

# Vehicle Impoundment

## Questions and Answers

### **Why do you impound vehicles under the SGI vehicle impoundment program?**

The vehicle impoundment program is intended to discourage people from driving while disqualified or while their driver's licence is suspended, driving while drinking or doing drugs, and from committing high risk driving offences.

### **Who can have their vehicle impounded?**

There are 3 types of vehicle impoundment in this program. Your vehicle (the one you're driving while you're committing the offence, even if you do not own it/it is not registered in your name) will be impounded if you:

1. are drinking and driving or using drugs and driving (immediate roadside suspension);
2. are driving a vehicle while disqualified or while your driver's licence is suspended (unauthorized driver); or
3. commit selected high-risk offences (rules of the road offences).

### **My vehicle was just impounded. How do I know which program my vehicle is impounded under?**

The impoundment form includes that information. The officer will indicate on the form which program the vehicle is impounded under.

### **How do vehicle impoundments work?**

Once the police officer has established that the vehicle is subject to impoundment, the driver will be given an impoundment notice by the officer. The vehicle will then be immediately towed to an impound yard for the specified length of time. The vehicle owner must pay the towing and storage costs before the vehicle is released.

### **If I lend my vehicle to a friend or family member and the vehicle is seized, can I get my vehicle back immediately since I own the vehicle and was not the driver? Will I be responsible for any costs or will my friend or family member be required to pay?**

As the vehicle owner, it is your responsibility to ensure anyone driving your vehicle has a valid driver's licence and will drive it responsibly. If your vehicle is impounded due to someone else's actions, you can appeal the seizure to the [Highway Traffic Board](#). As the registered owner, you are responsible for all costs involved with the seizure. You may attempt to recover these costs from the driver through the courts.

### **How do I verify if a driver has a valid licence?**

To verify a valid driver's licence through SGI:

- Call 1-844-TLK-2SGI (1-844-855-2744) and speak with a customer service representative. They can only verify if the licence is valid or not valid. A valid response means that the driver's licence is not under suspension, is not expired, and has not been cancelled. They will not be able to provide any other personal information without a release from the driver. Please have the driver's licence number ready.
- You may ask the driver to produce a current driver's abstract from SGI. The driver can request an abstract at any motor licence issuer. The fee for an abstract is \$15.
- If the driver has a [MySGI account](#) they can provide you with MySGI view-only access of their driver's abstract. The driver will be required to grant you this access to view their abstract. You must have an active MySGI account yourself to view the record.

A driver's abstract will also indicate if the driver is subject to an [ignition interlock](#) condition for driving.

**What is the cost of a vehicle impoundment?**

The costs of an impoundment vary based on the distance of the tow and location, and registered weight of the vehicle. See the chart of the [towing and storage costs](#).

**What is the exact process to get a vehicle out of impound?**

1. At the end of the impoundment period (stated in the Notice of Seizure letter) you must purchase a \$125 vehicle impoundment release certificate which can be purchased from any motor licence issuer. You must take your Notice of Seizure with you to purchase a vehicle impoundment release certificate.
2. Take the vehicle impoundment release certificate to the garage keeper and provide them with it. You will be required to pay the towing and storage costs to the garage keeper before they will release your vehicle.

**What do customers do if they did not receive a notice of seizure? For example, my son was driving my vehicle and got it impounded. I'm the owner of the vehicle and don't have the notice of seizure.**

Both father and son (vehicle owner and driver) would receive a copy of the impound form (Notice of Seizure). Law enforcement are required to provide the vehicle owner with a copy of the notice of seizure. If you do not receive a copy of the impound form, you should contact law enforcement.

**Who can buy the release certificate for impounded vehicles?**

Anyone that has information regarding the impoundment (e.g., the driver, garage keeper if it has been sold to a garage keeper, a new owner or the institution that has a lien on the vehicle) can buy the release certificate. However, they would be required to provide a bill of sale or the letter from SGI for the release certificate to be issued.

**Is a vehicle impoundment release certificate required for any vehicle impoundment?**

Yes, you must purchase a vehicle impoundment release certificate at any motor licence issuer for \$125 for all impoundment types, including: rules of the road impoundments, impoundments due to alcohol or drug impairment, and unauthorized driver impoundments. (This also includes no hold impoundments that are included under rules of the road impoundments.)

**What happens to my vehicle if I can't afford to pay the towing and storage charges?**

If the vehicle is not claimed 15 days after the end of the impoundment period, the vehicle is deemed to be abandoned. The garage keeper then applies to SGI to transfer the ownership of the vehicle to their name. Once the ownership has been transferred to the garage keeper, the garage keeper can then sell the vehicle or send it to a crusher.

Any money that the garage keeper receives from the sale of the vehicle is applied to the money owed to them for towing and storage costs. The remainder of the amount owing is applied to the former owner's customer file as an outstanding receivable. This money will need to be paid to SGI. Call our Customer Service Centre to discuss payment options at 1-844-TLK-2SGI (1-844-855-2744).

**If I am found not guilty in court for an offence that my vehicle was impounded for, who is responsible for paying my impoundment fees?**

The impoundment is based on the charge given at roadside, not the outcome of the charge. As such, the fees are your responsibility.

