



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HIGHWAY TRAFFIC ACT DRIVING SCHOOLS REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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HIGHWAY TRAFFIC ACT

Chapter H-5

DRIVING SCHOOLS REGULATIONS

Pursuant to section 312 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, the Lieutenant Governor in Council made the following regulations:

1. Definitions

In these regulations

- (a) “**Act**” means the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
- (b) “**Director**” means the Director of the Division;
- (c) “**Division**” means the Highway Safety Division;
- (d) “**driver education school**” means a body authorized to conduct approved driver education courses consisting of classroom and behind the wheel training;
- (e) “**driver training school**” means a body authorized to conduct approved behind the wheel training;
- (f) “**driving school**” means a school which provides for gain a course of instruction in the operation of motor vehicles;
- (g) “**instructor**” means a person who for gain provides instruction in the operation of motor vehicles;
- (h) “**license**” means a license issued under these regulations;
- (i) “**permit**” means a permit issued in respect of a driving school under these regulations. (EC810/84)

2. Administration

The Director shall administer these regulations. (EC810/84)

3. Driving school permit

- (1) No person shall conduct, maintain, operate or manage a driving school unless a permit to do so has been granted to him under these regulations.

Details on permit

- (2) The permit shall show
 - (a) the name and address of the person to whom it is issued;
 - (b) the name and address of the driving school;

- (c) that the driving school is permitted to operate as a driver education school or a driver training school;
- (d) such other information as the Director may determine.

Term

- (3) A permit shall be valid during the calendar year in which it is issued.

Display of permit

- (4) A permit shall be displayed in a prominent place on the premises of the driving school and shall be produced for inspection at the request of a peace officer, the Director, or his agent. (EC810/84)

4. Application for permit

- (1) Application for a permit to conduct a driving school shall be made to the Director on the form prescribed by him.

Inspection

- (2) The applicant shall furnish such information respecting the proposed driving school as the Director requests and shall allow the Director or his agent to inspect and examine the equipment, motor vehicles, premises and any material to be used in connection with the driving school.

Fee

- (3) The applicant shall pay to the Director a fee of twenty-five dollars in respect of the issue or renewal of a permit. (EC810/84)

5. Requirement for permit

- (1) Where
 - (a) the applicant for a permit has fulfilled the requirements of these regulations;
 - (b) the course of instruction is adequate in the opinion of the Director to train individuals to drive competently; and
 - (c) in the opinion of the Director the applicant is otherwise qualified to conduct, maintain, operate or manage a driving school,

the Director shall issue a permit to the applicant.

Refusal

- (2) The Director may refuse to issue a permit to any person who has been prohibited from driving or whose driver's license or privilege of obtaining a driver's license has been suspended or revoked pursuant to the provisions of the Act or the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46 at any time within five years previous to the date of the application for the permit. (EC810/84)

6. Renewal

The holder of the permit may apply to the Director, in such form as may be prescribed by him, for annual renewal of the permit. (EC810/84)



7. Instructor's license

- (1) No person shall provide or offer to provide instruction to any person for gain in the operation of a motor vehicle unless a license to do so has been granted to him under these regulations.

Details of license

- (2) The license shall show the name and address of the person and such other information as the Director may determine.

Term

- (3) A license shall be valid during the calendar year for which it is issued.

Display of license

- (4) The license shall be displayed in the motor vehicle in which instruction is being given and shall be produced for inspection at the request of a peace officer, the Director, or his agent.
(EC810/84)

8. Application for license

- (1) Application for an instructor's license shall be made to the Director in the form prescribed by him.

Tests

- (2) The applicant shall furnish such information and submit to such examinations and tests as the Director may require.

Medical certificate

- (3) The application shall be accompanied by a certificate of a duly qualified medical practitioner in a form approved by the Director respecting the physical and mental capabilities of the applicant to instruct persons in the operation of a motor vehicle.

Required courses

- (4) The applicant shall furnish qualifications from a recognized course in driver training.

Idem

- (5) The application shall be accompanied by a certificate of a duly qualified medical practitioner or optometrist in a form approved by the Director respecting the visual capabilities of the applicant.

Fee

- (6) Revoked by EC31/90. (EC810/84; 31/90)

9. Competence

- (1) An instructor's license shall not be granted to any person who by reason of mental or physical disability is incapable of competently instructing persons in the operation of a motor vehicle.

