



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HIGHWAY TRAFFIC ACT DEMERIT POINT SYSTEM 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

DEMERIT POINT SYSTEM REGULATIONS

Pursuant to section 284 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. Definitions

- (1) In these regulations
 - (a) “**Act**” means the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
 - (b) “**driver’s license**” means any class of driver’s license issued pursuant to the Act other than an instruction permit;
 - (b.1) “**Stage 1 driver**” means a person who holds a Stage 1 driver’s license;
 - (b.2) “**Stage 1 driver’s license**” means an instruction permit issued under section 82 of the Act;
 - (c) “**suspension**” includes disqualification from holding or obtaining a driver’s license for the period of suspension.

Newly licensed driver

- (2) For the purposes of these regulations, a person who formerly held an instruction permit and who holds a valid and subsisting driver’s license at the time these regulations come into force shall be deemed to be a newly licensed driver for a continuous period of two years following the first issuance of the person’s driver’s license. (*EC1216/80; 659/87; 437/07*)

2. Recording of demerit points, conviction in this province

- (1) When any person is convicted in this province of an offence listed in the Schedule, the Registrar shall forthwith, upon receipt of notice of the conviction, enter on the person’s driving record the number of demerit points set out opposite that offence in column 2 of the Schedule, which entry is deemed to be effective as of the date of the conviction.

Recording of demerit points, out-of-province conviction

- (2) When any person is convicted in any other province or territory of an offence listed in the Schedule, the Registrar shall forthwith, upon receipt of notice of such conviction, enter on the person’s driving record the number of demerit points set out in column 2 of the Schedule for the offence, or the analogous offence, as the case may be, which entry is deemed to be effective as of the date of the conviction.

Descriptions

- (3) The short descriptions in column 3 of the Schedule are for convenience of reference only to the general nature of offences under the provisions set out in column 1 and shall not be construed to limit the offences for which demerit points are imposed.

Offences listed in the Schedule, definition

- (4) In these regulations, a reference to “an offence listed in the Schedule” means
- (a) the *Highway Traffic Act* offences listed in column 1 of the Schedule for which convictions are entered in this province;
 - (b) the *Criminal Code* offences listed in column 1 of the Schedule for which convictions are entered in this province or in another province or territory;
 - (c) the *Government Property Traffic Act* (Canada) offence listed in column 1 of the Schedule for which convictions are entered in this province; and
 - (d) the provisions of the law of another province or territory which are, in substance and effect, the same as one or more of the other offences listed in column 1 of the Schedule for which convictions are entered in that other province or territory.

Application

- (5) All other provisions of these regulations relating to convictions and suspensions apply to the offences referred to in subsection (4). (*EC221/93; 304/11*)

3. Stay where appeal filed

- (1) Where the entry of demerit points pursuant to subsections 2(1) and (2) would result in a suspension of license pursuant to section 13 or 17, and an appeal is filed against the conviction which resulted in the demerit points, the entry of the demerit points shall be stayed by the Registrar as of the date of the filing of the appeal until such time as the appeal is abandoned, dismissed, or allowed.

Abandonment or dismissal

- (2) Where the appeal is abandoned or dismissed, the Registrar shall enter, or *re-enter*, as the case may be, the demerit points, to be effective as of the date of the receipt, by the Registrar, of notice of the abandonment or dismissal of the appeal.

Conviction upheld

- (3) Where the conviction is sustained on appeal
- (a) any suspension under section 13 shall be imposed notwithstanding that the total demerit points of the driver have been reduced under section 6 after the date of the original conviction for the offence; and
 - (b) any suspension under section 17 shall be imposed notwithstanding the expiration of the probationary period after the date of the original conviction for the offence.

Conviction quashed

- (4) Where the appeal of the conviction is allowed, the Registrar shall not enter the demerit points for the conviction, and shall remove any reference to the conviction from the person’s driving record. (*EC221/93; 304/11*)



4. Conviction, more than one offence**(1) Where**

- (a) a person is convicted of more than one offence for which demerit points are to be entered by the Registrar under subsection 2(1) or (2);
- (b) the offences arise out of the same incident; and
- (c) each offence carries the same number of demerit points,

the Registrar shall only enter on the person's driving record the number of demerit points for the conviction of one of the offences.