**Can my out-of-province plated vehicle be impounded under the SGI vehicle impoundment program?**

Yes it can. It does not matter where your vehicle is registered and insured it can be impounded under our programs.

**My company vehicle was impounded under the SGI vehicle impoundment program. How is that possible and why?**

Yes, it is possible. If you allow someone to drive your vehicle and they commit an offence, are suspended or disqualified from driving, then your vehicle (even if it is registered to your company) can be impounded under this program. The registered owner of the vehicle will be responsible for the impoundment fees.

Good business practice is to check the licence status of drivers regularly. However, if a licence status changes between checks and the driver is caught, a business will face significant financial and operational burdens with a vehicle impoundment. Law enforcement has the authority to release precious cargo, such as livestock, and have the vehicle directed to the impoundment lot by a specific time and location.

The business can apply to the [Highway Traffic Board](#) for early release of the vehicle. It will cost \$175 to purchase an appeal receipt from a motor licence issuer. Once you have the receipt, call the Highway Traffic Board to set up a telephone hearing.

**Roadside suspension (impaired driving) vehicle impoundments**

**What are the roadside suspension/vehicle impoundment programs?**

Under *The Traffic Safety Act*, effective June 27, 2014 there are vehicle impoundments for roadside suspensions for low blood alcohol content (BAC) or driving with alcohol or drug impairment as a new driver.

If you are stopped at roadside and the law enforcement officer has reasonable grounds to believe you have been drinking or using drugs, you will be asked to blow into a roadside screening device or complete a Standardized Field Sobriety Test (SFST). If you fail the SFST, or blow into a roadside screening device and it is determined that you exceed .04 BAC for experienced drivers, or the zero tolerance level for new drivers, your driver's licence will be suspended. The length of the suspension and impoundment will depend on the number of previous offences.

Also, if you refuse to participate in a SFST or blow into a roadside screening device, your driver's licence will be suspended and your vehicle will be impounded.

Drivers required to have a vehicle ignition interlock device and who are found driving without such a device will be suspended and their vehicle will be impounded.

Drivers with a BAC over .08 (or who fail/refuse to comply with a demand made by a police officer) will be suspended and their vehicle will be impounded.

**Why are vehicles impounded on the first offence? Doesn't this seem a little harsh for a first-time offence?**

Short-term vehicle impoundments have been credited with reducing fatalities related to drinking and driving in B.C. and Alberta. These measures should help keep drivers safe behind the wheel, and help them develop a mentality that drinking and driving does not mix. Changing behavior will mean safety benefits for as long as these individuals drive.

**What is the vehicle impoundment length for experienced drivers caught drinking and driving for the first time?**

Their vehicles will be impounded on a 1st offence for 3 days.

### **Can I appeal a roadside suspension vehicle impoundment?**

Yes, you can appeal to the [Highway Traffic Board](#). You must purchase an appeal receipt from any motor licence issuer within 90 days for \$175 and call the Highway Traffic Board to book a telephone hearing. The appeal fee is non-refundable.

The only grounds you can appeal on are:

- the motor vehicle was stolen at the time of the seizure;
- a driver was in possession of the motor vehicle without the knowledge and consent of the owner;
- the continued immobilization or impoundment would pose a serious threat to the health of any person; or
- the continued immobilization or impoundment would cause extreme hardship.

### **If I am driving a bicycle, an off-highway vehicle or even farm equipment while impaired can it be seized?**

If you are operating a pedal vehicle, it will not be seized. However, if you are operating an off-highway vehicle or farm equipment off private property, it will be seized.

## **Rules of the road suspensions**

### **What are rules of the road suspensions?**

There are a number of traffic offences that contribute to unsafe roadways and impact the severity of collisions. The all-party Special Committee on Traffic Safety determined that vehicle impoundments will apply in the [following situations](#).

### **Why were these offences chosen?**

The all-party Special Committee on Traffic Safety made these recommendations based on results of its research and consultations. The committee chose these serious offences as they are contributing factors in crashes.

In Saskatchewan, driver inattention/distraction is the most cited contributory factor in all collisions, accounting for close to 25% of all factors reported in collisions. In fatal collisions, driver inattention/distraction is the second most commonly cited factor. It is also likely that driver distraction is under-reported, as with many distractions, it is difficult to prove they were a factor in the collision if the driver or other vehicle occupant does not volunteer the information.

Unsafe speed is another major contributing factor to traffic collisions in Saskatchewan – contributing to 31% of traffic deaths, 15% of traffic injuries and 9% of property-damage-only collisions. Current initiatives and enforcement efforts are not improving the situation. Each year, there are upwards of 24,600 unsafe speed-related collisions on Saskatchewan roads that claim 45 lives and injure 979 others. Collisions due to excessive speeding are generally severe – about 67% of excessive speeding collisions result in injury or death compared with only 22% for non-speed related collisions.

### **Can I appeal this impoundment?**

Yes, they can be appealed to the Highway Traffic Board. You must purchase an appeal receipt from any motor licence issuer for \$175 and call the Highway Traffic Board to book a telephone hearing. The appeal fee is non-refundable.

