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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*.**

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CHAPTER H-5

HIGHWAY TRAFFIC ACT

PART I
INTERPRETATION

1. In this Act — Definitions

(a) "approved instrument" means an approved instrument as defined in section 254 of the *Criminal Code*; — approved instrument

(a.01) "approved screening device" means an approved screening device as defined in section 254 of the *Criminal Code*; — approved screening device

(a.02) "authorized insurer" or "insurer" means an insurance company lawfully authorized or permitted to carry on its business in Prince Edward Island; — "authorized insurer" or "insurer"

(a.1) "bicycle" means every device propelled by human power upon which a person may ride, having two tandem wheels; — bicycle

(a.2) "bus" means any motor vehicle designed for carrying more than ten passengers, including the driver, and used for the transportation of persons, and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation; — bus

(a.3) "business district" means any section of a highway so designated by the Minister or by regulation; — business district

(b) "centre line", except on a one way roadway, means — centre line

(i) the centre of a roadway measured from the curbs or in the absence of curbs, from the edges of a roadway, or

(ii) where on a laned roadway there are more lanes available for traffic in one direction than in the other direction, the line dividing the lanes for traffic in different directions;

(b.1) "chief officer" means, in respect of a police service, the chief officer, or the commanding officer, of the police service; — chief officer of a police service

(b.11) "Class 5 driver's license" means a driver's license issued under this Act of a class prescribed by the regulations as a Class 5 driver's license; — Class 5 driver's license

(b.2) "commercial motor vehicle" or "commercial vehicle" means a vehicle designed or adapted for the carrying of freight, goods, wares or merchandise, and having attached thereto a truck or delivery — commercial motor vehicle or commercial vehicle

body, and any other vehicle used for the transportation of goods, but does not include a private passenger car, or a farm tractor;

compensation

(b.3) "compensation" means gain or reward;

controlled access highway

(c) "controlled access highway" means a highway

(i) on to which persons have a right to enter from abutting land, and

(ii) from which persons have a right to enter onto abutting land, only at fixed locations;

conviction

(c.1) "conviction" in relation to a young person, includes a finding of guilt made by a youth court pursuant to the *Young Offenders Act* (Canada) R.S.C. 1985, Chap. Y-1 or the *Young Offenders (P.E.I.) Act* R.S.P.E.I. 1988, Cap. Y-1;

crosswalk

(c.2) "crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines and of property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface;

danger zone

(c.3) "danger zone" means an area or space upon a highway which is so marked or indicated under this Act by the proper signs plainly visible;

day time or day or daylight

(d) "day time" or "day" or "daylight", except where the context otherwise requires, means one-half hour before sunrise to one-half hour after sunset on the same day, and "night time" or "night" or "darkness" means any other time;

daytime running lights

(d.01) "daytime running lights" means lights, other than headlights or headlamps, designed to be used on a vehicle for the purpose of making the vehicle more visible on the highway when the vehicle is viewed from the front in the daylight;

dealer

(d.1) "dealer" means a person other than a salesman who carries on or conducts, either for the whole or part of his time, the business of buying, selling or dealing in motor vehicles, trailers or semi-trailers, and who maintains an established place of business within the province in connection therewith;

department

(d.2) "department" means Department of Transportation and Infrastructure Renewal acting directly or through its duly authorized officers or agents;

Director

(d.3) "Director" means the Director of the Highway Safety Division referred to in section 3;

(d.4) "division" means the Highway Safety Division referred to in section 3; division

(e) "driver" means a person who drives or is in actual physical control of a vehicle or who is exercising control over or steering a vehicle being towed or pushed by another vehicle, and the expressions "drive" and "driving" shall be construed accordingly; driver

(e.1) "driver's license" means a license that has been issued under this Act authorizing the person to whom it is issued to drive a motor vehicle, and that has not expired or been suspended or cancelled; driver's license

(e.2) "emergency vehicle" means emergency vehicle

(i) an ambulance,

(ii) a motor vehicle carrying rescue or first-aid equipment that is used for emergency purposes,

(iii) a motor vehicle carrying firefighting equipment that is used for emergency purposes, or

(iv) a motor vehicle driven by a peace officer or constable or by a member of the police branch of any of Her Majesty's Armed Forces;

(e.3) "essential parts" means all integral and body parts of a vehicle of a type required to be registered under this Act, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation; essential parts

(f) "established place of business" means a place actually occupied whether continuously or at regular periods by a dealer or wrecker where his books and records are kept and a large share of his business is transacted; established place of business

(f.1) "examiner" means a person appointed by the Minister to examine into and pass upon the qualifications of a person applying for a driver's license; examiner

(f.2) "explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion; explosives

(f.3) "farm tractor" means a motor vehicle designed and used principally as a farm implement for drawing plows, mowing machines and other implements of husbandry and not so constructed as to carry a load other than a part of the weight of a vehicle and load drawn by it; farm tractor

(g) "fictitious number plate" means a number plate or sticker that has not been issued under this Act or that has not been issued for the fictitious number plate

registration year in which it is used or that is attached to a vehicle other than that for which it was issued, but does not include number plates or stickers on foreign vehicles lawfully operated in this province;

foreign vehicle

(g.1) "foreign vehicle" means a vehicle of a type required to be registered under this Act brought into this province from another province, state, territory or country other than a new vehicle brought into this province in the ordinary course of business by or through a dealer and that has not been registered in this province;

gain or reward

(g.2) "gain or reward" means any payment, consideration, compensation or gratuity, directly or indirectly charged, demanded, received or collected for the use of a vehicle by a person who, as owner, lessee, hirer, chauffeur, driver or otherwise, has possession of or control over the vehicle or has directed the movement of the vehicle;

garage

(g.3) "garage" means a place or premises where motor vehicles are received for housing, storage or repair for compensation;

graduated driver

(g.4) "graduated driver" means a newly licensed driver or a Stage 1 driver;

gross weight

(h) "gross weight" means the combined weight of vehicle and load;

headlights or headlamps

(h.01) "headlights" or "headlamps" means lights or lamps designed to be used on the front of a vehicle to illuminate the highway and objects on the highway ahead of the vehicle, but does not include a fog lamp or daytime running lights;

highway

(h.1) "highway" means the entire width between the boundary lines of every road, street, lane, alley, or right-of-way designed or intended for or used by the general public for the passage of vehicles, and includes any bridges over which every such road, street, lane, alley, or right-of-way is laid, and every private place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

implement of husbandry

(h.2) "implement of husbandry" means every vehicle that is designed for agricultural purposes and that is used exclusively in the conduct of agricultural operations and includes a farm tractor;

inspector

(h.3) "inspector" means

(i) a traffic officer,

(ii) a person appointed by the Minister to inspect or examine vehicles,

(iii) a police officer, or

(iv) a security police officer;

(h.04) "instruction permit" means a driver's license issued pursuant to section 82 of the Act; instruction permit

(h.4) "instructor" means a person who operates a motor vehicle for the purpose of instructing another person with regards to the skill and knowledge necessary for the safe operation of a motor vehicle; instructor

(i) "insured motor vehicle" means a motor vehicle insured within the terms of Part XI; insured motor vehicle

(i.01) "international driving permit" means a permit issued by a foreign country pursuant to the terms of the *United Nations 1949 Convention on Road Traffic* attesting that the holder of the permit possesses a valid driver's license issued by a competent authority in his or her home country; international driving permit

(i.1) "intersection" means the area enclosed within the prolongation or connection of the lateral curb lines or, if there are no curb lines, the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other; intersection

(i.2) "laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic; laned roadway

(i.3) "left" or "left hand" in reference to a highway or the position of traffic thereon means the left when facing or moving in the direction of travel; left or left hand

(j) "license" means a driver's license; license

(j.1) "magistrate" means a judge of the provincial court appointed under the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 and includes a judge of a youth court designated by the *Young Offenders Act* (Canada); magistrate

(j.2) "metal tire" means every tire the surface of which in contact with the roadway is wholly or partly of metal or other hard, non-resilient material; metal tire

(j.3) "Minister" means the Minister of Transportation and Infrastructure Renewal; Minister

(k) "motorcycle" means a motor vehicle, other than a tractor, having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground and includes a bicycle with a motor attached and a motor scooter; motorcycle

(k.1) "motor vehicle" means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power, but does not include motor vehicle

(i) a vehicle of a railway that operates on rails, or
(ii) a moped, except that for the purpose of Part XI, a moped is deemed to be a motor vehicle;

moped

(k.2) "moped" or "motor assisted pedal bicycle" means a vehicle that
(i) is provided with an electric motor or a motor having a piston displacement no greater than fifty cubic centimeters,
(ii) is not capable of obtaining speed of greater than 50 km/h on the level when driven by a person weighing 60 kg, and
(iii) has no more than three wheels in contact with the ground;

newly licensed driver

(k.03) "newly licensed driver" means a newly licensed driver as defined in the *Highway Traffic Act* Graduated Driver Licensing Regulations;

non-resident

(k.3) "non-resident" means a person who is not a resident of this province;

number plate

(l) "number plate" includes any proof of registration issued by the department and required to be affixed to a motor vehicle, trailer or semi-trailer;

official traffic signals

(l.1) "official traffic signals" means signals not inconsistent with this Act, placed or erected by authority of an official having jurisdiction, for the purpose of directing, warning or regulating traffic;

official traffic signs

(l.2) "official traffic signs" means signs, markings and devices, not inconsistent with this Act, placed or erected by authority of an official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic;

one-way roadway

(l.3) "one-way roadway" means a roadway designated and marked by a traffic authority as a roadway upon which vehicles may be operated in one direction only;

operator

(m) "operator" means a driver, and the expressions "operate" and "operated" shall be construed accordingly;

owner

(m.1) "owner" includes
(i) the person who holds the legal title to a vehicle,
(ii) in the case of a vehicle that is registered, the person in whose name it is registered,
(iii) in the case of a vehicle that is the subject of a mortgage, the mortgagor if he is entitled to possession of the vehicle,
(iv) in the case of a vehicle that is the subject of a hire-purchase agreement, the person in possession of the vehicle under the agreement, or

(v) in the case of a vehicle that is the subject of a conditional sale contract, the buyer under the conditional sale contract, if he is entitled to possession of the vehicle;

park or parking

(m.2) "park" or "parking" means the standing of a vehicle, whether occupied or not, upon or partly upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs and signals;

peace officer

(m.3) "peace officer" includes

(i) a police officer or a security police officer,

(ii) any officer of the division designated as a peace officer by the Minister under this Act, and

(iii) a conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1.

pedestrian

(n) "pedestrian" means a person on foot, a person in a wheelchair or a child in a carriage or sleigh;

pneumatic tire

(n.1) "pneumatic tire" means every tire that is designed to support the load by compressed air;

pole trailer

(n.2) "pole trailer" means a vehicle without motive power that is designed to be drawn by another vehicle and to be attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting poles, pipes, structural members or other long or irregularly shaped loads that are capable of sustaining themselves as beams between the supporting connections;

police service

(n.03) "police service" means a police service as defined in the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;

private passenger vehicle

(n.3) "private passenger vehicle" means a motor vehicle designed and used primarily for the transportation of persons without remuneration and does not include a bus or taxicab;

private road or driveway

(o) "private road or driveway" means a road or driveway not open to the use of the public for purposes of vehicular traffic;

proof of financial responsibility

(o.1) "proof of financial responsibility" means a certificate of insurance, a bond or deposit of money or security given or made pursuant to section 315;

reconstructed vehicle

(o.2) "reconstructed vehicle" means every vehicle of a type required to be registered under this Act materially altered from its original construction by the removal, addition or substitution of new or used essential parts;

registered owner

(o.3) "registered owner" means a person in whose name a vehicle is registered under this Act;

Registrar

(p) "Registrar" means the Registrar of Motor Vehicles appointed under this Act;

registration

(p.1) "registration" means registration permit and number plates issued under this Act;

registration permit

(p.2) "registration permit" means the document issued by the department showing that a certain vehicle has been duly registered and includes owner's permit;

registration year

(p.3) "registration year" means the period of twelve months for which a registration permit is valid or such other period as may be specified in the permit;

regulations

(p.4) "regulations" means the regulations made under this Act;

resident

(q) "resident" includes a person who

(i) for more than thirty days in any year is employed or engaged in any activity for gain in the province,

