

SUPERINTENDENT OF MOTOR VEHICLES **DELEGATION POLICY**

Driver Medical Policy as Administered by ICBC **for Drivers Other Than at the Time of a Driver's Licence Application** **(Pursuant to Sections 25, 29 AND 92 of the *Motor Vehicle Act*)**

1.0 Introduction

In accordance with this policy, the Insurance Corporation of British Columbia (ICBC) may carry out the following actions with respect to the fitness of a driver;

- voluntary driver's licence class changes ("downgrades")
- generation of a Notice of Cancellation for failure to comply with a medical or other examination requirement
- generation of a periodic medical examination for certain groups of drivers
- placing in abeyance driver licence cancellations issued for failure to comply with a medical or other examination requirement

These responsibilities are in addition to those established in Delegation #1 the "Driver Evaluation Section 25 Delegation".

For purposes of the policy "the Superintendent" means:

The Superintendent of Motor Vehicles
Driver Fitness Unit
PO Box 9254 Stn Prov Govt
Victoria British Columbia
V8W 9J2

2.0 Voluntary Licence Class Changes

When a driver presents to the Insurance Corporation of British Columbia wishing to voluntarily change their driver's licence from class 1, 2, 3 or 4 to class 5 (hereinafter called "downgrade") because they have been required to submit to a Driver's Medical Examination due to their possession of a class 1, 2, 3 or 4 driver's licence:

- ICBC will carry out the Superintendent's evaluation as appropriate upon application for the downgraded licence under Delegation #1 the "Driver Evaluation Section 25 Delegation"
- when the reason for the medical examination is "routine-professional driver", ICBC may carry out the downgrade, subject to the results of the above noted evaluations
- if a medical condition is declared, the condition shall be reviewed against the "Quick Reference Guide to Issuing Medical Reports and Licences" in the Licensing Operations

Manual. If no medical examination is required under that policy for the downgraded licence class, ICBC will cancel any outstanding medical requirement on the driver's record

- if a medical report for the class 1, 2, 3 or 4 licence was issued due to a "known" medical condition, ICBC may carry out the driver's licence downgrade only when the medical report was required for medical condition, as identified by sections 4, 5, 8, 9, 9.1, 9.1A and 10 of the *Guide for Physicians in Determining Fitness to Drive a Motor Vehicle*
- if the Superintendent's evaluation conducted in connection with the application for the downgraded licence indicate that a "known" medical condition may have progressed since a previous medical examination, the corporation will not proceed with the downgrade and the matter will be referred to the Superintendent

If the downgrade is allowed in respect of a driver who presents a medical condition identified in sections 4, 5, 9.1 or 9.1A of the *Guide for Physicians in Determining Fitness to Drive a Motor Vehicle*, ICBC will program the Driver's System to issue a further medical examination for a class 5 licence in 4 years from the date the Driver's Medical Examination form was issued.

If the downgrade is not permitted by this delegation, the matter will be referred to the Superintendent.

Note: ICBC will refer all requests for downgrade to the Office of the Superintendent of Motor Vehicles where a medical has been issued due to a "possible" medical condition.

3.0 Road Tests Ordered Under Section 29 and 92

When ICBC road tests a driver who has been required to attend the test by the Superintendent under section 29 of the Motor Vehicle Act, ICBC will:

- conduct the road test for the class of licence held by the driver unless otherwise directed by the Superintendent
- if the driver holds a class 1, 2, 3 or 4 driver's licence, and wishes to downgrade to a class 5, the Corporation will allow the downgrade if the instructions on the Driver's Examination Requirement form (MV2015) permit it

3.1 *Failed Road Tests – Driver's Licence Issuance*

Unless otherwise indicated by the instructions on the MV2015, ICBC will conduct a maximum of three road tests for the driver.

If a driver fails their first or second road test, ICBC will:

- Retain the driver's licence and issue a learner's driver's licence unless, in the opinion of the Driver Examiner, the nature of the driver's errors are such that the driver or other highway users would be at risk if the driver were to drive a vehicle
- If, in the Driver Examiner's opinion, it would be unsafe for the person to operate a motor vehicle under any circumstances, ICBC may refuse to issue a driver's licence. A report of the road test results and the action taken must be sent to OSMV in these circumstances

- Ensure that the Driver's System is be updated to show the deadline for compliance

If a driver fails a third road test, ICBC will:

- Seize any driver's licence in the driver's possession
- Send a written report to OSMV

4.0 Periodic Medical Examinations

ICBC will automatically generate a Driver's Medical Examination Report form (the MV2010A) and forward it to the driver for completion in the following circumstances:

- for holders of a class 5 or 6, 7 or 8 driver's licence, at age 80 and every two years thereafter

ICBC will automatically generate a Driver's Medical Examination Report form (the MV2010B) and forward it to the driver for completion in the following circumstances:

- for holders of a class 1, 2 3, or 4 licences and those with an industrial road endorsement (codes 18 or 19) and those permitted to operate a truck trailer of any GVW without an air brake (code 20) licence at the time of application and:
 - Every five years for drivers 18-45 yrs of age (25, 30, 35, 40, & 45 years)
 - Every three years for drivers 46-65 years of age (48, 51, 54, 57, 60, 63 years)
 - Every year for drivers age 66 or older

ICBC will also generate periodic follow up medical report for completion by the driver as may be requested by the Superintendent of Motor Vehicles due to a known or possible medical condition.

