



Administrative Suspension Review Application

If you have been issued an Administrative Licence Suspension and Disqualification and believe it was issued in error, you may apply to the Registrar for a review in accordance with section 263.2 of *The Highway Traffic Act*.

The issues before the Registrar in a review of an Immediate Roadside Prohibition are whether:

- You were the driver or were in care or control of a conveyance.
- You provided a breath sample on a calibrated screening device which registered a WARN
- 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.
- You provided a breath sample on a calibrated screening device which registered a FAIL You were advised of your right to request a second calibrated screening device test .
- 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.

The issues before the Registrar in a review of a 3-month Administrative Licence Suspension are whether:

- You were the driver or were in care or control of a conveyance.
- You operated a conveyance with a blood alcohol concentration equaling or exceeding 80 mg of alcohol in 100 mL of blood.
- You operated a conveyance with a blood drug concentration equaling or exceeding the amount prescribed under the Criminal Code.
- You operated a conveyance with alcohol and drug blood concentrations equaling or exceeding the amounts prescribed under the Criminal Code.
- You operated a conveyance and failed or refused to comply, without reasonable excuse, with a demand made under the Criminal Code to supply a sample of breath, oral fluid, urine or blood.
- You operated a conveyance and failed or refused to comply, without reasonable excuse, with a demand made under the Criminal Code to perform a Physical Coordination Test or failed to follow the peace officer's instructions regarding the test.
- You operated a conveyance and failed or refused to comply, without reasonable excuse, with a demand made under the Criminal Code to submit to a Drug Recognition Evaluation or failed to follow the peace officer's instructions regarding the evaluation.

The issues before the Registrar in a review of a Tiered Administrative Licence Suspension are whether:

- You were the driver or were in care or control of a conveyance.
- Based on your performance on a drug recognition evaluation, the peace officer believed you were unable to safely operate a conveyance.
- You operated a conveyance and provided a sample of a bodily substance that when tested on approved drug screening equipment detected the presence of a drug at a level specified in accordance with the Criminal Code.
- Based on your performance on a physical coordination test, the peace officer believed you were unable to safely operate a conveyance.
- The suspension and disqualification order was the first, second, third, fourth or more served during the relevant 10-year period.

The issues before the Registrar in a review of an Alcohol Prohibition Administrative Tiered Suspension are whether:

- You were the driver or were in care or control of a conveyance.
- You were subject to an alcohol prohibition under section 264.1 of the Highway Traffic Act
- You provided a breath sample on a calibrated screening device which registered the presence of alcohol
- You were advised of your right to request a second calibrated screening device test .
- 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 suspension/disqualification was served on the basis of the lower of the two results.
- Based on an analysis of your blood or an analysis of your breath with an approved instrument, the peace officer reasonably believed you had alcohol in your blood, and the blood alcohol concentration was less than 50 mg of alcohol in 100 mL of blood.
- 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 suspension/disqualification as prescribed by Section 263.2(1) of the Highway Traffic Act.
- You can retain legal counsel for assistance with the review, but it is not necessary. Legal costs are the responsibility of the applicant and will not be reimbursed by Manitoba Public Insurance (MPI).

The application process:

- Payment must be submitted at the time of application.
- Applications must be received within **one year** from the date you received the suspension/disqualification.
- If you require a copy of the police report, please indicate your request in the application.
- MPI offers a written review or oral hearing.
- If your review is successful, the application fees will be refunded and reimbursed to your MPI account.

Your application form and payment can be submitted to any MPI Service Centre or mailed to:

Driver Fitness
Box 6300,
Winnipeg, MB R3C 4A4

Written Review- fee \$50- Include all evidence with this application form

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

Oral Hearing- fee \$100

- Once the application and payment are received by Driver Fitness, you will be contacted to book an appointment for the hearing, which will be completed within 20 days. If you plan to obtain legal counsel, you must ensure your lawyer is available for the scheduled date and time.
- Oral hearings are limited to 60 minutes. If you miss your appointment, you will be deemed to have waived your right for a hearing and the application fee will not be refunded.
- A decision will be mailed/emailed to you within seven days of the hearing.

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 form and supporting evidence provided by the applicant

The information you provide should focus on the specific grounds of the review that pertain to your suspension and disqualification. Hardship reasons will not be considered. 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.

Decision

There are three possible decision outcomes following the review. The suspension/disqualification may be:

1. **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 outstanding fees/charges to be reinstated, if applicable.
2. **Varied** – The driving suspension/disqualification will be amended if it was not the correct duration. You will need to pay any outstanding fees/charges to be reinstated, if applicable
3. **Upheld** – The decision will remain unchanged.

Decisions are final.



Administrative Suspension Review Application

Driver Fitness
Box 6300
Winnipeg, MB R3C 4A4
Phone: 204-985-1900 Fax: 204-953-4992
Toll Free: 1-866-617-6676
Driverfitness@mpi.mb.ca
Monday to Friday – 8:30 a.m. to 5:00 p.m.

MPI USE ONLY

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|-----------------|----------------|-----------------|--------------|
| Name of Driver: | Date of Birth: | Licence Number: | Phone number |
| Mailing Address | | City | Postal Code |

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|--|--|
| Occurrence Date of Suspension | Type of Review Oral Hearing \$100.00 Written Hearing \$50.00 |
| I have retained Legal Counsel for the Review Yes No | Name and contact information of Legal Counsel, if retained. |
| Do you require a copy of the police report? Yes No if yes and you require it prior to submitting, please contact Driver Fitness directly at driverfitness@mpi.mb.ca | |
| Do you consent to receive the decision notice via email: Yes No | Email to send decision notice: |

Answer those questions which you consider relevant to this review. You are under no obligation to answer any question. If you require additional space for your answers, you may attach additional pages to the application.

| | | |
|---|-----|--------------------|
| Are you the person named as the driver in the Notice and Order of Suspension or Disqualification? | Yes | No (if no explain) |
| | | |
| Did you undergo a physical coordination test or a drug recognition evaluation? | Yes | No (if no explain) |
| | | |

Describe any circumstances relating to your performance on the physical coordination test or drug recognition evaluation that you consider relevant for the purpose of this review.

Did you provide a breath sample to law enforcement? Yes No (if no explain)

Did you provide a sample of a bodily substance (blood, oral fluid, urine) for analysis? Yes No (if no explain)

Describe any circumstances related to the issuance of the administrative licence suspension/disqualification that you consider relevant for the purpose of this review

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

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