

IRS

Immediate Roadside Suspension Program

NOTE: The purchase of an application does not guarantee the suspension/disqualification will be overturned.

Before purchasing an Application for a Hearing for either the suspension/disqualification or the vehicle seizure (a separate application will be required for each type of appeal), please read the following information as the application and Alberta registry fees are NON-REFUNDABLE. The fee is \$125 for a non-oral written hearing or \$250 for an oral in-person hearing before the Alberta Transportation Safety Board (“Board”). Alberta registry agents will charge a service fee for the application and this cost may vary from agent to agent.

APPEALING AN IRS SUSPENSION/ DISQUALIFICATION

How long do I have to appeal my IRS suspension/disqualification?

You have 30 days to appeal your IRS, from the date you are served with the Notice of Suspension/Disqualification, under section 45(2) of the *Traffic Safety Act*. The Board cannot proceed with appeals from applications received after the 30-day limitation period. Any applications received by the Board after the 30-day limitation period will be returned with supporting documentation and the application fee refunded (excluding the agent service fee).

When can I appeal an IRS suspension/disqualification?

If your licence is suspended or if you are disqualified through IRS for the second or subsequent time in a 10 year period, you may apply to appeal the suspension or disqualification to the Board under section 39 of the *Traffic Safety Act*.

What are the grounds for appeal of the IRS suspension/disqualification under the *Traffic Safety Act*?

Under section 39 of the *Traffic Safety Act*, the grounds for appeal of an IRS suspension or disqualification are if the person can show:

- he/she did not drive the vehicle, or
- he/she had not consumed alcohol in a quantity to make their blood alcohol concentration 50 milligrams percent or greater within three hours of driving.

What grounds will NOT be considered for appeal of the IRS suspension/disqualification?

The Board will not consider the following grounds for appeal:

- hardship caused by the suspension or disqualification;
- failure to receive or accept a Notice of Suspension/Disqualification; or
- failure or refusal to surrender an operator’s licence.

When is an IRS suspension/disqualification not appealable?

You may not appeal an IRS suspension/disqualification when your licence is suspended or you are disqualified through IRS for the first time in a 10 year period.

What documents do I send the Board when appealing an IRS suspension/disqualification?

You must provide the Board with the following:

- an original appeal application
- a copy of the Notice of suspension/disqualification, and
- any relevant information or sworn/affirmed statements.

APPEALING AN IRS VEHICLE SEIZURE

Appealing an IRS-related vehicle seizure is a separate process from appealing an IRS suspension/ disqualification and requires purchasing a separate Application form.

How long do I have to appeal my IRS vehicle seizure?

You have 30 days to appeal your vehicle seizure, from the date your vehicle was seized under section 45(2) of the *Traffic Safety Act*. The Board cannot proceed with appeals from applications received after the 30-day limitation period. Any applications received by the Board after the 30-day limitation period will be returned with supporting documentation and the application fee refunded (excluding the agent service fee).

NOTE that if the seizure period has expired the Board does not have the authority to provide you with relief.

Who can appeal an IRS vehicle seizure?

The vehicle's owner or other person who has an interest in the vehicle may apply to the Board to appeal a vehicle seizure under section 40 of the *Traffic Safety Act*.

What are the grounds for appeal of a vehicle seizure under the *Traffic Safety Act* or *Vehicle Seizure and Removal Regulation*?

Under the *Traffic Safety Act* and the *Vehicle Seizure and Removal Regulation*, the grounds for appeal of an IRS vehicle seizure include:

- If the person driving the vehicle has not been served with a notice of suspension/disqualification under section 88 of the *Traffic Safety Act*;
- If the owner was not driving a vehicle when it was seized and could not have known the vehicle was being operated in a manner that would result in the driver being disqualified under IRS;
- If the owner was not driving the vehicle when it was seized, and the vehicle was being driven without the owner's express or implied consent; or
- If this is not a 2nd or subsequent IRS within a 10 year period (when the vehicle has been seized for 7 days).

What grounds will NOT be considered for appeal of the IRS vehicle seizure?

The Board will not consider the following grounds for appeal:

- the issue of hardship caused by the vehicle seizure;
- the refusal to accept a notice of seizure, or

- any other ground not enumerated in the *Traffic Safety Act* or the *Vehicle Seizure and Removal Regulation*.

What documents do I send the Board when making a vehicle seizure appeal?

You must provide the Board with the following:

- the original Vehicle Seizure Application for Appeal
- a copy of the Vehicle Seizure Notice
- any form provided by the police service who seized the vehicle, and
- if the applicant is not the registered owner, written authorization from the registered owner for the applicant to appeal and receive the vehicle.

How long will it take before I get a decision from the Board?

Once the Board has reviewed a non-oral written appeal it will usually take 3 business days and for an oral in-person appeal it will usually take 7 business days.

The above is a summary of the provisions of the *Traffic Safety Act* and *Vehicle Seizure and Removal Regulation*. These are the binding authorities. It is highly recommended that you review the applicable sections.

For further information regarding appeals, contact the Alberta Transportation Safety Board:

Main Floor, Twin Atria Building
4999 – 98 Avenue
Edmonton, AB T6B 2X3
780-427-7178

OR

803 Manning Road NE
Calgary, AB T2E 7M8
403-297-3466

To locate a registry agent near you, call:

Edmonton: (780) 427-7013

Outside Edmonton, call: 310-0000 and ask for 427-7013 or, look under "Licence and Registry Services" in your local directory.

For more information on the Immediate Roadside Sanction (IRS) Program please go to the following link

<http://www.transportation.alberta.ca/Content/docType4789/Production/IRS.pdf>