



Requesting a review of an Immediate Roadside Driving Prohibition

If you have been issued an Immediate Roadside Driving Prohibition and believe the prohibition was issued in error, you may apply to the Registrar for a review of the associated driver licence suspension and disqualification in accordance with section 263.2 of The Highway Traffic Act.

The issues before the Registrar in a review are whether:

- You were the driver, or were in care or control of a conveyance.
- Your blood alcohol concentration registered a WARN on a calibrated screening device.
- Your blood alcohol concentration equaled or exceeded 50 mg of alcohol in 100 mL of blood but was less than 80 mg of alcohol in 100 mL of blood.
- Your blood alcohol concentration registered a FAIL on a calibrated screening device.
- You were advised of your right to a second test on a calibrated screening device.
- You requested a second test, and if so, whether the officer performed one.
- The second test was performed on a different calibrated screening device.
- The prohibition was served on the basis of the lower of the two results.
- You refused or failed to comply, without reasonable excuse, with a demand to provide a breath or blood sample.
- The suspension and disqualification order was the first, second, third, fourth or more served during the relevant 10 year period.

Please be aware of the following:

- Hardship reasons will not be considered as grounds for a review.
- You must apply for a review within one year from the date you received the prohibition/suspension as prescribed in Section 263.2(1) of The Highway Traffic Act.
- You can retain legal counsel for assistance with the review but is not necessary. Legal costs are the responsibility of the applicant and will not be reimbursed by Manitoba Public Insurance (MPI).

The application process:

The application form is available on MPI's website (mpi.mb.ca) and can be submitted to any MPI Service Centre or sent to:

Driver Fitness
Box 6300
Winnipeg, Manitoba
R3C 4A4

MPI offers a written review or oral hearing. Applications will not be accepted without payment. If your review is successful, the application fees will be refunded and reimbursed to your MPI account.

When submitting your application please ensure it is fully completed. We cannot process your application without your contact and personal information which includes:

- Date of Birth
- Driver Licence number

- Address
- Phone number
- Email address (if applicable)

Please include all the evidence you would like to be considered when submitting your application. No further information will be accepted after the review or hearing is completed.

Please note that you are not limited to the space provided in the application. The information you provide should focus on the specific grounds of the review that pertain to your suspension and disqualification.

Written review

The fee for a written review is \$50.

A written review will be completed within 10 days of being received by Driver Fitness and a decision will be mailed/emailed to you within seven days of the outcome.

Oral hearing

The fee for an oral hearing is \$100.

Once an application is received by Driver Fitness, you will be contacted to book a date and time for the review. Oral hearings will be held within 20 days of the application date. If you plan to obtain legal counsel you must ensure that your lawyer is available for the scheduled date and time.

Oral hearings are limited to 60 minutes and will be conducted over the telephone. If you miss the phone call at the scheduled time, you will be deemed to have waived your right for a hearing and the application fee will not be refunded.

Once the oral hearing is completed, a decision will be mailed/emailed to you within seven days.

What items are considered during a review:

The information considered during a review includes:

- The report of the peace officer.
- Any sworn statements or other relevant information.
- A copy of any certificate of analysis (if available).
- The application and supporting evidence provided by the applicant.

NOTE: If you would like a copy of the police report prior to submitting your application, contact the originating law enforcement agency.

Decision

There are three possible decision outcomes:

1. Driving prohibition revoked – All review fees and monetary penalties associated with the suspension and disqualification will be waived and/or refunded. You will need to pay any other outstanding fees to be reinstated, if applicable.
2. Driving prohibition varied – The driving prohibition will be reduced if it was not the correct duration. You will need to pay any outstanding fees to be reinstated, if applicable.
3. Driving prohibition confirmed – The decision will remain unchanged.

Review Decisions are final.

3) Describe any circumstances related to the issuance of the Immediate Roadside Prohibition licence suspension that you consider relevant for the purpose of this review.

4) Describe any additional circumstances or reasons why you believe the suspension or disqualification of your driving privileges should be revoked.

Supporting material, such as written information or additional documents you wish to be considered in your review must be provided at the time you submit this application. The Reviewing Officer will not consider any information submitted after the review has concluded.

Signature

Date