Maximum points to be recorded**(2) Where**

- (a) a driver is convicted of more than one offence for which demerit points are to be entered by the Registrar under subsection 2(1) or (2);
- (b) the offences arise out of the same incident; and
- (c) each offence carries a different number of demerit points,

the Registrar shall only enter on the person's driving record the number of demerit points for the conviction of the offence carrying the highest number of demerit points. (EC1216/80; 221/93; 304/11)

5. Forfeiture of bail

Where any person forfeits bail given upon a charge of an offence listed in the Schedule, the Registrar shall record the forfeiture as a conviction and shall record the demerit points imposed for the conviction in the same manner as if such person were convicted of the offence. (EC1216/80; 221/93)

6. Points removed after two years

When two years have elapsed from the date of a conviction for which demerit points were entered on a person's driving record, the Registrar shall strike from the record the number of points entered in respect of that conviction. (EC1216/80)

7. Effect of suspension on record

Upon the expiration of a period of suspension imposed under these regulations, except section 12, the Registrar shall strike all demerit points accumulated on or before the effective date of the suspension from the driving record of the person whose license was suspended. (EC1216/80)

8. Warning letter**When**

- (a) in the case of a newly licensed driver
 - (i) a total of three or more but less than six demerit points within twelve months, or
 - (ii) a total of five or more but less than nine demerit points within twenty-four months,

of the first issue of his driver's license or, where his driver's license has been suspended under section 13, of the date on which the last suspension expires; or

- (b) in the case of any other driver (not being a driver to whom section 9 applies), a total of six or more but less than nine demerit points,

has been accumulated on the driving record, the Registrar shall send a warning notice to that driver advising him of the total of demerit points accumulated on his record and warning him that he may be required to appear before an officer of the division. (EC1216/80)

9. Driver who does not hold license

When in the case of a driver who does not have and has never had a driver's license, a total of three or more demerit points has been accumulated on the driving record, the Registrar may send a warning notice to that driver advising him of the total demerit points accumulated on his record and may, by notice specifying a time and place therefor, require the driver to appear before him or an office of the division designated by the Registrar for a driving record interview. (EC1216/80)

10. Defensive driving course deduction of points

- (1) The Registrar shall deduct three demerit points from the driving record of a person who has accumulated three but not more than eleven demerit points immediately upon that person successfully completing a Canada Safety Council driving course or a safe driving course approved by the Registrar.

Idem

- (2) The Registrar shall create a driving record for a person who has not accumulated demerit points and shall deduct three demerit points within a twenty-four month period after the successful completion of a Canada Safety Council driving course or a safe driving course approved by the Registrar if that person accumulates three but not more than eleven demerit points within that period.

Frequency and effect of deduction

- (3) A deduction under subsection (1) or (2) shall be made only once in any period of twenty-four months and shall have effect in respect of the oldest conviction then entered on the record. (EC1216/80; 304/11; 392/12; 135/16)

11. Driver record interview

- (1) When in the case of any driver other than a newly licensed driver, a total of nine or more but less than twelve demerit points has been accumulated on the driving record, the Registrar shall, by notice, require that driver to appear before him or an officer of the division designated by the Registrar for a driving record interview.

Showing cause against suspension

- (2) A person required to appear for a driving record interview under subsection (1) shall furnish such information and evidence as may be required to show cause why his license should not be suspended. (EC1216/80; 221/93)

12. Suspension for failing to appear

- (1) Where a person fails to appear when required to do so under subsection 11(1), the Registrar may by notice suspend his driver's license until he complies with the requirement.



Failure to show cause

- (2) Where the Registrar is of the opinion that a person has failed to show cause why his license should not be suspended, the Registrar may by notice suspend the license of that person for such period not exceeding three months as he deems advisable. (EC1216/80)

13. Periods of suspension - newly licensed driver

- (1) The Registrar shall by notice suspend for a period of one month the driver's license of a newly licensed driver if the driver has accumulated on the newly licensed driver's driving record

- (a) a total of six or more demerit points within twelve months; or
(b) a total of nine or more demerit points within twenty-four months,

since the date the driver's license of the newly licensed driver was first issued or, where the driver's license of the newly licensed driver has been suspended under this section, from the date the last suspension expires.