Qualifications

- (2) Every applicant must
 - (a) have been licensed as an operator in a Canadian jurisdiction for at least five years;
 - (b) hold a Prince Edward Island operator's license valid for the year in which the application is made; and

- (c) hold a valid license for each class of vehicle for which he offers instruction.

Refusal of license

- (3) A license shall not be granted to any person who fails the examinations or tests prescribed by the Director.

Driving skills

- (4) A license shall not be granted to any person who in the opinion of the Director does not possess sufficient driving skills capable to instruct individuals in the operation of motor vehicles.

Issue of license

- (5) Where the applicant:
- (a) has fulfilled the requirements of these regulations; and
 - (b) is in the opinion of the Director otherwise qualified to instruct individuals in the operation of a motor vehicle,

the Director shall issue a license to the applicant.

Refusal of license

- (6) The Director may refuse to issue a license to any person who within five years previous to the date of the application
- (a) has been convicted of any offence under sections 68, 81, 82(3), 91, 176, 231, 232 or 239 of the Act;
 - (b) whose driver's license has been suspended, cancelled or revoked under the provisions of sections 261, 262 or 264 of the Act, the Demerit Point System Regulations or these regulations; or
 - (c) has been prohibited from driving or whose driver's license or privilege of obtaining a driver's license has been suspended or revoked pursuant to the provisions of the Act or the *Criminal Code* (Canada). (EC810/84)

10. Renewal

- (1) The Director, on the application of the holder of a license in the form prescribed by the Director, may grant a renewal of the license for the following calendar year.

Evidence of qualification

- (2) The Director may require the holder of the license to furnish evidence that he remains qualified to hold a license. (EC810/84)

11. Driver Education Course

- (1) The course of instruction provided for trainees of a driver education school shall consist of a combination of a classroom and on-road instruction acceptable to the Director.

Driver Training Course

- (2) The course of instruction for trainees of a driver training school shall consist of on-road instruction approved by the Director. (EC810/84)



12. Insurance

- (1) No motor vehicle provided by a driving school or an instructor shall be used for the purpose of providing instruction in the operation of a motor vehicle unless there is in force in respect to such vehicle a motor vehicle liability insurance policy in an amount not less than five hundred thousand dollars (\$500,000.00).

Proof of insurance

- (2) The Director may require the driving school of an instructor to provide proof of insurance acceptable to the Director in respect of any vehicle used by the school or the instructor. *(EC810/84)*

13. Inspection of records

The person who has been issued a permit to conduct a driving school shall keep such records as the Director may require and shall permit the records so kept to be inspected by a peace officer, the Director, or an agent of the Director. *(EC810/84)*

14. Identification of instruction vehicle

- (1) A motor vehicle provided by a driving school for the purpose of providing instruction in the operation of motor vehicles shall be clearly marked on both sides and at the rear of the motor vehicle with the words "Driver Training" in letters at least 100mm in height in a manner approved by the Director.

Mechanical condition

- (2) Such motor vehicle shall be kept in good mechanical condition at all times and may be inspected by a peace officer, the Director, or his agent at any reasonable time. *(EC810/84)*

15. Revocation and suspension

- (1) Notwithstanding any other provision of these regulations, a permit or license may be revoked or suspended by the Director for a definite or indefinite period of time
 - (a) for any reason for which a motor vehicle permit or a driver's license or the privilege of obtaining a driver's license may be suspended or revoked under the Act;
 - (b) for any breach by the holder of the permit or license of these regulations;
 - (c) for any false statement made by the holder of the permit or license to the Director in the application or otherwise; or
 - (d) for any other reason which in the opinion of the Director causes the holder of a permit or license to cease to be qualified to hold a permit or license under these regulations.

Period of suspension

- (2) Notwithstanding any other provision of these regulations, the permit or license of a person whose driver's license or privilege of obtaining a driver's license has been suspended or revoked by reason of the operation of the Act is thereupon immediately suspended and shall remain suspended during the period of the suspension or revocation of his driver's license or privilege of obtaining a driver's license. *(EC810/84)*

16. Exemptions

The Director may grant a complete or partial exemption from the application of these regulations to approved driver education courses offered as part of the program of a public school or recognized educational institution. *(EC810/84)*

17. Penalties

Any person convicted of an offence against these regulations shall be liable to pay a fine of not more than five hundred dollars. *(EC810/84)*

18. Revocation

The Driver Training Schools Regulations *(EC1055/76)* are revoked but any person holding a license or permit under those regulations on the date these regulations come into force shall be deemed to hold a license or permit issued under these regulations. *(EC810/84)*