(ii) is attending school or college in the province,

(iii) is in the province and whose children attend school in the province, or

(iv) lives in the province for more than one hundred and twenty days in any year;

restricted number plate

(q.01) "restricted number plate" means a number plate issued by the Registrar to a person for the purposes of subsection 73(1.52);

right or right hand

(q.1) "right" or "right hand" in reference to a highway or the position of the traffic thereon means the right when facing or moving in the direction of travel;

right-of-way

(q.2) "right-of-way" means the privilege of the immediate use of the highway;

roadway

(q.3) "roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder unless the shoulder is paved, and where a highway includes two or more separate roadways the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

safety zone

(r) "safety zone" means an area or space set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly discernible at all times as a safety zone;

(r.1) "salesman" means a person who is employed by a dealer, licensed under this Act for the purpose of buying, selling or exchanging vehicles; salesman

(r.2) "salesman license" means a license issued to a salesman; salesman license

(r.3) "school bus" means a school bus bearing the signs referred to in subsection 202(3) indicating that it is a school bus; school bus

(s) "semi-trailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by the motor vehicle; semi-trailer

(s.1) "sidewalk" means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines set apart for the use of pedestrians and includes any part of a highway set apart or marked as being for the exclusive use of pedestrians; sidewalk

(s.2) "solid rubber tire" or "solid tire" means every tire of rubber other than a pneumatic tire; solid rubber tire or solid tire

(s.3) "special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over any highway, including road construction or maintenance machinery, ditch digging apparatus, well-boring apparatus, concrete mixers and any other vehicle of the same general class; special mobile equipment

(t) "specially constructed vehicle" means a vehicle that was not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles; specially constructed vehicle

(t.01) "Stage 1 driver" means a Stage 1 driver as defined in the *Highway Traffic Act* Graduated Driver Licensing Regulations; Stage 1 driver

(t.1) "state" means any state in the United States of America and includes the District of Columbia; state

(t.2) "stop" when required, means the complete cessation from movement; stop

(t.3) "stop" or "stand" when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal; stop or stand

(u) repealed by 1991,c.14,s.1; stop sign

taxicab

(u.1) "taxicab" means a motor vehicle other than a bus used to transport passengers for compensation;

temporary permit

(u.2) "temporary permit" means a registration permit issued by the department under this Act to be used temporarily until replaced by a permanent registration permit issued in accordance with this Act;

through highway

(u.3) "through highway" means any highway or portion thereof at the entrances to which stop signs or yield right-of-way signs are erected at which traffic from intersecting highways is required to stop or to yield right-of-way before entering or crossing the same;

traffic

(v) "traffic" includes pedestrians, herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel;

traffic authority

(v.1) "traffic authority" means

(i) the Minister charged with the administration of this Act,

(ii) the City Council of the City of Charlottetown and the City Council of the City of Summerside within their respective jurisdictions,

(iii) the council of a municipality but only in respect to matters approved by the Minister;

traffic control device

(v.2) "traffic control device" means a traffic sign, traffic control signal, marking or device not inconsistent with this Act placed or erected by a traffic authority for the purpose of regulating, warning or guiding traffic;

traffic sign

(v.3) "traffic sign" includes all traffic control signals, warning sign-posts, direction posts, signs, lines, marks or other devices for the guidance of persons using highways;

traffic control signal

(w) "traffic control signal" means a device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed, or to proceed with caution;

traffic officer

(w.1) "traffic officer" includes peace officer and inspector;

trailer

(w.2) "trailer" means a vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle;

transporter

(w.3) "transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under this Act;

Treasurer

(x) "Treasurer" means Minister of Finance, Energy and Municipal Affairs of Prince Edward Island;

truck

(x.1) "truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;

truck-tractor

(x.2) "truck-tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

urban district

(x.3) "urban district" means any section of a highway so designated by the Minister or by regulation;

used vehicle

(y) "used vehicle" means a motor vehicle that has been sold, bargained, exchanged, given away or the title transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof;

vehicle

(y.1) "vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks;

work permit

(y.02) "work permit" means a permit issued by Citizenship and Immigration Canada pursuant to the *Immigration and Refugee Protection Act* (Canada) that allows a person to work in Prince Edward Island for a specified period of time;

wrecker

(y.2) "wrecker" means a person who engages in the wrecking or dismantling of vehicles for junk or for resale of the parts of such vehicles and who comes into possession of a vehicle for the purpose of wrecking or dismantling same;

yield right-of-way or yield

(y.3) repealed by 1991,c.14,s.1. R.S.P.E.I. 1974, Cap. H-6, s.1; 1975,c.45,s.1; 1975,c.71,s.1; 1980,c.2,s.3; 1978,c.10,s.8; 1981,c.36,s.10; 1981,c.17, s.1; 1983,c.1,s.6; 1983,c.33,s.66; 1985,c.19,s.1; 1986,c.5,s.2; 1987,c.31,s.1; 1991,c.14,s.1; 1992,c.32,s.1; 1993,c.29,s.4; 1995,c.19,s.1; 1999,c.28,s.1; 2000,c.11,s.1; 2007,c.7,s.1; 2008,c.17,s.1; 2009,c.74,s.1; 2006,c.16,s.63(5)(a); 2006,c.16,s.63(5)(b); 2006,c.16,s.63(5)(c); 2006,c.16,s.63(5)(d); 2010,c.31,s.3; 2010,c.18,s.2; 2010,c.19,s.2; 2012,c.17,s.2; 2014,c.32,s.1; 2014,c.33,s.1.

Application of Act to Confederation Bridge

1.1 Notwithstanding any limitation on the territorial jurisdiction of the province, it is declared that this Act applies to the Confederation Bridge and the approaches thereto as if they were located within the province. 1997,c.24,s.1.

PART II
ADMINISTRATION

Administration

2. The Minister is charged with the administration of this Act. R.S.P.E.I. 1974, Cap. H-6, s.2.

Highway Safety Division

3. (1) There is hereby established a division of the department called the Highway Safety Division.

Director

(2) There shall be an officer called the Director of Highway Safety who shall preside over the division. R.S.P.E.I. 1974, Cap. H-6, s.3; 1975,c.45,s.2; 1980,c.2,s.3.

Registrar, powers

4. (1) The Registrar shall exercise such of the powers vested in him by this or any other Act as may be prescribed by the Director and in the exercise of those powers is subject to the supervision and direction of the Director.

Deputy Registrar of Motor Vehicles, powers & duties

(2) There may also be one or more Deputy Registrars of Motor Vehicles who

(a) shall have such powers and perform such duties of the Registrar as may be delegated with the approval of the Minister by the Registrar to the Deputy Registrar; and

(b) shall have the powers and perform the duties of the Registrar where the office of Registrar is vacant.

Registrar & Deputy, offices of vacant

(3) Where the office of Registrar is vacant and the Deputy Registrar is exercising the powers and performing the duties of the Registrar, or where the office of a Deputy Registrar is vacant, an employee of the department named by the Minister shall exercise the powers and perform the duties of the Deputy Registrar prescribed by clause (2)(a).

Director, powers

(4) The Director has and may exercise all those powers vested in the Registrar by this or any other Act, and such further powers as may be prescribed by regulation. R.S.P.E.I. 1974, Cap. H-6, s.4; 1975,c.45,s.3; 1985,c.19,s.2.

Forms, prescribing

5. Subject to the approval of the Minister, the Registrar shall prescribe such forms as may be necessary to carry out the provisions of this Act. R.S.P.E.I. 1974, Cap. H-6, s.5.

Registrar may destroy certain records

6. The Registrar may destroy or cause to be destroyed any records of the division that have been maintained on file for three years and that in his opinion are obsolete and of no further use to the division. R.S.P.E.I. 1974, Cap. H-6, s.6; 1994,c.25,s.1.

Photographic identification

6.1 (1) The Registrar may, on payment of the prescribed fee, issue a photographic identification of any person.

(2) Any person who

Offences

(a) presents a false document for the purpose of obtaining a photographic identification;

(b) permits any other person to use a photographic identification issued to the first person;

(c) uses a photographic identification for the purpose of making a false representation;

(d) defaces or alters a photographic identification; or

(e) has in his possession a photographic identification that has been defaced or altered;

is guilty of an offence. 1994,c.25,s.2; 1997,c.24,s.2; 2010,c.32,s.1.

Registrar, examination of applications

7. The Registrar shall examine and determine the authenticity and regularity of each application made to him under this Act and may for that purpose

(a) make or cause to be made such investigation as he considers necessary respecting the application or the applicant; and

(b) require additional information from the applicant,

and he shall reject the application if he is not satisfied with the authenticity and regularity of the application or with the truth of any statement contained therein or for any other reason provided for in this Act. R.S.P.E.I. 1974, Cap. H-6, s.7.

Seizure of permit or plate

8. The Registrar may seize or cause to be seized any registration permit or number plate issued by him upon expiration, revocation, cancellation or suspension thereof, or that has been unlawfully or erroneously issued. R.S.P.E.I. 1974, Cap. H-6, s.8.

Service of notices

9. (1) Whenever the Registrar is authorized or required under this Act or the regulations to give notice, the notice shall be served

(a) by personal delivery of the notice to the person to be notified; or

(b) by ordinary mail addressed to the person to be notified at his address as shown in the records of the division.

Service deemed complete

(2) The service of a notice by ordinary mail in accordance with subsection (1) is deemed to be complete upon the expiration of seven days after the deposit of the notice in the mail.

Certificate of Registrar, evidence of notice

(3) A certificate purporting to be signed by the Registrar, stating that according to the records of the division, a notice has been served in either manner provided by subsection (1), and setting out the method of service and naming the person to whom notice was delivered or mailed, and also specifying the time, place and manner of the delivery or mailing, shall be

(a) *prima facie* proof in any court of this province of the proper service of the notice; and

(b) *prima facie* proof in any court of this province that the person to whom the notice was delivered or mailed received notice of the matters referred to in the notice.

Onus on person charged

(4) In any prosecution for an offence under this Act when proof of the giving of notice is made as provided under subsection (3), the burden proving that he is not the person named or referred to in the affidavit is upon the person charged. R.S.P.E.I. 1974, Cap. H-6, s.9; 1975, c.45, s.4; 2012,c.18,s.1.

Enforcement of Act by Registrar & employees

10. (1) The Registrar and such employees of the division or other persons as the Minister may designate have the power

(a) of a peace officer for the purpose of enforcing this Act and the regulations and of any other law regulating the operation of vehicles or the use of the highways;

(b) to make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this Act or other law regulating the operation of vehicles or the use of the highways;

(c) to direct traffic in accordance with this Act and the regulations in the event of a fire or other emergency or to expedite the movement of traffic or ensure safety on a highway;

(d) in the lawful execution of their duties and responsibilities, to require the driver of a motor vehicle to stop;

(d.1) to require the driver of a motor vehicle, on request,

(i) to produce for inspection his or her driver's license and the registration permit for the vehicle, and

(ii) to submit to an inspection of the vehicle, including

(A) the driver compartment, load and contents thereof and the number plates attached thereto, or

(B) an inspection and test of the equipment of the vehicle;

(e) to inspect a vehicle in a garage other than a private garage or in a repair shop or any place where vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles or investigating the registration of the vehicle;

(f) to assist in the serving of warrants relating to the enforcement of this Act and the regulations; and

(g) to assist in the investigation of traffic accidents and secure the testimony of witnesses or persons involved therein.

Driver to stop vehicle safely

(1.1) The driver of a motor vehicle when signalled or requested to stop by a person who is designated by the Minister under subsection (1) and who is identifiable as such a person shall immediately come to a safe stop.

(1.2) The driver of a motor vehicle who fails to comply with a request made under clause (1)(d.1) by a person who is designated by the Minister under subsection (1) and who is identifiable as such a person is guilty of an offence.

Failure to comply with request

(2) A person designated by the Minister under subsection (1), when exercising any power under that subsection, may be dressed in a distinctive uniform and shall display a badge of office that the Minister shall prescribe and provide.

Distinctive uniform

(3) A document or card that purports to be a designation by the Minister under subsection (1)

(a) shall be admissible in evidence without proof of signature; and

(b) shall be *prima facie* evidence that the holder thereof has been duly designated by the Minister under subsection (1). R.S.P.E.I. 1974, Cap. H-6,s.10; 1994,c.25,s.3; 2003,c.39,s.1,2.

Proof of appointment under subsection (1)

PART III
REGISTRATION AND LICENSING OF VEHICLES

11. (1) Subject to this Act and the regulations made thereunder, no person shall operate or, being the owner, permit another person to operate upon a highway, a vehicle required to be registered under this Act

Registration of vehicles required

(a) that is not registered;

(b) the registration of which has expired; or

(c) while the registration of the vehicle is suspended.