Period of suspension – Stage 1 driver

- (1.1) The Registrar shall by notice suspend for a period of one month the driver's license of a Stage 1 driver if the driver has accumulated any demerit points on the Stage 1 driver's driving record.

Period of suspension – offences under the Act

- (1.2) The Registrar shall by notice suspend for a period of three months the driver's license of a newly licensed driver or a Stage 1 driver if twelve demerit points have been entered on the driving record of the newly licensed driver or Stage 1 driver, as the case may be, in respect of a conviction for an offence under subclauses 176(3)(b)(v), 176(3.1)(b)(v) or subsection 202(1) of the Act.

Criminal Code offences

- (2) Where demerit points are assessed against a Stage 1 driver or a newly licensed driver for any of the offences set out in items 1 to 4b of the Schedule, the Registrar shall, by notice, suspend the driver's license of the Stage 1 driver or newly licensed driver, as the case may be, for a period of twelve months.

Suspension of driver

- (3) The Registrar shall, by notice, suspend the driver's license of a person, other than a newly licensed driver,
- (a) for a period of twelve months, where twelve demerit points have been entered on the person's driving record under these regulations in respect of convictions for any of the offences listed in items 1 to 4b, items 5.4 to 5.4b, items 5.6 to 5.9c and items 14.1 to 14.3 of the Schedule; or
- (b) for a period of three months, where twelve or more demerit points have been entered on the person's driving record under these regulations in respect of convictions for any of the other offences listed in the Schedule.

Application

- (3.1) The Registrar shall suspend a person's driving license under subsection (3) notwithstanding the fact that between the date the Registrar entered twelve or more demerit points on the person's driving record under these regulations and the date the driver receives notice of the

license suspension, the person is entitled to a striking or deduction from the person's driving record of demerit points under these regulations.

Suspensions

- (3.2) For greater certainty, the Registrar shall suspend a person's driver's license under subsection (3) notwithstanding that the Registrar has
- (a) under section 6, struck any of the person's demerit points from the person's driving record after the Registrar had entered twelve or more demerit points on the person's driving record under these regulations, prior to the demerit points being struck by the Registrar; or
 - (b) under section 10, deducted demerit points from a person's driving record after the Registrar had entered twelve or more demerit points on the person's driving record under these regulations, prior to the demerit points being deducted by the Registrar.

Reinstatement

- (4) Where the license of a driver has been suspended under subsection (1), (1.1), (1.2), (2) or (3), the Registrar may, before reinstating the license of the driver, by notice require the driver to appear before him or an officer of the division designated by the Registrar for a driving record interview and show cause why his license should be reinstated.

Notice of continued suspension

- (5) Where the Registrar is of the opinion that the driver has failed to show cause why his license should be reinstated, he may by notice continue the suspension of that driver for such further period not exceeding three months as he considers advisable. *(EC221/93; 437/07; 304/11; 135/21)*

14. Existing suspension

Where a license is suspended under these regulations, the period of suspension shall be concurrent with the unexpired portion of any suspension or driving prohibition imposed under the authority of any other provision of law. *(EC1216/80; 221/93)*

15. Driving while suspended

Where a person is convicted of operating a motor vehicle while his driver's license is suspended under these regulations except section 12, the Registrar shall by notice suspend his license for an additional period of six months. *(EC1216/80; 221/93)*

16. Period of probation

Any person whose driver's license has been suspended under these regulations, except section 12, shall be placed on probation as a driver for period of one year immediately following the end of the period of suspension. *(EC1216/80)*

17. Conviction while under probation

Where a person placed on probation as a driver under section 16 is convicted of any offence listed in the Schedule involving the use of a motor vehicle while in motion or the improper parking of a motor vehicle during the period of probation, the Registrar shall by notice suspend the person's driver's license for an additional period

- (a) of twelve months, where the conviction is in respect of an offence listed in items 1 to 4b, items 5.4 to 5.4b, items 5.6 to 5.9c and items 14.1 to 14.3 of the Schedule; or



(b) of three months, where the conviction is in respect of any other offence listed in the Schedule,

and the additional period of suspension shall begin to run from the date of that conviction.
(EC221/93; 304/11; 135/21)

