

RECOVERING A SEIZED VEHICLE



HAS YOUR VEHICLE BEEN SEIZED FOR 30 DAYS?



HOW TO RECOVER YOUR VEHICLE AFTER THE SEIZURE PERIOD

The owner of the vehicle must make an appointment with the pound custodian, go to the pound and pay the towing and impoundment fees incurred by the pound custodian. These fees are set by regulation and are posted on the Web site of the Société de l'assurance automobile du Québec (SAAQ) at www.saaq.gouv.qc.ca.

The owner must recover the vehicle within 10 days following the end of the impoundment period.

WHAT HAPPENS IF THE VEHICLE IS NOT RECOVERED WITHIN 10 DAYS?

The SAAQ sends a notice to the owner and creditors within the following 15 days. If the owner does not recover the vehicle following this notice, the SAAQ will dispose of the vehicle as follows:

→ Vehicles valued at \$2,500 or less:

The SAAQ will discard the vehicle and give it to the pound custodian in payment of the towing and impoundment fees. The owner must pay the SAAQ's administrative fees, or lose the right to obtain a driver's licence or to register a vehicle.

→ Vehicles valued at more than \$2,500:

The SAAQ will dispose of the vehicle by auction sale. In addition to covering administrative costs, proceeds from the sale are used to reimburse the pound custodian for towing and impoundment fees, settle any liens on the vehicle and any unpaid fines and fees owed by the owner of the vehicle. The remaining balance, if any, is remitted to the vehicle owner.

YOU ALSO HAVE A RIGHT TO AN APPEAL

WHAT IS THE PURPOSE OF THIS APPEAL? To apply to recover the vehicle before the end of the impoundment period.

WHO HAS A RIGHT TO AN APPEAL? You may file an appeal if you are the owner of a vehicle which has been seized and impounded for 30 days and can show that you are in one of the following situations:

IF THE OWNER WAS NOT THE DRIVER

1 If you own the vehicle but you were not the driver when the vehicle was seized, the only conditions are the following

- You were unaware that the licence of the driver was under penalty despite having made reasonable inquiries to determine the status of the licence;
- You were unaware that the driver did not hold a class of licence authorizing the operation of the vehicle despite having made reasonable inquiries to determine the status of the licence;
- You had not allowed the driver to have possession of your vehicle;
- You could not reasonably foresee that the driver would operate or have the care or control of the vehicle with a blood-alcohol level in excess of 80 mg per 100 ml of blood;
- You could not reasonably foresee that the driver would fail to comply, without a reasonable excuse, with an order from a peace officer to provide a breath or blood sample;
- You could not reasonably foresee that the driver would commit an excessive speeding offence in a zone of 60 km/h or less.



IF THE OWNER WAS THE DRIVER

2 If you own the vehicle and you were the driver when the vehicle was seized AND the vehicle was seized for driving under penalty, the only condition is the following

- You were unaware your licence was under penalty.
- NOTE:** There is no right to an appeal for a vehicle owner who drives a vehicle and does not hold a driver's licence or the appropriate class of licence.

3 If you own the vehicle and you were the driver when the vehicle was seized AND the vehicle was seized for one or more of the following reasons

- Blood-alcohol level in excess of 80 mg per 100 ml of blood;
- Refusal to provide a breath or blood sample;
- Excessive speeding in a zone of 60 km/h or less.

The only conditions are the following:

- You were not driving or did not have the care or control of the vehicle;
- Your blood-alcohol level was not in excess of 80 mg/100 ml of blood;
- Your blood-alcohol level was not in excess of 160 mg/100 ml of blood;
- You had a reasonable excuse to refuse to comply with the order of a peace officer to provide a breath or blood sample;
- You were not driving at a speed that qualifies as excessive speeding in a zone of 60 km/h or less.



Owners whose vehicles are seized under the *Act respecting owners, operators and drivers of heavy vehicles* (PECVL) must file their application with the Commission des transports du Québec.

HOW TO APPLY

If you were in situation 1 or situation 2, you must send your application to the SAAQ or the Court of Québec.

Application to the SAAQ

- Fill out and sign the *Application for Vehicle Release from Seizure* form available at SAAQ service outlets or online at www.saaq.gouv.qc.ca.
- Submit the *Application for Vehicle Release from Seizure* form with a copy of the *Procès-verbal de saisie de véhicule routier* (statement of seizure):
 - in person at an SAAQ service outlet; or
 - by mailing it to:
Division de la saisie des véhicules et de la révision
Société de l'assurance automobile du Québec
Case postale 19500, succursale Terminus
Québec (Québec) G1K 8J5;
- by fax at 418 643-2200 or toll free at 1 866 680-1939.

No application for vehicle release will be considered unless all the required documents are submitted.

Motion before the Court of Québec

- Fill out and sign the *Motion for Release from Seizure* form available at courthouses or at www.justice.gouv.qc.ca;
- File the motion of release with the clerk of the Court of Québec;
- Notify the SAAQ of the motion. To do so, submit a copy of the motion along with the *Procès-verbal de saisie de véhicule routier* (statement of seizure) in person at an SAAQ service outlet at least 2 days (excluding Saturdays and Sundays) before the motion is presented before a judge.



If you were in situation 3, you must send your application to the SAAQ as follows:

- Fill out and sign the *Application for Review of Suspension of a Licence or the Right to Obtain One* form available at SAAQ service outlets or online at www.saaq.gouv.qc.ca.
- Enclose the following required documents:
 - The original copy of the *Procès-verbal de saisie de véhicule routier* (statement of seizure);
 - The original copy of the *Procès-verbal de suspension du permis ou du droit d'en obtenir un* (statement of licence suspension);
 - The original certificate from a qualified lab technician if you underwent a blood-alcohol test.
- Submit the review application:
 - in person at an SAAQ service outlet; or
 - by mail to:
Division de la saisie des véhicules et de la révision
Société de l'assurance automobile du Québec
Case postale 19500, succursale Terminus
Québec (Québec) G1K 8J5.

No application for review will be considered unless all the required documents are submitted.

The review application may not be submitted by fax, since original documents are required. The documents will be returned to you by mail along with the decision on your application.

WHAT HAPPENS AFTER THE DECISION IS RENDERED?

If the decision is in your favour, you will be informed that your vehicle is released from seizure. You can then recover your vehicle on payment of towing and impoundment fees.

If the decision is not in your favour, the vehicle seizure will be upheld for 30 days.

FOR MORE INFORMATION

Web site

www.saaq.gouv.qc.ca

Telephone

In Québec (city and vicinity): **418 643-7620**

In Montréal: **514 873-7620**

From elsewhere: **1 800 361-7620, toll free**
(Québec, Canada, USA)

This document is not a text of law.
For any reference of a legal nature,
please consult the *Highway Safety Code*
and attendant regulations.

Société de l'assurance
automobile

Québec 



Paper contains 100 percent post-consumer recycled fibre. EcoLogo certified. Chlorine-free processing. Made using Biogas energy.

C-4962-A (10-06)