(2) On the hearing of an information charging a violation of subsection (1) the onus of proof that he did not know that the vehicle was not registered or that the registration of the vehicle was expired or suspended, or that the vehicle was being operated without his consent is on the defendant. R.S.P.E.I. 1974, Cap. H-6, s.11; 2009,c.8,s.1; 2012,c.18,s.2.

Proof of registration, onus of proof

12. Every vehicle operated on a highway shall be registered under this Act except

Exemptions from registration

(a) any such vehicle operated upon a highway in conformity with this Act relating to vehicles owned by the Department of National Defence, transporters, dealers, lien holders, or non-residents or under a temporary registration permit issued by the division as hereinafter provided;

(b) any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, that is only incidentally operated upon a highway; and

(c) any special mobile equipment specifically exempted by the Registrar. R.S.P.E.I. 1974, Cap. H-6, s.12.

APPLICATIONS

Owner to apply for registration

13. (1) Every owner of a vehicle required to be registered under this Act shall, before it is operated upon a highway, apply to the Registrar for the registration thereof upon the appropriate form prescribed and furnished by the Registrar, and every such application shall bear the signature of the owner or his agent written with pen and ink.

Signature on behalf of companies

(2) An application for registration of a vehicle owned by a body corporate shall be signed on behalf of that body by a person who in accordance with the regulations governing the conduct of that body is ordinarily empowered to sign documents on behalf of that body.

Contents of application

(3) An application for registration shall contain

(a) the name, residence and mailing address of the owner of the vehicle or the business address if the owner is a body corporate, partnership or association;

(b) a description of the vehicle, including, insofar as the information required under this clause is known or available, the make, model, type of body, the manufacturer's serial number or other identifying mark on the vehicle and, if it is new, the date of sale by the dealer to the owner; and

(c) such other information as the Registrar may require to enable him to determine whether the vehicle may be registered. R.S.P.E.I. 1974, Cap. H-6, s.13.

Specially constructed and foreign vehicles

14. (1) In the event the vehicle to be registered is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle that has been registered heretofore outside this province, the owner shall surrender to the Registrar all number plates, registration permits or other evidence of such foreign registration as may be in his possession or under his control except as provided in subsection (2).

Retention of foreign registration, registration in province

(2) Where in the course of interprovincial or international operation of a vehicle registered in another province, state or country it is desirable to retain registration of the vehicle in the other province, state or country, the applicant need not surrender but shall submit for inspection said evidence of the foreign registration and the Registrar upon a proper showing shall register the vehicle in the province. R.S.P.E.I. 1974, Cap. H-6, s.14.

15. The Registrar in his discretion may grant a temporary permit to operate a vehicle for which application for registration has been made where the application is accompanied by the proper fee, pending action upon the application by the Registrar. R.S.P.E.I. 1974, Cap. H-6, s.15.

Temporary permit

16. The Registrar may refuse registration or any transfer of registration upon any of the following grounds:

Grounds on which Registrar may refuse to register or transfer vehicle

(a) that the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the Registrar or that the applicant is not entitled to registration of the vehicle under this Act;

(b) that the vehicle is mechanically unfit or unsafe to be operated or moved upon a highway;

(c) that the Registrar has reasonable grounds to believe that the vehicle is a stolen vehicle;

(d) that the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this province; or

(e) that the required fee has not been paid. R.S.P.E.I. 1974, Cap. H-6, s.16.

17. The Registrar shall file each application received and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled to register the vehicle, shall register the vehicle therein described and keep a record thereof as follows:

Registration by Registrar, & record of registration

(a) under a distinctive registration number assigned to the vehicle;

(b) alphabetically, under the name of the registered owner; and

(c) in the discretion of the Registrar, in any other manner he may consider desirable. R.S.P.E.I. 1974, Cap. H-6, s.17; 1995,c.19,s.2.

17.1 (1) Subject to subsection (2), the Registrar may, where an information sharing agreement exists between the Government of Prince Edward Island and the War Amputations of Canada, provide to the War Amputations of Canada the name and address of each owner of a vehicle that is registered with the Registrar for the exclusive purpose of allowing the War Amputations of Canada to conduct its Key Tag Service program.

War Amps Key Tag Service program

(2) Where an owner of a vehicle that is registered with the Registrar requests that the information described in subsection (1) not be provided to the War Amputations of Canada, the Registrar shall not provide the information. 2003,c.8,s.1.

Request for exemption

REGISTRATION PERMITS AND NUMBER PLATES

Registration permit to be used

18. (1) The Registrar upon registering a vehicle shall issue a registration permit unless any revenue tax payable by the owner pursuant to the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, with respect to the vehicle is unpaid, and where revenue tax is unpaid, the Registrar may refuse to issue a registration permit for the vehicle until the revenue tax is paid.

Contents of registration permit

(2) The registration permit shall be delivered to the owner and shall contain upon the face thereof the date issued, the name and address of the registered owner, the registration number assigned to the vehicle and such description of the vehicle as may be determined by the Registrar and upon the reverse side a form for endorsement of notice to the Registrar upon transfer of the ownership of the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.18.

Registration permit to be carried in motor vehicle

19. (1) No person shall operate a motor vehicle unless the registration permit issued therefor is carried in the vehicle to which it refers or by the operator or person in control of the vehicle who shall, upon the demand of a peace officer, forthwith deliver the same to the peace officer for examination.

Production of permit within 48 hours of request

(2) The production of the registration permit at any police station or Royal Canadian Mounted Police barracks within forty-eight hours after a demand is made under subsection (1) or under clause 10(1)(d) is deemed to be sufficient production of the registration permit for the purposes of these subsections, if the registration permit is dated prior to the time the request was made by a peace officer.

Application of section

(3) This section does not apply when and during the time

(a) such registration permit has been forwarded to the Registrar for the purpose of re-registration; or

(b) such registration permit has been endorsed with an application for transfer and forwarded to the Registrar for transfer, and a transfer thereof has not been issued or received, or the vehicle is being operated under the provisions of section 52.

Burden of proof of application for transfer

(4) The onus of proof that an application for transfer of registration had been forwarded to the Registrar shall be upon the person asserting the same. R.S.P.E.I. 1974, Cap. H-6, s.19; 1976, c.2, s.1.

Number plate

20. (1) The Registrar, upon registering a vehicle, shall issue a number plate for the vehicle to its owner.

Restricted number plate

(1.1) The Registrar may, for the purposes of subsection 73(1.52), issue a restricted number plate to a person, and the provisions of this section and sections 21, 23, 27 and 31 apply to the restricted number plate.

(2) Every number plate shall have displayed thereon the registration number assigned to the vehicle for which it is issued, the name of the province, which may be abbreviated, the number of the year for which it is issued, and such other information as the Minister may by order require.

Particulars on number plates

(3) Number plates issued to any person under this section shall remain at all times the property of the Crown.

Number plates property of Crown

(4) Notwithstanding subsection (1), where the Registrar is satisfied at the time of registration that a vehicle is not intended to be operated on a highway, the Registrar may issue a registration permit for the vehicle to its owner without a number plate.

Unplated vehicle registration permit

(5) No person shall operate on a highway a vehicle which does not display

(a) a valid number plate;

(b) a valid transit permit issued pursuant to section 52 of this Act; or

(c) a valid temporary permit issued pursuant to regulations passed under clause 312(c) of this Act. R.S.P.E.I. 1974, Cap. H-6, s.20; 1996,c.19,s.1; 2001,c.8,s.1; 2014,c.32,s.2; 2014,c.33,s.2.

Plate or permit on highway

21. (1) No person shall operate a vehicle on a highway unless the number plate displayed on the vehicle

(a) is attached as required by subsections (1.1) and (2); and

(b) is fastened as required by subsection (3).

Operation of vehicle with plate not attached or fastened as required

(1.1) Subject to subsection (2), the number plate issued for a motor vehicle shall be attached to the rear thereof.

Location of plate

(2) The number plate issued for a truck-tractor shall be attached to the front thereof.

Truck-tractor, location of plates

(3) Every number plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 300 mm from the ground measuring from the bottom of such plate, in a place and position clearly visible and legible and shall be maintained free from foreign materials.

Fastening of plates

(3.1) No person shall operate a vehicle on a highway if the number plate displayed on the vehicle is covered, in whole or in part, by any covering, device, sticker, inscription, sign or other thing placed on or around the number plate which conceals, or reduces the legibility of, any information contained on the number plate, including the registration expiration sticker.

Operation of vehicle with plate concealed or rendered illegible

Number plates to remain on transferred vehicle

(4) Where the ownership of a registered vehicle passes from the registered owner, the vendor shall detach and retain the number plates for his use on a vehicle registered in his name.

Use of plate pending transfer of registration

(5) Where a person purchases a vehicle, the person may attach to the vehicle any valid number plate issued to the person for the same class of vehicle as the purchased vehicle and may operate the vehicle with such plate attached for a period of up to seven days pending the registration of the transfer of ownership of the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.21; 1978, c.10, s.8; 1985, c.19, s.3; 1996,c.19, s.2; 2014,c.32,s.3.

Device in lieu of plates

22. Notwithstanding section 20, in any registration year, on an application for registration of a vehicle that has been registered in the immediately preceding registration year, the Minister may authorize the Registrar to issue, in lieu of a number plate or plates, a device that may be attached to the number plate or plates or affixed to the windshield or other part of the vehicle, which device shall bear thereon any particulars the Minister may require and the Minister shall order in what manner the device is to be attached or affixed to the plate or plates or to the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.22.

Expiry date of permit, & number plate

23. (1) Every registration permit and number plate issued under this Act shall, unless otherwise restricted, expire at midnight of the last day of the registration year for which it was issued.

Extension of expiry date

(2) The day of expiry referred to in subsection (1) marked on a registration permit may be extended by order of the Minister for any period not exceeding thirty days from the date of expiry referred to in subsection (1). R.S.P.E.I. 1974, Cap. H-6, s.23; 1985, c.19, s.4.

Application for a registration permit, procedures

24. An application for a registration permit shall be made by the owner or his agent upon an application form provided by the Registrar upon payment of the registration fee therefor. R.S.P.E.I. 1974, Cap. H-6, s.25.

Change of address, notification of Registrar

25. Whenever any person, after making application for or obtaining the registration of a vehicle, moves from the address named in the application or shown upon a registration permit that person shall within thirty days thereafter notify the Registrar in writing of the change, giving his old and new addresses. R.S.P.E.I. 1974, Cap. H-6, s.26; 1997,c.24,s.3.

Change of name, notification of Registrar

26. Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise, that person shall within thirty days thereafter notify the Registrar of the change, giving the former and new name. R.S.P.E.I. 1974, Cap. H-6, s.27.

Replacement of lost, etc. permit or plate

27. In the event any registration permit or number plate is lost, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which it was issued as shown on the records of the division, shall immediately make application for and may obtain a duplicate or substitute or a new registration permit and number plate under a new number, as determined to be most advisable by the Registrar, upon the applicant furnishing information satisfactory to the Registrar. R.S.P.E.I. 1974, Cap. H-6, s.28.

Obliterated serial number, distinguishing number assigned

28. The Registrar is authorized to assign a distinguishing number to a motor vehicle whenever the serial number thereon is destroyed or obliterated and to issue to the owner a special plate bearing the distinguishing number that shall be affixed to the vehicle in a position to be determined by the Registrar, and the motor vehicle shall be registered under the distinguishing number in lieu of the former serial number. R.S.P.E.I. 1974, Cap. H-6, s.29.

Regulations *re* change of engines

29. The Lieutenant Governor in Council may make and enforce such rules and regulations as may be considered necessary and compatible with the public interest with respect to the change or substitution of one engine in place of another in any motor vehicle. R.S.P.E.I. 1974, Cap. H-6, s.30.

Transfer of ownership

30. (1) Subject to section 47, whenever the registered owner of a vehicle transfers or assigns his title or interest thereto and the possession thereof, the owner shall

(a) sign the application for transfer;

(b) endorse the name and address of the transferee or assignee and the date of the transfer or assignment upon the reverse side of the registration permit issued for the vehicle;

(c) deliver the permit to the transferee or assignee; and

(d) notify the Registrar on the prescribed form of the name and address of the transferee or assignee and of the date of the transfer or assignment within seven days of the date thereof.

Idem

(2) The transferee or assignee shall, within seven days of the date of transfer or assignment, have the registration permit transferred into his name in the records of the division. R.S.P.E.I. 1974, Cap. H-6, s.31; 1977, c.16, s.1.

Regulations

31. The Lieutenant Governor in Council may make regulations with respect to registration permits, **number plates**, the period of registration of a motor vehicle, transfer of ownership and fees for the issue, validation and replacement of permits and **number plates**. 1985, c.19, s.6; 2014,c.32,s.4.