18. Revocation

The Demerit Point System Regulations (*EC17/65 as amended*) are revoked but demerit points recorded under those regulations shall be deemed to be recorded under these regulations.
(EC1216/80)

SCHEDULE

| | Column 1 Provisions Under Which Convicted | Column 2 Number of Demerit Points | Column 3 Short Description of Offences for Convenience of Reference Only |
|------|---|--|---|
| 1. | Sections 219, 220, 221 and subsection 320.13(1) of the <i>Criminal Code</i> | 12 | Criminal negligence involving the use of a motor vehicle |
| 2. | Section 236 of the <i>Criminal Code</i> | 12 | Motor manslaughter |
| 3. | Subsection 320.13(2) of the <i>Criminal Code</i> | 12 | Failing to stop at scene of accident |
| 4. | Subsection 320.13(3) of the <i>Criminal Code</i> | 12 | Dangerous driving |
| 4a | Subsection 320.17 of the <i>Criminal Code</i> | 12 | Flight from peace officer |
| 4b | Subsections 320.13(2), 320.14(2), 320.15(2) and 320.16(2) of the <i>Criminal Code</i> | 12 | Operation of conveyance causing bodily harm, Accident resulting in bodily harm |
| 5. | Section 89(a) of the <i>Highway Traffic Act</i> | 12 | Defacing or altering driver's license |
| 5.1 | Section 89(b) of the <i>Highway Traffic Act</i> | 12 | Lending driver's license |
| 5.2 | Section 89(c) of the <i>Highway Traffic Act</i> | 12 | Person representing another's driver's license as the person's own |
| 5.3 | Section 89(e) of the <i>Highway Traffic Act</i> | 12 | Giving false information in driver's license application or to Registrar |
| 5.4 | Section 89(e.1) of the <i>Highway Traffic Act</i> | 12 | Failure to comply with ignition interlock condition imposed by Registrar on driver's license of person |
| 5.4a | Section 89(e.2) of the <i>Highway Traffic Act</i> | 12 | Failing to comply with a condition under clause 73(1.52)(a) to operate only a motor vehicle for which a restricted number plate has been issued under that section |
| 5.4b | Section 89(e.3) of the <i>Highway Traffic Act</i> | 12 | Failing to comply with a condition under clause 73(1.52)(b) to display a restricted number plate on the motor vehicle for which the restricted number plate has been issued under that section |
| 5.4c | Section 89(e.4) of the <i>Highway Traffic Act</i> | 12 | Operates a motor vehicle having consumed alcohol in such a quantity that the concentration in the person's blood exceeds zero milligrams of alcohol in 100 millilitres of blood, in contravention of clause 73(1.52)(c) |
| 5.5 | Section 89(f) of the <i>Highway Traffic Act</i> | 3 | Failing to comply with restriction or condition, other than one respecting ignition interlock, imposed by Registrar on driver's license of person |
| 5.6 | Subsection 89.1(1) of the <i>Highway Traffic Act</i> | 12 | Operating a motor vehicle not equipped with required ignition interlock device |
| 5.7 | Clause 89.1(2)(a) of the <i>Highway Traffic Act</i> | 12 | Person soliciting breath sample from another person for the purpose of assisting the person to start a motor vehicle equipped with an ignition interlock device |
| 5.8 | Clause 89.1(2)(b) of the <i>Highway Traffic Act</i> | 12 | Person soliciting breath sample from another person for the purpose of assisting the person to keep a motor vehicle equipped with an ignition interlock device in motion |