5.0 Generation of a Notice of Cancellation for Failure to Comply with a Medical or Other Examination Requirement

When a driver has been required to submit a medical or other examination under section 29 of the *Motor Vehicle Act* ICBC will generate a report as to the driver's compliance (a "non-compliance report") with the requirement within a minimum of 3 months to a maximum of 4 months after the date of the requirement being issued.

ICBC will verify the non-compliance of a driver so reported according to the information it has available via the driver's licence system "Display" (DSP), Driver Examination (DXM), Learner's Licence (LRN), Expanded Status (XS) and "Medical Information" (MXM) segments. ICBC will check any or all of these segments as needed to verify non-compliance given the class and circumstance of the licence.

When a driver has not met an examination requirement ICBC may issue a Notice of Cancellation of the person's driver's licence (in the form of a "#57 letter") in the following circumstances:

5.1 Medical Examination Requirements

If, upon thorough verification of a non-compliance report, the driver's record indicates that a medical requirement has not been met ICBC will send the #57 letter. The Notice of Cancellation will include a statement indicating that the cancellation will take effect 14 days from the date of the notice. ICBC will ensure that a status is in place that allows the cancellation to go into effect after 14 days, providing that the driver has not complied with the requirement.

If the status of the medical requirement examination shows that an extension of the compliance date has been granted, ICBC will not send the #57 letter.

5.2 Vision Screening or Road Test Re-Examination

If, upon thorough verification of a non-compliance report, the driver's record indicates that a driver examination requirement has not been met ICBC will send the #57 letter. The Notice of Cancellation will include a statement indicating that the cancellation will take effect 14 days from the date of the notice. ICBC will ensure that a status is in place that allows the cancellation to go into effect after 14 days, providing that the driver has not complied with the requirement.

If the verification shows that a testing requirement has been fully or partially complied with and the driver's status has changed as a result, a letter #57 will not be issued and a status will be added to the driver's record if needed to reflect testing or other requirements that must be met before full driving privileges may be reinstated.

In all cases where a driver has complied with the driver examination, but failed a component of the examination, no #57 letter shall be issued. Instead, a visual approval requirement (3NOVI) will be added to the driver's record if he or she has failed the vision component of the examination, if one was conducted and/or a re-examination requirement (3NORX) will be added to the driver's record if he or she has failed the road test component of the examination.

6.0 Placing in Abeyance Cancellation for Failure to Comply With an Examination Requirement

6.1 Medical Examination Requirement

When a Notice of Cancellation has been issued as the result of a failure to comply with a medical examination requirement, and the client shows to the satisfaction of ICBC that they have complied with the examination, ICBC will:

- advise the client that the cancellation has been placed in abeyance for a period not to exceed 30 days, and to send a copy of the completed medical examination form to the Superintendent or ICBC within the specified period

- add or update the 392CP status to reflect the specified deadline for submitting the completed medical examination
- advise the client that the cancellation will automatically occur on the date established if the Superintendent or ICBC still have not received the medical examination form

6.2 Examination of Visual Functions Requirement

When a Notice of Cancellation has been issued as the result of a failure to comply with a vision examination requirement, and the client establishes to the satisfaction of ICBC that they have complied with the examination, ICBC will:

- advise the client that the cancellation has been placed in abeyance for a period not to exceed 30 days, and to send a copy of the completed Examination of Visual Functions form to the Superintendent or ICBC.
- add or update the 392CP status to reflect the specified deadline for submitting the completed examination
- advise the client that the cancellation will automatically occur on the date established if the Superintendent or ICBC still have not received the Examination of Visual Functions form

6.3 Notice of Re-Examination Requirement

When a "Notice of Cancellation" for non-compliance has been issued as the result of an outstanding driver's examination requirement, and the client establishes to the satisfaction of ICBC that he or she has complied with or made reasonable attempts to comply with the requirement, ICBC will:

- withdraw the driver's licence cancellation
- remove the 3092E (hold exam required), 392CP status, or restore a cancelled driver's licence, as the case may be, and add status "OE" (the driver examination requirement status)
- if the client reports having booked a testing appointment, ICBC will review compliance 30 days after the reported appointment date

6.4 Other Section 92 Cancellation Situations

When ICBC is satisfied that a driver has not received an examination notice, or has made reasonable efforts to comply but has been unable (e.g., due to holidays or other unusual situations), ICBC may:

- postpone the Notice of Cancellation for a period not exceeding 30 days
- add or update the 392CP status to reflect the specified deadline for completing the examination
- advise the client that the cancellation will automatically occur on the date established if the Superintendent or ICBC still have not received the medical examination form
- advise the client that the cancellation will automatically occur on the date established if the Superintendent or ICBC still has not received evidence of compliance with the examination

- document any conversations with a driver in DF Web so that they can be retrieved at a later date

This option for ICBC to extend the compliance date may be exercised once in respect of a particular examination requirement. Any further requests for extension must be approved by the Superintendent.