NON-RESIDENTS

When registration not required

32. (1) Any private passenger vehicle

(a) owned by a non-resident and duly registered in his home province, state or country; or

(b) that is registered in another jurisdiction and is operated by a person who is enrolled in a university, college or school in this province,

may be operated on the highways of this province without being registered in this province.

Exceptions *re* non-resident vehicles

(2) Subsection (1) does not apply to a private passenger vehicle owned or operated by

(a) a non-resident who enters this province with such vehicle to solicit business and who remains in this province for more than thirty consecutive days during any one year or who uses such vehicle to make deliveries to purchasers in this province;

(b) a non-resident who resides or remains in this province more than one hundred and twenty consecutive days in any year;

(c) a non-resident other than the one described in clauses (a) and (b) who is gainfully employed in this province in which case the vehicle shall be registered not later than ten days after he became gainfully employed in the province; or

(d) a member of the Armed Forces of Canada on permanent posting in this province.

Rented vehicles

(3) Subsection (1) does not apply to a private passenger vehicle owned by a non-resident which is rented under an agreement made in this province. R.S.P.E.I. 1974, Cap. H-6,s.32; 1978,c.10,s2; 1995,c.19,s.3.

Commercial motor vehicle of non-resident, registration of

33. (1) Subject to subsection (2) no person shall operate a commercial motor vehicle, other than a passenger bus, owned or operated by or on behalf of a non-resident unless the vehicle is registered under this Act.

Exceptions

(2) Subsection (1) does not apply to a commercial vehicle, other than a passenger bus, owned or operated by or on behalf of a non-resident, if

(a) the commercial vehicle is registered in the province, state or country in which the owner resides;

(b) the law of that province, state or country with respect to the carrying and displaying of the registration permit, number plates and any other evidence of registration is complied with while the vehicle is operated in this province;

(c) there is in effect between this province and the province, state or country in which the commercial vehicle is registered, reciprocal provisions as provided for by subsection (3); and

(d) the reciprocal provisions applicable to the operation in this province of commercial vehicles are complied with. 2000,c.11,s.2.

Reciprocal provisions *re* commercial vehicles

(3) The Minister may enter into an agreement with any province, state or country to permit such commercial vehicles, other than passenger buses, owned by a resident of that province, state or country to be operated by or on behalf of the owner upon the highways of the province on like terms and conditions as the province, state or country agrees to permit such commercial vehicles owned by a resident of this province to be operated by or on behalf of the owner upon its highways.

Sharing of registration fees

(4) An agreement under subsection (3) may include provision for the sharing with other provinces, states or countries of registration fees paid under this Act. R.S.P.E.I. 1974, Cap. H-6,s.33; 1981,c.17,s.2; 1997,c.24,s.4; 2000,c.11,s.2.

Equipment of non-resident to comply

34. (1) All motor vehicles owned or operated by non-residents on the highways of this province are subject to all restrictions and regulations as to dimensions, equipment and traffic control required in the case of motor vehicles registered in this province.

Weight of non-resident commercial vehicle

(2) A commercial motor vehicle registered outside this province shall, while being operated in this province under subsection 33(2), be deemed to be registered hereunder at either the maximum weight permitted by the laws of this province for that type of vehicle, or the maximum weight for which it is registered in its home province, state or country whichever is the lesser. R.S.P.E.I. 1974, Cap. H-6,s.34.

LICENSING OF DEALERS AND WRECKERS

Dealer's trade license, and number plate

35. The Registrar, upon payment of the prescribed fee therefor, shall issue to each dealer a dealer's trade license and one dealer's number plate with his registration number displayed thereon; and such dealer, instead of registering each motor vehicle, trailer or semi-trailer kept in stock for sale by him, is, upon payment of an additional fee for each number plate, entitled to as many additional number plates as may be allowed by the Registrar. R.S.P.E.I. 1974, Cap. H-6,s.35.

Dealer to obtain trade license

36. (1) No person shall deal in, or keep in stock for sale, any motor vehicle, trailer or semi-trailer without having obtained a dealer's trade license from the department.

Salesman

(2) Repealed by 1990, c.21, s.14.

Cancellation

(3) Repealed by 1990, c.21, s.14.

Conditions of license

(4) A license may be issued subject to such conditions prescribed by the Registrar as are stated therein; and each person to whom a license is issued shall comply with any such conditions.

Refusal to issue license

(5) The Registrar may refuse to issue to any person a license under this section.

Security bond

(6) An applicant making application for a dealer's trade license, and a holder of a subsisting dealer's trade license shall furnish and maintain a security bond for the purpose of compensating purchasers for losses due to the breach of a condition or warranty, established by sections 13, 14 and 15 and 16 of the *Sale of Goods Act* R.S.P.E.I. 1988, Cap. S-1, by a dealer, arising out of the purchase of a vehicle or take out a provincial deposit receipt in the joint names of the Registrar and applicant in such amount as the Registrar may require.

Form and amount

(7) The bond required under subsection (6) shall be in a form and an amount prescribed by the regulations.

Term of bond

(8) For the purpose of bringing an action arising out of an act or omission occurring during the security term of a bond, the bond continues in force for two years after the end of the security term; and for the purpose of making any claim in respect of the bond, the action shall be brought within a two year term.

Extension of term

(9) The obligee may, upon notice in writing to the surety before the expiration of the period during which the bond continues in force pursuant to subsection (8), extend that period for a further period of not longer than one year. R.S.P.E.I. 1974, Cap. H-6, s.36; 1990, c.21, s.14; 1994,c.25,s.4.

Wrecker's license

37. The Registrar, upon payment of the prescribed fee therefor, shall issue to each wrecker a wrecker's license. R.S.P.E.I. 1974, Cap. H-6, s.37.

Wrecker to obtain license

38. No person shall engage in the business of a wrecker without having obtained a wrecker's license from the department. R.S.P.E.I. 1974, Cap. H-6, s.38.

Evidence of standing

39. An applicant for a dealer's trade license may be required to submit evidence satisfactory to the Registrar as to his standing as a dealer in good faith. R.S.P.E.I. 1974, Cap. H-6, s.39.

Use of certain vehicles by dealer prohibited without registration

40. No dealer shall use, or permit the use of, a motor vehicle, trailer or semi-trailer for private use or hire, without first having obtained a registration permit therefor. R.S.P.E.I. 1974, Cap. H-6, s.40.

Design and use of dealer's number plates

41. Dealer's number plates shall bear letters or other devices thereon to distinguish them from number plates issued to persons other than dealers; such dealer's number plates shall be transferable from one vehicle to another vehicle by the dealer, but vehicles with a dealer's number plate displayed thereon shall not be used for any other purpose than for the trial and adjustment of the vehicle, or for its demonstration to a prospective buyer, or for some purpose incidental to the motor vehicle business of the dealer, and in no case shall a motor vehicle trailer or semi-trailer displaying the dealer's number plates be rented for hire or used by any person for the purpose of conveying passengers or freight or be operated for private use. R.S.P.E.I. 1974, Cap. H-6, s.41.

Prohibitions from certain uses of dealer's number plates

42. (1) Except as provided in subsection (2),

(a) no person shall operate upon a highway a vehicle with a dealer's number plate attached thereto; and

(b) no dealer shall knowingly permit any person to operate upon a highway a vehicle with a dealer's number plate attached thereto and issued to such a dealer.

Operation of vehicle with dealer's number plates permitted by

(2) A vehicle with a dealer's number plate attached thereto may be operated upon a highway by

(a) the dealer to whom the dealer's number plate was issued;

(b) persons employed as demonstrators in the employ of such dealer; or

(c) the prospective purchaser of the vehicle so operated, provided that he is the holder of a valid driver's license. R.S.P.E.I. 1974, Cap. H-6, s.42.

List of demonstrators

43. Every dealer in motor vehicles, trailers or semi-trailers, registered under this Act, shall furnish to the Registrar a list of all demonstrators who are to operate motor vehicles carrying the number plates issued under such dealer's trade license. R.S.P.E.I. 1974, Cap. H-6, s.43.

Information to be displayed on vehicle

44. (1) Every dealer shall, before offering a vehicle for sale, have displayed on the right hand side window of the vehicle a card approved by the Registrar on which shall be entered

(a) the make, model, year and serial number of the vehicle offered for sale;

(b) the price of any special equipment with which the vehicle is equipped;

(c) the actual selling price of the vehicle plus the amount of the applicable provincial sales tax; and

(d) if the vehicle was a salvage vehicle which has been rebuilt, a statement that the vehicle is a rebuilt vehicle and a copy of the definitions of "rebuilt vehicle" and "salvage vehicle" as set out in subsection 234.1(1).

Information to be included on bill of sale

(2) Every dealer shall, when offering a vehicle for sale, include the information referred to in clauses (1)(a) to (d) on the bill of sale provided to a prospective purchaser of vehicle. 2002,c.31,s.1.

Trade license, not an entitlement for taxis or rentals

45. A dealer's trade license does not entitle the holder to conduct, maintain or carry on a vehicle livery or taxi service or to let or expose motor vehicles or trailers for hire or gain. R.S.P.E.I. 1974, Cap. H-6, s.45.

Penalty for private use or hire

46. If any dealer uses or permits to be used any motor vehicle, trailer or semi-trailer for private use or hire he is immediately liable to pay the registration fee of such motor vehicle, trailer or semi-trailer in addition to the penalties provided by this Act. R.S.P.E.I. 1974, Cap. H-6, s.46.

Registration permit to be transferred before delivery

47. No dealer shall deliver a registered motor vehicle, trailer or semi-trailer until the registration permit of same has been transferred on the records of the department to the name of the new owner. R.S.P.E.I. 1974, Cap. H-6, s.47.

Records to be kept by dealers & wreckers

48. (1) Every person who buys, sells, wrecks, or otherwise deals in motor vehicles, trailers or semi-trailers shall

(a) keep a record of the motor vehicles, trailers or semi-trailers bought, sold, wrecked or otherwise dealt in and of such information as will enable such motor vehicle, trailer or semi-trailer to be readily identified, and shall monthly transmit to the Registrar on forms furnished by him, a statement of each motor vehicle, trailer or semi-trailer bought, sold, wrecked or otherwise dealt in by him and such information with reference thereto as may be required by the Registrar;

(b) forthwith make a report to the Registrar or to a peace officer of any motor vehicle, trailer or semi-trailer coming into his possession of which the manufacturer's serial number or other identifying mark has been obliterated or defaced or is not easily recognized;

(c) immediately forward to the Registrar the registration permit and number plates last issued for any vehicle dismantled or wrecked; and

(d) repealed by 1990,c.21,s.14.

Vehicle remaining in possession without good reason

(2) Where a motor vehicle, trailer or semi-trailer is placed in the possession of a person who buys, sells, wrecks or otherwise deals in motor vehicles, trailers or semi-trailers or conducts a garage business and the same remains in his possession without good reason, such person shall forthwith make a report thereof to the Registrar.

Suspension of dealer's or wrecker's license

(3) The Registrar may suspend or cancel any dealer's trade license or any wrecker's license issued under this Act for non-compliance with or

any infraction of any of the provisions of this Act or of the regulations, by the holder of such dealer's trade license or wrecker's license.

Cancellation of license

(4) The dealer's trade license of any person who is convicted of an offence in respect of an odometer

(a) under subsection 380(1) of the *Criminal Code*; or

(b) under subsection 27(1) of the *Weights and Measures Act* (Canada),

shall, forthwith and automatically upon such conviction, be cancelled, and the person who held the dealer's trade license shall be disqualified from holding or obtaining another such license for a period of five years. R.S.P.E.I. 1974, Cap. H-6, s.48; 1990,c.21,s.14; 2002,c.31,s.2.

Delivery of vehicle to purchaser, precondition to

49. No dealer shall deliver a motor vehicle, trailer or semi-trailer to a purchaser other than a wrecker unless the motor vehicle, trailer or semi-trailer and its equipment complies with this Act and the regulations. R.S.P.E.I. 1974, Cap. H-6, s.49.

Penalty for dealing in vehicles without license

50. (1) Any person who deals in, or keeps in stock for trade, any motor vehicle, trailer or semi-trailer without having obtained a dealer's trade license as required by section 36 is guilty of an offence and is liable for a first offence to a fine of not less than $500 and not more than $1,000 and for any subsequent offence is liable to a fine of not less than $1,000, and not more than $2,000.