| | Column 1 Provisions Under Which Convicted | Column 2 Number of Demerit Points | Column 3 Short Description of Offences for Convenience of Reference Only |
|------|--|--|---|
| 5.9 | Clause 89.1(3)(a) of the <i>Highway Traffic Act</i> | 12 | Person knowingly assists a person to start a motor vehicle equipped with an ignition interlock device |
| 5.9a | Clause 89.1(3)(b) of the <i>Highway Traffic Act</i> | 12 | Person knowingly assists a person to keep a motor vehicle equipped with an ignition interlock device in motion |
| 5.9b | Subsection 89.1(4) of the <i>Highway Traffic Act</i> | 12 | Tampering with, interfering with or disabling an ignition interlock device installed in a motor vehicle |
| 5.9c | Subsection 89.1(5) of the <i>Highway Traffic Act</i> | 12 | Owner or person in possession or control of a motor vehicle not equipped with an ignition interlock device knowingly permits a person who is only permitted to operate a motor vehicle equipped with an ignition interlock device to operate the unequipped motor vehicle |
| 6. | Section 320.18 of the <i>Criminal Code</i> and section 271 of the <i>Highway Traffic Act</i> | 6 | Driving while registration or license under suspension or while disqualified |
| 7. | Section 176(1) of the <i>Highway Traffic Act</i> | 5 | Driving imprudently or without due care and attention or if disabled |
| 8. | Section 231(1)(a) of the <i>Highway Traffic Act</i> | 9 | Driving while racing with another motor vehicle |
| 9. | Section 231(1)(b) of the <i>Highway Traffic Act</i> | 9 | Driving a motor vehicle while performing a stunt |
| 9.1 | Section 291.1(1) of the <i>Highway Traffic Act</i> | 5 | Driving a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email or text messages |
| 10. | Section 155(1),(2) of the <i>Highway Traffic Act</i> | 3 | Improper passing |
| 10.1 | Section 155.1(1) of the <i>Highway Traffic Act</i> | 3 | Passing bicycle without leaving required distance |
| 11. | Sections 176(3)(b)(i) and 176(3.1)(b)(i) of the <i>Highway Traffic Act</i> | 3 | Driving - under 30 kilometres per hour over the posted maximum speed limit |
| 11.1 | Sections 176(3)(b)(ii) and (iii) and 176(3.1)(b)(ii) and (iii) of the <i>Highway Traffic Act</i> | 6 | Driving - 30 or more kilometres per hour but less than 60 kilometres over the posted maximum speed limit |
| 11.2 | Subclauses 176(3)(b)(iv) and 176(3.1)(b)(iv) of the <i>Highway Traffic Act</i> | 9 | Driving - 60 or more kilometres per hour over the posted maximum speed limit but less than 80 kilometres per hour |
| 11.3 | Subclauses 176(3)(b)(v) and 176(3.1)(b)(v) of the <i>Highway Traffic Act</i> | 12 | Driving - 80 or more kilometres per hour over the posted maximum speed limit |
| 12. | Sections 185, 186, 187, 188 and 190 of the <i>Highway Traffic Act</i> | 3 | Failing to yield the right of way |
| 13. | Section 202(1) of the <i>Highway Traffic Act</i> | 12 | Failing to stop for a school bus when the flashing red lights are displayed on the school bus |
| 14. | Section 232(3) of the <i>Highway Traffic Act</i> | 3 | Failing to report an accident |



| | Column 1 Provisions Under Which Convicted | Column 2 Number of Demerit Points | Column 3 Short Description of Offences for Convenience of Reference Only |
|------|--|--|---|
| 14.1 | Clause 261(1.3)(a) of the <i>Highway Traffic Act</i> | 12 | Holder of restricted license operating a motor vehicle not equipped with required ignition interlock device |
| 14.2 | Clause 261(1.3)(b) of the <i>Highway Traffic Act</i> | 12 | Holder of restricted license operating a motor vehicle contrary to the requirements of ignition interlock program |
| 14.3 | Clause 261(1.3)(c) of the <i>Highway Traffic Act</i> | 12 | Holder of restricted license operating a motor vehicle equipped with an ignition interlock device that is not functioning properly, has been tampered with, interfered with or disabled |
| 15. | Section 310(2) of the Highway Traffic Act | 3 | Any violation of a bylaw made by a traffic authority involving the use of a motor vehicle in motion |
| 16. | The <i>Highway Traffic Act</i> (General) | 3 | For any offence under the Highway Traffic Act involving the use of a vehicle in motion, improperly parked or being operated with unsafe or insufficient equipment |
| 17. | Subsection 6(3) of the Government Property Traffic Regulations under the <i>Government Property Traffic Act</i> (Canada) and subclauses 176(3)(b)(i),(ii),(iii) and (iv) or 176(3.1)(b)(i),(ii),(iii) and (iv) of the <i>Highway Traffic Act</i> | 3 | Driving over the posted maximum speed limit on the Confederation Bridge |

(EC359/01; 24/03; 304/11; 392/12; 614/14; 466/15; 556/17; 727/18; 135/21)