilege to operate a motor vehicle in this province.

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Adjudicator  
Driver Improvement Program



November 7, 2013

File: C- 0421703

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**Driving Prohibition Review Decision – Driver's Licence #** s.22

I am writing in response to your submission concerning your extended prohibition from driving. I am delegated the authority to conduct this review and make a decision concerning this prohibition from driving.

I note that you hold a Class 7 Novice licence. During your participation in the Graduated Licensing Program (GLP), your driving record is closely monitored by the Office of the Superintendent of Motor Vehicles because new drivers are still gaining skills, experience on the road, and have a significantly higher accident rate than more experienced drivers. The risk increases when an inexperienced driver commits driving infractions.

Your driving record indicates that you received two infractions for Drive Contrary to Restriction and one 12 Hour Suspension on June 1, 2013. By driving contrary to the restrictions on your novice licence, you have demonstrated a fundamental disregard for safety and licensing requirements. Furthermore, as a driver in the GLP, you are required to maintain a zero blood alcohol level whenever in care and control of a vehicle. Driving under the influence of alcohol or drugs is a considerable public safety concern and drivers who incur alcohol or drug related infractions are exhibiting unsatisfactory driving habits. It is, therefore, in the interest of the public to prohibit you from driving.

In your written submission, you state that you feel the harshness of a four month prohibition outweighs the gravity of the infractions you incurred on June 1, 2013. You explain how you are a s.22 in Vancouver, British Columbia (BC), s.22

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s.22 You were aware of the restrictions on your Class 7 driver's licence, and you knew that you should not transport non-family passengers. You felt it was safer for you to drive the s.22 drive a rental car in an unfamiliar city. You were surprised that you registered alcohol use when you were stopped at a roadblock, as you felt that enough time had passed since you last had wine. You agree that you should not have transported so many people, though you question some of the penalties you have faced as a result.

While you primarily live in Vancouver

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s.22 You are often counted on to drive them to various medical appointments, to buy groceries and pick up medication. It has proved costly to your parents to use taxis, and public transportation is an uncomfortable option. You also

s.22 and you face difficulties in getting to and from work without your driver's licence. You find it impossible to carry on with your volunteer work and the care of your parents without a valid driver's licence.

You believe that on the night of June 1, 2013, you were indeed acting in the interests of public safety. You admit that you made a mistake in driving the s.22 and you will not make that mistake again. You are s.22 and you feel that you are a responsible driver. You seek a cancellation or reduction of your driving prohibition. You also seek a reduction in the two year waiting period you must serve in the GLP before applying for your Class 5 driver's licence so you can apply for the upgrade as soon as possible.

Please be advised that if you have a Class 7 licence that has been cancelled due to a driving prohibition, you will lose any accumulated driving experience and will need to acquire an additional 24 months before being eligible. I regret that I am unable to grant your request to be exempt from the GLP, as this policy is applicable to all drivers and there are no exceptions to this rule. Therefore, you are required to adhere to the restrictions of your class 7 Novice driver's licence and complete the GLP.

I have considered your written submission and reviewed your driving record. I cannot ignore the seriousness of the infractions on your driving record as they relate to public safety. However, I have taken into consideration that prior to June 1, 2013, you had not received any violations in the 11 years you have held your class 7 Novice licence, nor have you received any since. I have also considered the hardship that this prohibition has caused you. I note that you have served over two months of this driving prohibition, and I am satisfied that you have had time to assess your driving behaviour. As a result of this review, I am remitting your prohibition from driving effective this date. You may attend a Driver Licencing Office and apply for a driver's licence today.

Due to this prohibition, the Insurance Corporation of British Columbia (ICBC) has cancelled your driver's licence under section 61 of the *Motor Vehicle Act*. When you reapply for a driver's licence, you will be required to pay a reinstatement fee of \$250, a short term licence fee, and any outstanding fee that may be owing to the Province of BC, the ICBC, or the Court for failure to pay a fine.

As the Graduated Licensing Program (GLP) is a probationary program, your driving record will be closely monitored as long as you are in the GLP. The requirement for safe driving does not end once you become a class five driver.

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Adjudicator  
Driver Improvement Program