Offence of acting as salesman without license

(2) Repealed by 1990, c.21, s.14; 1974, Cap. H-6, s.50; 1990, c.21, s.14; 1994, c.58, s.6.

Regulations *re* dealer's number plates & licenses

51. Subject to this Act the Lieutenant Governor in Council may make regulations governing the issuing, withholding, refusal to issue, cancellation and use of dealer's number plates or dealer's trade license or wrecker's license and may delegate to the Minister such authority as he considers expedient and it is an offence against this Act for any person to violate any of the regulations. R.S.P.E.I. 1974, Cap. H-6, s.51.

TRANSIT PERMITS

Transit permits

52. On payment of the prescribed fee, a transit permit may be issued in respect of any vehicle for which no registration permit or number plate or plates has or have been issued, to enable the vehicle to be driven without load, a single trip, from one place to another place named on the transit permit, and the transit permit shall be posted on the windshield of the vehicle and shall be destroyed immediately after the vehicle has made the trip for which the transit permit was issued. R.S.P.E.I. 1974, Cap. H-6, s.52.

GARAGE LICENSES

Fees & regulations for garages

53. Subject to this Act, the Lieutenant Governor in Council may make such rules and regulations and prescribe such fees as he may consider necessary or expedient for the licensing and regulation of garages. R.S.P.E.I. 1974, Cap. H-6, s.53.

Report by garage keeper

54. Repealed by 1990, c.21, s.14.

Inspection of garages etc.

55. The Registrar, Deputy Registrar or any peace officer may enter into any place where motor vehicles are stored or any garage other than a private garage, and make such investigation and inspection as he thinks fit, in order to ascertain whether this Act or any regulations made thereunder have been complied with. R.S.P.E.I. 1974, Cap. H-6, s.55.

OFFENCES RESPECTING SERIAL NUMBERS

Offence *re* serial numbers

56. Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any vehicle required to be registered under this Act, or any engine removed from a vehicle, from which the manufacturer's serial number, or engine number, or other distinguishing number placed thereon under assignment from the Registrar, has been altered for the purpose of concealing or misrepresenting the identity of the vehicle or engine, is guilty of an offence. R.S.P.E.I. 1974, Cap. H-6, s.56.

Idem

57. (1) Any person who defaces, destroys or alters the manufacturer's serial number, engine number or other distinguishing number or identification mark of a motor vehicle or who places or stamps any serial, engine or other number or mark upon a vehicle, except one assigned thereto by the Registrar, is guilty of an offence.

Exception

(2) This section does not prohibit the restoration by an owner of an original serial, engine or other number or mark when such restoration is made under permit issued by the Registrar, nor prevent any manufacturer from placing, in the ordinary course of business, numbers or marks upon vehicles or parts thereof. R.S.P.E.I. 1974, Cap. H-6, s.57.

OFFENCES RESPECTING ODOMETERS

Odometer, alteration of

58. (1) Subject to subsection (2), no person shall alter or permit any alteration to the odometer reading on any motor vehicle in his possession, nor shall he aid or abet any other person to make any alteration to the odometer reading of a motor vehicle.

(2) Where it is necessary for a garage to exchange or to effect any repairs to the odometer of a motor vehicle, or to any other part of a motor vehicle that is directly related to the odometer, he shall record the mileage that was on the odometer prior to the exchange or repair, on his permanent written records, and where the odometer is exchanged he shall adjust the new odometer to show the mileage that was on the old odometer. R.S.P.E.I. 1974, Cap. H-6, s.58.

Repairs to odometer, procedure

OFFENCES RESPECTING REGISTRATION

59. Any person who uses a false name or a name other than his own or his principal's in any application for the registration of a vehicle, or knowingly makes a false statement or knowingly conceals a material fact in any application, is guilty of an offence. R.S.P.E.I. 1974, Cap. H-6, s.59.

Giving false name

60. No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered under this Act unless there is

(a) attached thereto and displayed thereon in the manner provided by section 21, the number plate or plates issued therefor by the Registrar for the current registration year; or

(b) attached thereto and displayed thereon in the manner provided by sections 21 and 22, the number plate or plates issued therefor by the Registrar for the immediately preceding registration year and attached or affixed thereto in the manner ordered by the Minister the device issued therefor by the Registrar for the current registration year

except as otherwise expressly permitted under this Act. R.S.P.E.I. 1974, Cap. H-6, s.60.

Number plates, use required

61. No person shall lend to another person nor knowingly permit another person to use any registration permit or number plate issued to him, if such other person is not entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by a person not entitled thereto, nor shall any person display upon a vehicle any registration permit or number plate not issued for such vehicle or not otherwise lawfully used thereon under this Act. R.S.P.E.I. 1974, Cap. H-6, s.61.

Lending number plates prohibited

62. (1) It is an offence for any person to commit any of the following acts:

(a) to alter any registration permit, number plate or permit issued by the Registrar;

(b) to draw, prepare or manufacture any such permit or plate purporting to have been issued by the Registrar that is not in fact issued by the Registrar; or

Offences *re* permits & plates

(c) to have in his possession or use any such permit or plate knowing the same to have been so altered, drawn, prepared or manufactured.

Exception

(2) Subsection (1) does not apply to an employee of the division acting in the course of his official duties. R.S.P.E.I. 1974, Cap. H-6, s.62.

REVOCATION OF REGISTRATION

Suspension or cancellation of registration permit, number plates, or non-resident privileges

63. The Registrar is hereby authorized to suspend, cancel or revoke the registration permit or number plate or plates, or any non-resident operating privilege or other permit, in any of the following events:

(a) when he is satisfied that the registration permit, plate or non-resident operating privilege was erroneously issued;

(b) when he determines that a registered vehicle or a vehicle owned or operated by a non-resident is mechanically unfit or unsafe to be operated or moved upon the highway; or where the vehicle has not been inspected in accordance with the Motor Vehicle Inspection Regulations or where the vehicle is being operated with an inspection sticker that has expired or that is not valid;

(c) when a registered vehicle has been dismantled or wrecked;

(d) when he determines that the required fee has not been paid;

(d.1) when he determines that any revenue tax payable by the owner pursuant to the *Revenue Tax Act* with respect to the registered vehicle has not been paid;

(e) when a registration permit, number plate or other permit is knowingly displayed upon a vehicle other than the one for which it is issued;

(f) when he determines that the owner has committed any offence under this Act involving such registration permit, plate or other permit; or

(g) when he is so authorized under any other provisions of law. R.S.P.E.I. 1974, Cap. H-6, s.63; 1994, c.25, s.5.

Owner to return permit and plates

64. Where the Registrar cancels, suspends or revokes the registration permit or number plates of a vehicle, or any non-resident operating privilege or other permit, or the license of any dealer or wrecker, the owner or person in possession of the registration permit, number plates, operating privilege, permit or license shall immediately return the same to the office of the division in this province at Charlottetown. R.S.P.E.I. 1974, Cap. H-6, s.64.

FEES

Fees, refunds, rebates, fixing & altering

65. The Lieutenant Governor in Council may make regulations fixing or altering any fees, refunds or rebates payable under this Act and such regulations upon being published in the Gazette shall have the same

force and effect as if contained in this Act. R.S.P.E.I. 1974, Cap. H-6, s.65.

Fee returned in certain cases

66. (1) When any application to the Registrar is accompanied by any fee as required by this Act and such application is refused or rejected the fee shall be returned to the applicant.

Idem

(2) When the Registrar through error collects any fee not required to be paid under this Act, it shall be refunded to the person paying the fee. R.S.P.E.I. 1974, Cap. H-6, s.66.

Disposition of fees

67. All fees paid under this Act and any regulation made thereunder shall be paid into the Operating Fund of this province but nothing in this section shall be construed to prevent the payment out of the Operating Fund to any other province of a proportion of any registration fee pursuant to a reciprocal agreement entered into under subsection 33(3). R.S.P.E.I. 1974, Cap. H-6, s.69; 1981, c.17, s.3; 1997,c.20,s.3.

PART IV
LICENSING OF DRIVERS

Drivers must be licensed

68. Subject to this Act, no person shall operate a motor vehicle on a highway unless the person holds a driver's license authorizing the person to drive a motor vehicle of that class that has been issued to the person and that has not expired or that is not invalid. R.S.P.E.I. 1974, Cap. H-6, s.70; 1981, c.17, s.4; 2010,c.32,s.2.

Regulations

69. (1) The Lieutenant Governor in Council may make regulations

(a) prescribing classes of motor vehicles;

(b) prescribing the term of validity of driver's licenses;

(c) prescribing classes of driver's licenses;

(d) prescribing conditions that shall apply to driver's licenses or any class of driver's licenses;

(e) defining the terms "newly licensed driver" and "accompanying driver";

(f) prescribing driver's licenses of different classes and levels for newly licensed drivers;

(g) prescribing the stages of licensing for newly licensed drivers and the conditions that must be met for each stage of licensing in respect of the implementation of a Graduated Driver Licensing (GDL) System;

(h) prescribing the qualifications of applicants for, and holders of, any class or level of driver's license for newly licensed drivers;

(i) prescribing the qualifications and requirements, including a maximum blood alcohol concentration level, for accompanying drivers;

(j) requiring newly licensed drivers with driver's licenses of any class or level to be accompanied, while driving, by an accompanying driver;

(k) prescribing additional information that a peace officer or an inspector may request and that a passenger is required to give under subsection (5);

(l) respecting practical and written driving examinations and mental and physical examinations, including ophthalmic and auditory examinations, for applicants for driver's licenses for newly licensed drivers of any class or level;

(m) prescribing the length of time or the method of determining the length of time during which a person shall be a newly licensed driver or shall be restricted to any level of driver's license for a newly licensed driver;

(n) prescribing the circumstances under which the driver's license of a newly licensed driver shall be cancelled or suspended and the length of the suspension or suspensions;

(o) prescribing the circumstances under which a newly licensed driver may be required to attend before an official of the division

(i) for an interview,

(ii) to take an examination, or

(iii) both;

(p) respecting the examination referred to in clause (o);

(q) prescribing the circumstances under which a newly licensed driver may be required to produce evidence with regard to the successful completion of a Minister approved driver education or driver improvement course;

(r) prescribing the modifications to the demerit point system prescribed under section 284 insofar as it applies to newly licensed drivers and exempting newly licensed drivers or any class or level of driver's license for newly licensed drivers from any of the provisions of the demerit point system;

(s) prescribing the conditions and restrictions, including a maximum blood alcohol concentration level or a blood alcohol concentration level of zero, that shall apply to any class or level of driver's license for newly licensed drivers;

(t) prescribing the markers or identifying devices to be displayed on or in motor vehicles driven by newly licensed drivers or newly licensed drivers with driver's licenses of any class or level and governing the conditions of their use and the manner of displaying them;

(u) exempting newly licensed drivers or newly licensed drivers with a driver's license of any class or level from any requirement of this

Act or any regulation made under this Act and prescribing conditions for the exemption.

Classes

(2) A regulation made under subsection (1) may apply in respect of any class of driver's license for newly licensed drivers.

Approved courses

(3) The Minister may approve driver education and driver improvement courses for the purposes of clause (1)(q).

Identification of passenger

(4) A peace officer or an inspector may request that a passenger in a motor vehicle driven by a newly licensed driver identify himself or herself if the peace officer or inspector suspects that the newly licensed driver is contravening a regulation made under subsection (1) and the passenger of whom the request is made shall give the peace officer or inspector his or her correct name and address.

Additional information

(5) A peace officer or an inspector may also request additional prescribed information from a passenger of whom he or she requests identification under subsection (4) and the passenger of whom the request is made shall give the peace officer or inspector the requested information.

Offence, newly licensed driver

(6) Every newly licensed driver who contravenes a condition or restriction prescribed by a regulation made under subsection (1) is guilty of an offence. 1981, c.17, s.5; 2006,c.8,s.1; 2009,c.74,s.2; 2010,c.17,s.1.

Form of application

70. (1) Every person who applies for a driver's licence shall
(a) apply using a form prescribed by the Registrar; and
(b) provide his or her signature in a manner prescribed by the Registrar.

Contents of application

(2) An application for a driver's license shall contain
(a) the name, address and mailing address of the applicant; and
(b) such other information as the Registrar may require to enable him to determine whether a driver's license should be issued to the applicant and the class of the license.

Forms for different classes

(3) The Registrar may prescribe different forms of applications to be used in applying for different classes of driver's licenses.

Fees payable with application

(4) Every person who applies for a driver's license shall submit with the application the fee prescribed by the regulations for the issue of a driver's license of that class.