The only grounds you can appeal on are:

- the continued impoundment would pose a serious threat to the health of any person; or
- the vehicle was stolen at the time of seizure.

Additional grounds for appeal are available, if the vehicle is a commercial vehicle<sup>1</sup> impounded for:

- Exceeding the speed limit by more than 50 km/h (1st offence)
- Failing to stop for a peace officer (1st offence)
- Exceeding the speed limit by at least double the speed (2nd offence within 12 months)
- Driving without due care or reasonable consideration (3rd and subsequent offence within 12 months)
- Holding, viewing or manipulating an electronic communication device while driving (2nd offence within 12 months).

<sup>1</sup> A vehicle registered in Class A, C, D, F, LV,GC, PT, PB, PC or PS and has a registered gross vehicle weight of 5,000 kg or greater, and is being used for a commercial purpose at the time it was impounded.

In this case, all of the following appeal criteria must be met:

- the vehicle was not being operated by the owner of the vehicle;
- the owner has a written policy concerning the use or operation of that owner's commercial vehicles; and
- the owner has, prior to the date of the impoundment, obtained a copy of the operator's driver's abstract within the previous 12 months.

## Driving while unauthorized vehicle impoundments

### Why was this unauthorized driver impoundment program created?

Drivers who continue to drive while their licence has been suspended for Criminal Code convictions or other suspensions show no regard for the law and put others at risk.

### Who can have their vehicle impounded?

Any person caught driving in Saskatchewan without a valid driver's licence may have the vehicle they are driving impounded. Regardless of whether the vehicle is borrowed from a friend or family member, used for business or employment purposes, rented or leased, the vehicle will be impounded. This program applies to all motor vehicle types including passenger vehicles, motorcycles, trucks and buses.

### What are my responsibilities as a vehicle owner/plate holder?

You are responsible for taking all reasonable steps, depending on your particular situation, to ensure that every person who drives your vehicle has a valid driver's licence. To verify a valid driver's licence through SGI:

- Call 1-844-TLK-2SGI (1-844-855-2744) and speak with a customer service representative. They can only verify if the licence is valid or not valid. A valid response means that the driver's licence is not under suspension, is not expired and has not been cancelled. They will not be able to provide any other personal information without a release from the driver. Please have the driver's licence number ready.
- You may ask the driver to produce a current driver's abstract from SGI. The driver can request an abstract at any motor licence issuer. The fee for an abstract is \$15.
- If the driver has a MySGI account they can provide you MySGI view-only access to their driver's abstract. The driver will be required to grant you access to view their abstract and you must have your own MySGI account.

A driver's abstract will also indicate if the driver is subject to an ignition interlock condition for driving.

### If the seized vehicle belongs to an employer or to a rental agency, can it be returned sooner?

The employer could appeal the seizure to the Highway Traffic Board. The rental agency would also be required to appeal the seizure to the board.

### **Can I appeal my impoundment?**

Yes, they can be appealed to the Highway Traffic Board. You must purchase an appeal receipt from any motor licence issuer for \$175 and call the Highway Traffic Board to book a telephone hearing. The appeal fee is non-refundable.

The only grounds you can appeal on are:

- The vehicle owner reported the vehicle stolen.
- The owner couldn't have reasonably known of the driver's disqualification.
- The driver couldn't have reasonably known of his/her own disqualification.
- The continued impoundment could pose a serious threat to the health of any person.
- The continued impoundment could pose extreme hardship for person other than the driver.
- The 60-day impoundment term should have been 30 days.

### **Appeals/Highway Traffic Board**

#### **Can I appeal a vehicle seizure?**

Yes, you can appeal for early release of the impounded vehicle based on the following situations. The fee to purchase an appeal receipt is non-refundable, regardless of the outcome.

#### **Can my vehicle be returned sooner if I need a vehicle for my job?**

No, the vehicle can only be returned early upon winning appeal of the seizure.

#### **If I lend my vehicle to a friend or family member and the vehicle is seized, can I get my vehicle back immediately since I own the vehicle and was not the driver? Will I be responsible for any costs or will my friend or family member be required to pay?**

If you lend your vehicle to a friend or family member, you will be required to appeal the seizure to the Highway Traffic Board. As the registered owner, you are responsible for all costs involved in the seizure.

#### **If the seized vehicle belongs to an employer or to a rental agency, can it be returned sooner?**

The employer or rental agency could appeal the seizure to the Highway Traffic Board.

#### **What is the role of the Highway Traffic Board?**

The Highway Traffic Board's mandate is to provide effective adjudication services through transparent, unbiased and fair hearings, to promote land transportation safety and to perform other legislated responsibilities.

#### **Who are the members of the Highway Traffic Board?**

Members of the Highway Traffic Board are persons living in the community. They serve on the board for an initial period of 3 years and may be re-appointed for an additional 3 years. All board members are appointed by Order-in-Council.

#### **What are the qualifications of these board members?**

As Highway Traffic Board members live in the community where the hearings are held, they have varying backgrounds from teachers to former lawyers, former county managers, ex-police members, social workers and business persons.