Affidavit to support application

(5) An applicant for a driver's license shall, if required by the Registrar, file with the Registrar an affidavit or statutory declaration verifying the particulars given in the application.

Additional information may be required

(6) The Registrar may, before issuing a driver's license or at any time after he has issued the license to a person, require that person

(a) to produce a birth certificate or other proof of age satisfactory to the Registrar;

(b) to undergo a medical examination or a vision examination and produce a certificate thereof in such form as the Registrar may prescribe to determine whether that person is physically and mentally competent to operate a motor vehicle or any class of motor vehicle;

(c) to take such oral, written or other examination as the Registrar may authorize or direct to determine whether that person is, in the opinion of the Registrar or the examiner, competent to operate a motor vehicle or any class of motor vehicle; and

(d) to undergo an interview with the Registrar or a driver improvement officer within the Division to determine whether that person is, in the opinion of the Registrar or the driver improvement officer, competent to operate a motor vehicle or any class of motor vehicle.

Refusal to issue license, etc.

(6.1) The Registrar may refuse to issue a driver's license, or may revoke or suspend the driver's license, of any person who refuses or fails to comply with subsection (6) for the period of the person's refusal or failure to comply.

Application on behalf of another, none

(7) No person shall apply on behalf of another person for a driver's license.

Applicant to disclose previous refusal

(8) Any person who has been refused a driver's license and who applies for a driver's license without disclosing the fact of the previous refusal is guilty of an offence and if he obtains a driver's license without having disclosed that fact, the license that he obtains is not a valid driver's license.

Interprovincial agreements *re* driver's licenses

(9) The Lieutenant Governor in Council may enter into agreements with the provinces of Nova Scotia and New Brunswick, or either of them, for the purpose of

(a) providing for uniform regulations relating to the transfer of driver's licenses from one province to another for persons changing their province of residence, and providing for the amount, payment, refund, and rebate of fees therefor;

(b) providing uniform standards of qualifications for a driver's license in each of the provinces; and

(c) such other matters coming within the express or implied intent or provisions of this Act as the Lieutenant Governor in Council may deem advisable, and

in the event the Lieutenant Governor in Council enters an agreement, the terms of the agreement shall be approved and made operative for this Act by regulation and upon being published in the Gazette shall have the same force and effect as if contained in this Act. R.S.P.E.I. 1974, Cap. H-6,s.71; 1998,c.91,s.1; 2000,c.11,s.3.

Issue of driver's license

71. (1) Subject to this Act and the regulations, upon receipt of an application in the prescribed form for the issue of a driver's license and, where required, upon compliance by the applicant with subsections 70(4)(5) and (6) and upon being satisfied that

(a) the facts stated in the application are true; and

(b) on the basis of the medical examination, if any, undergone under clause 70(6)(b), and of the examination, if any, taken under clause 70(6)(c), the applicant is competent to operate a motor vehicle or any class of motor vehicle,

the Registrar shall issue to the applicant a numbered driver's license in the form prescribed by the Registrar, authorizing the holder of the license to operate a motor vehicle or the class of motor vehicle specified in the license subject to this Act and the regulations.

Different classes of licenses

(2) The Registrar may issue different classes of driver's licenses to drivers of vehicles operated for different purposes.

Authorization to drive different classes of vehicles

(3) The Registrar may in a driver's license authorize the holder of the license to drive more than one class of vehicle or to drive a vehicle for more than one purpose.

Restriction on driving privileges

(4) The Registrar may, notwithstanding subsection (2), in a driver's license restrict the holder of the license

(a) to driving only the class of vehicle specified in the license; or

(b) to driving a vehicle only under the conditions or for the purposes specified in the license.

Idem

(4.1) For greater certainty, the Registrar may, under subsection (4), specify as a condition of a driver's license that the holder of the license is restricted to driving a motor vehicle

(a) that is equipped with an alcohol ignition interlock device of a type specified in the license; or

(b) for which the Registrar has issued a restricted number plate under subsection 20(1.1).

Restriction, license issued under this Act

(5) No person holding a driver's license issued under this Act may at the same time hold a driver's license issued by another province, state or territory.

Notice to province of issue

(6) Where a license has been surrendered in compliance with subsection (5), the Registrar shall notify the jurisdiction which had issued the license of the surrender.

Driving record forwarded to other jurisdiction

(7) Where the Registrar receives notification of surrender in another jurisdiction of a license issued under this Act, he shall forward to that jurisdiction the driving record of the person to whom the license had been issued.

Surrender, validity of license issued under this Act

(8) Where a person has surrendered in another jurisdiction a license issued under this Act, and obtained a license from that other jurisdiction, the license which had been issued under this Act ceases to be valid as of the date it is surrendered.

Release of driver information

(9) The Registrar may, on request, release to a carrier as defined in clause 142(a) or to any department or agency of the government, the government of Canada, or a province, information with respect to the name, address and driving record of any person to whom a driver's license or registration has been issued or in respect of whom a driving record has been created, but information may only be released to a carrier in respect of a person employed by the carrier at the time of the request. R.S.P.E.I. 1974, Cap. H-6, s.72; 1990,c.21,s.1; 1991,c.14,s.2; 1994,c.25, s.6; 2006,c.32,s.1; 2014,c.33,s.3.

Expiry of driver's license

72. (1) Repealed by 1990,c.21,s.14.

Idem

(2) Every driver's license, unless otherwise restricted, expires on the anniversary of the date of birth of the driver in such year as may be designated on the license. R.S.P.E.I. 1974, Cap. H-6,s.73; 1990,c.21,s.14; 1994,c.25,s.7.

Registrar not to issue driver's license, where

73. (1) The Registrar shall not issue a driver's license

(a) for the operation of any motor vehicle other than a farm tractor to a person who is under the age of sixteen years;

(b) to any person, for the operation of a motor vehicle for hire or reward, who is under the age of eighteen years;

(c) for the operation of a farm tractor to a person who is under the age of fourteen years;

(d) to a person whose application contains a false or fraudulent statement;

(e) to a person who has failed to furnish information required under this Act;

(f) if the fees prescribed by the regulations for the issue of a driver's license have not been paid;

(g) to a person if on the basis of a medical examination undergone under clause 70(6)(b) or of an examination taken under clause

70(6)(c) the Registrar is of the opinion that that person is not competent to operate a motor vehicle;

(g.1) to a person who, in the Registrar's opinion, is medically unfit to operate a motor vehicle in accordance with the most recent edition of the Medical Standards for Drivers published by the Canadian Council of Motor Transport Administrators;

(h) to a person whose driver's license has been suspended or cancelled in accordance with this Act and the period of suspension or cancellation has not expired;

(i) to a person

(i) whose driver's license issued under the laws of another province, state, territory or country has to the Registrar's knowledge been suspended or cancelled in accordance with the laws of that other province, state, territory or country and the period of suspension or cancellation has not expired, or

(ii) whose driver's license if issued under this Act would have been suspended, cancelled, or revoked hereunder, had the person's convictions been incurred in this province under the *Criminal Code* or the provisions of this Act analogous to those violated by the applicant in the other province, state, territory, or country;

(j) to a person who has been disqualified under this Act from holding or obtaining a driver's license or who to the Registrar's knowledge has under the laws of another province, state, territory or country been

(i) disqualified or prohibited from driving a vehicle of the class for which he has applied for a driver's license under this Act, or

(ii) disqualified or prohibited from holding the class of driver's license for which he has applied under this Act,

and the disqualification or prohibition has not been lifted or the period thereof has not expired;

(k) to a person who has been prohibited under the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46 from operating a motor vehicle in Canada, during the period of the prohibition;

(l) to a person whose record, in the opinion of the Registrar, makes him unsuitable to hold a license and in forming that opinion the Registrar may consider

(i) the physical or mental condition or history of the applicant, and

(ii) the applicant's accident record in this province or elsewhere in respect of offences arising out of the use or operation of a motor vehicle or in the commission of which a motor vehicle was used;

(m) to a person under eighteen years of age (in this section and in sections 74 and 75 referred to as a "minor") unless the application therefor has been approved and signed

(i) by the father and mother of the minor,

(ii) if either his father or mother is dead or if the Registrar is satisfied that it is not practicable or not desirable to obtain the approval and signature of both of them, by either his father or his mother,

(iii) if both his mother and father are dead then by his legal guardian, or

(iv) in a case where subclause (iii) applies, if the minor has no legal guardian, by his employer if any, or by any other person considered by the Registrar to be a responsible and suitable person;

(n) to a person if

(i) the person has been convicted of two or more offences against section 253 or subsection 254(5) of the *Criminal Code*,

(ii) the person's last driver's license was not cancelled under subsection 261(1) or 261(1.2), and

(iii) the driver's license would be the first driver's license issued to the person after his or her last such conviction,

unless the Registrar is satisfied that the person has, after his or her last such conviction, successfully completed an alcohol or drug addiction program, or both, or an alcohol or drug consumption management program, or both, as directed by the Registrar; and

(o) to a person if the person's last driver's license was cancelled under subsection 261(1) or 261(1.2), except in accordance with subsections (1.1) to (1.5).

Mandatory use of alcohol ignition interlock device

(1.1) Where a person's license has been cancelled and the person has been disqualified under subsection 261(1) or 261(1.2) from holding or obtaining a license, the person may apply to the Registrar in accordance with subsection 261(1.1) for the issuance of a subsequent license.

Issuance of license

(1.2) The Registrar may issue a license to a person referred to in subsection (1.1) only on the condition that the person who is subject to the disqualification, in addition to complying with the other requirements imposed under this Act,

(a) subject to subsection (1.51), shall not operate a motor vehicle during the term set out in subsection (1.3) unless the vehicle is equipped with an alcohol ignition interlock device satisfactory to the Registrar; and

(b) shall comply with any terms or conditions imposed by the Registrar.

(1.3) Subject to subsections (1.4) and (1.5), the term during which a person referred to in subsection (1.1) shall not operate a motor vehicle unless the vehicle is equipped with an alcohol ignition interlock device satisfactory to the Registrar is Term

(a) for a first conviction, one year from the expiration of the prohibition period imposed by the court;

(b) for a second conviction within ten years, where

(i) the person's blood alcohol content, based on an analysis of the person's breath by an approved screening device,

(A) measured 160 milligrams of alcohol or less in 100 millilitres of blood, two years from the expiration of the prohibition period imposed by the court, or

(B) exceeded 160 milligrams of alcohol in 100 millilitres of blood, five years from the expiration of the prohibition period imposed by the court, or

(ii) the person failed or refused, without a reasonable excuse, to comply with a demand made on the person under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle, five years from the expiration of the prohibition period imposed by the court;

(c) for a third or subsequent conviction within ten years, ten years from the expiration of the prohibition period imposed by the court.

(1.31) In addition to the requirements of paragraph (1.3)(b)(i)(A), the driver's license of a person referred to in that paragraph is subject to the condition that the person is prohibited from operating a motor vehicle if the person has consumed alcohol in such a quantity that the concentration in the person's blood exceeds zero milligrams of alcohol in 100 millilitres of blood, for a term of three years, to be served consecutively to the term set out in that paragraph. Additional condition

(1.32) Clause (1.3)(b) and subsection (1.31) apply to a person referred to in clause (1.3)(b) whose second conviction occurs on or after July 7, 2014. Commencement

(1.4) Where a person referred to in subsection (1.1), during the prohibition period imposed by the court in respect of the offence under the *Criminal Code*, has been registered and has participated in, and has complied with the terms and conditions of, an alcohol ignition interlock program approved by the Registrar, the term set out under subsection (1.3) is reduced by the period of the person's participation in the alcohol ignition interlock program during the prohibition period. Reduction of term

(1.5) Where, following a review under section 264.4, the Registrar is satisfied that a child was present at the time an offence was committed under section 253 or 254(5) of the *Criminal Code*, and the person Additional term

charged with the offence is convicted of, pleads guilty to or is found guilty of the offence, the Registrar may add a further term of up to twelve months, to be served consecutively, to the term pursuant to clause (1.3)(a), (b) or (c) during which the person is required to use an alcohol ignition interlock device when operating a vehicle.

Application for license and restricted number plate

(1.51) Where a person referred to in clause (1.3)(c) has

(a) completed at least five years of the ten-year term set out in clause (1.3)(c); and

(b) complied with the requirements of subsection (1.4) with respect to the alcohol ignition interlock program approved, and any other conditions imposed, by the Registrar,

the person may apply to the Registrar for the issuance of a subsequent driver's license and a restricted number plate.

Issuance of license and restricted number plate

(1.52) Where the Registrar is satisfied that a person who has applied for the issuance of a subsequent driver's license and a restricted number plate has met the requirements of subsection (1.51), the Registrar may issue the subsequent driver's license and a restricted number plate to the person, on the condition that the person

(a) shall not operate a motor vehicle, except the motor vehicle for which the Registrar has issued the restricted number plate, for the unexpired portion of the ten-year term set out in clause (1.3)(c);

(b) shall display the restricted number plate on the motor vehicle for which it was issued in accordance with section 21 for the unexpired portion of the ten-year term set out in clause (1.3)(c);

(c) shall not operate 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 for the unexpired portion of the ten-year term set out in clause (1.3)(c); and

(d) shall comply with any terms or conditions imposed by the Registrar on the person's driver's license.

License cancelled

(1.53) A driver's license issued to a person under subsection (1.52) is cancelled on the failure of the person to comply with a condition of the driver's license imposed under clause (1.52)(a), (b) or (c).

Commencement

(1.54) Clause (1.3)(c) and subsections (1.51), (1.52) and (1.53) apply to a person referred to in clause (1.3)(c) whose third or subsequent conviction occurs on or after July 7, 2014.

Licenses issued contrary to subsection (1) invalid

(2) A driver's license that is issued to a person contrary to subsection (1) or before the Registrar has knowledge of the matter referred to in any of those clauses is invalid and does not become valid if the person subsequently becomes qualified to hold a driver's license. R.S.P.E.I. 1974, Cap. H-6,s.74; 1978,c.10,s.8; 1981,c.17,s.6.; 1985,c.19,s.8; 1987,

c.31,s.2 & 7; 1991,c.14,s.3; 1996,c.19,s.3; 2001,c.8,s.2; 2009,c.74,s.3, 2012(2nd),c.12,s.2; 2014,c.33,s.4; 2015,c.7,s.1.

Cancellation of minor's license upon request

74. The Registrar, on the written request of the person who has approved and signed an application by a minor pursuant to clause 73(1)(m), shall cancel the license issued to the minor. R.S.P.E.I. 1974, Cap. H-6,s.75.

Cancellation of minor's license on death of person approving

75. The Registrar, upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, shall cancel the license and shall not issue a new license until such time as an application, duly signed, is made as required by this Act. R.S.P.E.I. 1974, Cap. H-6,s.76.

Signature on license

76. (1) Every person to whom a driver's license is issued shall write his usual signature with pen and ink in the space provided for that purpose on the application for a license.

Licensee to produce license on request

(2) The holder of a driver's license shall, when he is driving a motor vehicle forthwith deliver that license for inspection by a peace officer when the peace officer requests him to do so.

License may be produced within 48 hours of request

(3) The production of a driver's license at any police station or Royal Canadian Mounted Police barracks within forty-eight hours after a request is made under subsection (2), or under clause 10(1)(d), is deemed to be sufficient production of the license for the purposes of those subsections, if the license is dated prior to the time the request was made by the peace officer. R.S.P.E.I. 1974, Cap. H-6,s.77; 1976,c.2,s.2.

License, property of Crown

77. Every driver's license issued by the Registrar is and shall remain the property of the Crown and shall be returned to the Registrar on his request. R.S.P.E.I. 1974, Cap. H-6,s.78.

Driver restricted to class of vehicles specified in license

78. A driver's license is not valid to authorize the holder thereof to drive any class of vehicle other than that specified in the license but the Registrar may by endorsement to the license, authorize the holder to drive such other classes of vehicles as the Registrar specifies in the endorsement. R.S.P.E.I. 1974, Cap. H-6,s.79.

Use of license issued to another person

79. Any person who has in his possession a driver's license issued to another person shall not hold himself out to be that other person or drive or attempt to drive a motor vehicle under the authority of that driver's license. R.S.P.E.I. 1974, Cap. H-6,s.80.

License issued elsewhere, entitlement to drive

80. (1) Any person of the age of sixteen years or over who holds and has in his immediate possession a valid and subsisting driver's license that has been issued to him under the laws of another province, state, territory or country and who has not been prohibited from driving under the laws

of that or any other province, state, territory or country or of Prince Edward Island may drive under the license in Prince Edward Island for a period of not more than four months from the date of his coming or returning to Prince Edward Island a vehicle of a class that he is authorized to drive under the license he holds.

Non-resident student's license

(2) A person who is enrolled in a university, college or school in this province and holds a valid and subsisting driver's license referred to in subsection (1) may drive in this province a vehicle of the class authorized by the license until such time as the license expires.

Eight-month exemption

(3) Any person who

(a) is of the age of sixteen years or over;

(b) is not a permanent resident, as defined in the *Immigration and Refugee Protection Act* (Canada);

(c) is employed in this province in the agricultural or fishing industry pursuant to a Guest Worker Program administered by the Government of Canada;

(d) holds and has in his or her immediate possession

(i) a valid and subsisting driver's license that has been issued to the person under the laws of another state or country authorizing the person to operate**,** in that state or country, vehicles of a type or class equivalent to those that may be operated in this province under a Class 5 driver's license,

(ii) a valid and subsisting work permit, and

(iii) an international driving permit issued to the person by another state or country within the previous 12 months; and

(e) has not been prohibited from driving under the laws of this province or the state or country referred to in subclause (d)(iii),

may, without holding a Class 5 driver's license, operate a vehicle in this province that requires a Class 5 driver's license to operate for a period of not more than eight months in any one year. R.S.P.E.I. 1974, Cap. H-6,s.81; 1995,c.19,s.4; 2010,c.19,s.3.

Permitting unlicensed person to drive

81. Subject to this Act, no person shall permit another person to drive a motor vehicle on a highway unless that other person holds a valid and subsisting driver's license. R.S.P.E.I. 1974, Cap. H-6,s.82.

Instruction permits

82. (1) Any person who

(a) is 16 years of age or older may apply to the Registrar for an instruction permit to drive a motor vehicle; and

(b) is 14 years of age or older may apply to the Registrar for an instruction permit to drive a farm tractor,

and the Registrar may, in the Registrar's discretion, after the person has successfully passed all parts of any oral, written or other examination as the Registrar may authorize, other than the driving test, issue to the

person an instruction permit that shall entitle the person, while having such permit in the person's immediate possession, to drive a motor vehicle on a highway when accompanied by a licensed operator who is occupying the seat beside the person, except when the person is operating a motor cycle or farm tractor.

(2) Repealed by 2006,c.8,s.2.

Extension of time for holder of instruction permit

(3) The holder of an instruction permit shall not drive a motor vehicle upon a highway

Restrictions on holder of instruction permit

(a) in the case of a motor vehicle (other than a motor cycle or farm tractor) with accommodation for a passenger alongside the driver unless

(i) the holder of an instruction permit is accompanied by a licensed operator who at that time has been the holder of a valid driver's license for at least four years and who is occupying a seat beside the driver and no other person except members of the immediate family of the licensed operator is in or on the motor vehicle, or

(ii) the holder of an instruction permit is accompanied by a licensed instructor giving instructions to persons enrolled in a recognized motor vehicle driver instruction course and no more than four persons not including the instructor are in the motor vehicle; or

(b) in the case of a motor cycle or farm tractor unless the holder of an instruction permit is under the supervision of a licensed operator.

Qualification to apply for driver's license

(4) The holder of an instruction permit may not sooner than 365 days after the date of issue of such instruction permit and thereafter at any time before the expiration of the permit apply to an examiner for a certificate that the applicant has qualified for a driver's license, but before issuing the certificate, the examiner shall satisfy himself or herself, by means of an actual driving test, that the applicant is proficient in the operation of a motor vehicle.

Driver education program

(4.1) Notwithstanding subsection (4), the holder of an instruction permit who has successfully completed a driver education program in the province, may, not sooner than 275 days after the issue of such instruction permit and thereafter at any time before the expiration of the permit, apply to an examiner for a certificate that the applicant has qualified for a driver's license, but before issuing the certificate, the examiner shall satisfy himself or herself, by means of an actual driving test, that the applicant is proficient in the operation of a motor vehicle.

Registrar may revoke permit

(5) The Registrar may in the Registrar's discretion revoke any instruction permit issued under this section. R.S.P.E.I. 1974, Cap. H-6,s.83; 1981,c.17,s.7; 1985,c.19,s.9; 1994,c.25,s.8; 2000,c.11,s.4; 2006,c.8,s.2.

Car rentals to unlicensed persons prohibited

83. (1) No person shall rent a motor vehicle to another person who does not hold a valid and subsisting driver's license under this Act or the laws of another province, state, territory or country.

Inspection of driver's license required

(2) No person shall rent a motor vehicle to another person unless he has inspected the driver's license of that other person and compared and verified the signature thereon with the signature of that other person written in his presence.

Person renting motor vehicle to other persons, records to be kept by

(3) Any person who rents a motor vehicle to other persons shall keep a record that shall show

(a) the registration number of the motor vehicle;

(b) the name, permanent address and temporary address, if any, of each person to whom the motor vehicle is rented;

(c) the number of the driver's license held by each person to whom a motor vehicle is rented and the date and place of issue of the license,

and the record shall be open at all times to inspection by a peace officer or inspector. R.S.P.E.I. 1974, Cap. H-6,s.84.

Replacement of lost or mutilated driver's license

84. (1) If a driver's license is lost or becomes mutilated or illegible the person to whom the license was issued shall notify the Registrar who may, on payment of the fee prescribed by the regulations and if he is satisfied that the license is lost or on surrender to him of the mutilated or illegible license and upon receiving such information as he may require respecting the person to whom the license was issued, issue a certificate stating that the license was issued and setting forth therein such information contained in the license as the Registrar may consider advisable.

Certificate satisfies requirements for a driver's license

(2) A certificate issued pursuant to subsection (1) shall be deemed to satisfy all the requirements prescribed by this Act for a license and shall have the full force and effect of a license for such length of time as may be prescribed by the Registrar on the certificate, but in no case shall such period exceed six months from the date of issue of the certificate. R.S.P.E.I. 1974, Cap. H-6,s.85.

Change of address by licensee, notification of Registrar

85. Whenever the holder of a driver's license changes his address as given in the application made by him he shall within thirty days file or cause to be filed with the Registrar his change of address and every subsequent change of address. R.S.P.E.I. 1974, Cap. H-6, s.86; 1997,c.24,s.5.

86. Whenever the name of a person who has applied for or obtained a driver's license is thereafter changed by marriage or otherwise that person shall within thirty days notify the Registrar of the change, giving the former name and new name. R.S.P.E.I. 1974, Cap. H-6,s.87.

Change of name of licensee, notification of Registrar

87. The Registrar shall in a suitable file, index, electronic or digital storage in the division keep a record of drivers' licenses that he issues and the record shall include

Registrar to keep record of licenses, contents

(a) the name of each person to whom a driver's license is issued;

(b) the number of each driver's license issued and the name and address of the person in whose name it is issued;

(b.1) a photographic, electronic, or digital image of

(i) the driver's face, and

(ii) the driver's signature;

(c) a record of each application for a driver's license that has been refused and of each license that has been suspended or cancelled; and

(d) such other information as the Registrar considers fit about the holder of each driver's license. R.S.P.E.I. 1974, Cap. H-6,s.88; 1998,c.91,s.2.

HIGHWAY SAFETY MEDICAL BOARD

88. (1) There is hereby established a Highway Safety Medical Board composed of

Highway Safety Medical Board

(a) two persons appointed by the Minister who are legally qualified medical practitioners as defined in the *Medical Act* R.S.P.E.I. 1988, Cap. M-5; and

(b) a person who is an employee of the division designated by the Minister and who shall act as chairman.

(2) Where the Registrar has reason to suspect that a holder of a driver's license is medically unfit to operate a motor vehicle, the Registrar may notify the Board of the name and address of that person and his reasons for so suspecting.

Notice to Board *re* unfit driver

(3) Upon receipt of a notice under subsection (2), the Board shall, if the holder consents, interview him and direct him to submit to such medical examination before such legally qualified medical examiner as the Board may determine.

Interview by Board

(4) If a holder of a driver's license does not submit to such examination as may be determined under subsection (3), he shall be deemed to be medically unfit to operate a motor vehicle in the province and the Registrar shall cancel his license.

Deemed unfit, where holder of license refuses examination

Medical examiner's report

(5) Where a holder of a driver's license submits to the examination prescribed under subsection (3), the legally qualified medical practitioner who conducts the examination shall send his report to the Board and a copy to the person examined.

Hearing

(6) Within thirty days of receipt of a report under subsection (5) the Board shall review the report and shall permit the person examined to appear before it and make such representations, either with or without legal counsel, as he may consider advisable.

Standards

(7) In determining whether or not a person is medically fit to operate a motor vehicle the Board shall apply the standards set out in the most recent edition of the manual Medical Standards for Drivers published by the Canadian Council of Motor Transport Administrators.

Recommendation to Registrar *re* condition of driver

(8) Where the Board has examined a report referred to in subsection (5) and has heard the person examined, if he wishes to be heard, the Board shall forthwith submit a report to the Registrar wherein it shall clearly indicate its recommendation whether that person should or should not have his driver's license cancelled, or should or should not have conditions imposed on his driving of a motor vehicle and a copy of such report shall be mailed to that person.

Determination by Registrar

(9) After reviewing a report submitted under subsection (8), the Registrar shall determine whether or not to cancel the driver's license or to impose conditions thereon and shall notify the holder of his decision.

Appeal to Supreme Court

(10) A holder may appeal a decision of the Registrar under subsection (9) to a judge of the Supreme Court in accordance with section 279.

Applicant for driver's license, section applies to

(11) The provisions of this section apply with the necessary changes to an applicant for a driver's license as they apply to the holder thereof with the substitution of references to denial of a license for references to cancellation of a license. 1981,c.17,s.8; 1994,c.25,s.9; 1997,c.24,s.6; 2001,c.8,s.3.

OFFENCES RESPECTING DRIVER'S LICENSES

Offences respecting licenses

89. Every person is guilty of an offence who

(a) defaces or alters a driver's license or displays or causes or permits to be displayed or has in his possession a driver's license that is fictitious or has been defaced, altered, cancelled or suspended;

(b) lends to or permits the use of by another person any driver's license issued to the person so lending or permitting the use thereof;

(c) displays or represents as his own any driver's license not issued to him;

(d) fails or refuses to surrender to the Registrar or to a peace officer or inspector upon notice or demand a driver's license that has been suspended or cancelled;

(e) gives a false or fictitious name or gives a false address in any application for a driver's license or duplicate thereof or makes a false statement or conceals a material fact in the application or in any statement made or in giving information to the Registrar for any purpose in connection with this Act;

(e.1) fails to comply with a restriction or condition set out by the Registrar on the driver's license of the person, under clause 261(1.1)(b);

(e.2) fails 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;

(e.3) fails 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;

(e.4) 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);

(f) fails to comply with a restriction or condition, other than a condition as described in clause (e.1), imposed by the Registrar on the driver's license of the person. R.S.P.E.I. 1974, Cap. H-6,s.89; 2006,c.32,s.2; 2012,c.18,s.3; 2014,c.33,s.5.

Delivery of license to Registrar on disqualification

90. Where a person who is the holder of a driver's license

(a) is convicted of any offence involving the use of a motor vehicle and the court in exercise of its discretion disqualifies him from holding or obtaining a driver's license;

(b) is convicted of an offence against section 253 or subsection 254(5) of the *Criminal Code*; or

(c) pleads guilty to or is found guilty of an offence against section 253 of the *Criminal Code* and is conditionally discharged pursuant to subsection 255(5) thereof,

the court disposing of the case shall require the surrender to it of the driver's license then held by that person and shall forthwith send the license to the Registrar together with a record setting out the circumstances of the offence and the order made by the court. R.S.P.E.I. 1974, Cap. H-6,s.90; 1977,c.16,s.2; 1987,c.31,s.7; 1991,c.14,s.4; 2009,c.74,s.4(1),(3).

PART V
EQUIPMENT

Offence to operate unsafe vehicle

91. It is an offence for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles that is in such unsafe condition as to endanger any person or property, or that does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this Act or the regulations, or that is equipped in any manner in violation of this Act or the regulations. R.S.P.E.I. 1974, Cap. H-6, s.91; 2002,c.13,s.1.

Definitions

92. (1) In this section

child restraint system

(a) "child restraint system" means a child's car seat of a type prescribed for a child of a prescribed age, height or weight;

commercial use

(b) "commercial use" in relation to a commercial vehicle, means registered for use in one of the following classes:

(i) commercial (CM),
(ii) farm (FA),
(iii) special purpose (SP),
(iv) construction equipment (CE),
(v) tractor-trailer (TT);

prescribed

(c) "prescribed" means prescribed by the regulations;

seat belt

(d) "seat belt" means the seat belt assembly or other restraint system for a seating position specified for the vehicle by the *Motor Vehicle Safety Act* (Canada) R.S.C. 1985, Chap. M-10 at the time the vehicle was manufactured, assembled or imported.

Prohibition – removal or alteration

(1.1) No person shall operate a motor vehicle on a highway if the seat belt assembly of the motor vehicle

(a) has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness; or
(b) is not operating properly because of lack of maintenance.

Exception

(1.2) Subsection (1.1) does not apply where

(a) the seat belt has been removed for maintenance; or
(b) the seating position has been removed.

Wearing of seat belt by driver

(2) While a motor vehicle is being operated on a highway other than in reverse, the driver of the motor vehicle shall, if a seat belt is provided for the driver, wear the complete seat belt assembly as required by subsection (4.1).

(3) No person shall operate a motor vehicle on a highway unless every passenger in the motor vehicle who is under sixteen years of age

Wearing of seat belt by young passenger

(a) is secured in the prescribed manner in a child restraint system, where the passenger is of an age, height or weight for which such a system is prescribed; or

(b) occupies a seating position for which a seat belt has been provided and is wearing the complete seat belt assembly as required by subsection (4.1).

(4) While a motor vehicle is being operated on a highway, every person who is a passenger in the motor vehicle and is at least 16 years of age shall

Wearing of seat belt by passenger

(a) occupy a seating position for which a seat belt has been provided; and

(b) wear the complete seat belt assembly as required by subsection (4.1).

(4.1) A seat belt assembly shall be worn as follows:

How to wear seat belt

(a) the pelvic restraint shall be worn firmly against the body and across the hips;

(b) the torso restraint, if there is one, shall be worn closely against the body and over the shoulder and across the chest;

(c) the pelvic restraint and the torso restraint, if there is one, shall be securely fastened; and

(d) no more than one person shall wear the seat belt assembly at any one time.

(5) Every registered owner of a motor vehicle shall maintain all seat belts for the vehicle in good condition.

Maintenance of seat belt

(6) Repealed by 2012(2nd),c.11,s.1.

Modification of seat belt

(7) This section does not apply to

Application

(a) repealed by 2003,c.8,s.2;

(b) repealed by 1994,c.25,s.10;

(c) repealed by 1994,c.25,s.10;

(d) a fireman while in or on a vehicle of an fire fighting organization;

(e) repealed by 1994,c.25,s.10;

(f) a medical attendant in an ambulance transporting a patient;

(g) a person while engaged in work which requires the person to leave and enter his seating position in the vehicle at frequent intervals;

(h) repealed by 1994,c.25,s.10.

(8) The Lieutenant Governor in Council may make regulations

Regulations

(a) approving a child's car seat and prescribing the manner in which a child is to be secured in it;
(b) governing the type of child's car seat for children based on age, height or weight, or any combination of them;
(c) adopting by reference, in whole or in part, any code, standard or specification respecting child restraint systems;
(d) exempting from any of the provisions of this section or the regulations made pursuant to this section
(i) any class of motor vehicle,
(ii) any class of driver or passenger, or
(iii) drivers carrying any prescribed class of passenger,
and prescribing conditions for any such exemption.

Offence

(9) Repealed by 1994,c.25,s.10. 1987,c.32,s.1; 1994,c.25,s.10; 2012(2nd),c.11,s.1.

Definition, "immediate family member"

92.1 (1) In this section, "immediate family member" means, in respect of a newly licensed driver,
(a) the spouse of the newly licensed driver;
(b) a parent of the newly licensed driver and the spouse of the parent of the newly licensed driver";
(c) the children of the newly licensed driver and the children of the newly licensed driver's spouse;
(d) the grandchildren of the newly licensed driver;
(e) the brothers and sisters of the newly licensed driver;
(f) the grandfather and grandmother of the newly licensed driver;
(g) a parent of the spouse of the newly licensed driver and the spouse of a parent of the newly licensed driver; and
(h) any relative of the newly licensed driver who resides permanently with the newly licensed driver or with whom the newly licensed driver permanently resides.

Limitation on number of passengers not an immediate family member

(2) Where the driver of a motor vehicle is a newly licensed driver who has held a valid driver's license for less than one year, the newly licensed driver shall not operate the motor vehicle on a highway while accompanied by more than one passenger who is not an immediate family member of the newly licensed driver.

Limitation on number of passengers, year two

(3) Where the driver of a motor vehicle is a newly licensed driver who has held a valid driver's license for less than two years, the newly licensed driver shall not operate the motor vehicle on a highway while accompanied by more passengers than may be accommodated in a seating position that has an available seat belt.

Offence, newly licensed driver

(4) Where the driver of a motor vehicle is a newly licensed driver who has held a valid driver's license for less than two years, the newly

licensed driver shall not operate the motor vehicle on a highway while accompanied by a passenger who is not wearing a seat belt but is seated in a seating position that has an available seat belt. 2000,c.11,s.5; 2003,c.8,s.3; 2006,c.8,s.3; 2008,c.8,s.12.

Inspection of equipment

93. (1) An inspector or peace officer may at any time inspect or cause to be inspected any equipment on a vehicle on a highway and may, if such vehicle is found to be in an unsafe condition, or if any equipment or part thereof does not conform with this Act or the regulations, give a written notice to the driver or owner.

Contents of notice

(2) The notice referred to in subsection (1)

(a) shall require the driver or owner to have the vehicle placed in a safe condition and its equipment put in proper repair and adjustment to comply with this Act or the regulations;

(b) may, if the inspector or peace officer considers it appropriate, require the driver or owner to

(i) have the vehicle taken to an official inspection station, as defined in the Motor Vehicle Inspection Regulations, for inspection or re-inspection, and

(ii) have a copy of the inspection report brought to the police station or Royal Canadian Mounted Police barracks designated on such notice, showing that the vehicle has successfully passed inspection, within the time specified on such notice; and

(c) may, if the inspector or peace officer considers the vehicle to be unsafe for operation on the highway, require the driver or owner to not operate the vehicle until the driver or owner has complied with the requirements referred to in clause (a).

Failure to comply with notice

(3) It is an offence for any driver or owner to fail to comply with a notice referred to in subsections (1) and (2).

Refusal to submit vehicle to inspection

(4) No owner or driver of a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by a peace officer or inspector.

Proof that repairs made to vehicle

(5) Where a notice given pursuant to subsection (1) does not require the vehicle to be taken to an official inspection station, the inspector or peace officer shall give a written notice to the driver or owner of the vehicle to report within the time prescribed on the notice to an office or detachment of a peace officer with proof that repairs have been made to the vehicle, and that it has been placed in a safe condition and its equipment in proper repair and adjustment, and that it otherwise complies with this Act and the regulations, and it is an offence for any driver or owner to fail to comply. R.S.P.E.I. 1974, Cap. H-6,s.92; 1973,c.10,s.2; 2002,c.13,s.2.

Accessories permitted

94. Nothing contained in this Part shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with this Act. R.S.P.E.I. 1974, Cap. H-6,s.93.

Equipment provisions not to apply to certain types of vehicles

95. This Part, with respect to equipment on vehicles, does not apply to implements of husbandry, road machinery, or road rollers except as herein made applicable, but every farm tractor and all self-propelled farm machinery shall at all times mentioned in section 96 have displayed a red tail lamp and either multiple beam head lamps meeting the requirements of subsection 98(4) or single beam head lamps meeting the maximum requirements applicable under clause 98(7)(a) to head lamps on motor cycles. R.S.P.E.I. 1974, Cap. H-6,s.94; 1990,c.21,s.2.

LIGHTING EQUIPMENT

Lighting equipment, when use required

96. Every vehicle upon a highway within the province at any time from sunset to sunrise and at any time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 150 m shall have displayed lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles. R.S.P.E.I. 1974, Cap. H-6,s.95; 1978,c.10,s.8; 1987,c.31,s.3.

White light to rear prohibited

96.1 Notwithstanding any other provision of this Act, no person shall operate a vehicle on a highway while the vehicle is displaying a lamp or other illuminating device that emits a white light to the rear of the vehicle. 1996,c.19,s.4.

Lighting equipment, visibility of

97. (1) Where the provisions of this Act impose requirements as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, the said provisions apply during the times stated in section 96 in respect to a vehicle without load when upon a straight, level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

Height of lamps

(2) Where the provisions of this Act impose requirements as to the mounted height of lamps or devices, the height of the lamps or devices shall be measured from the centre of the lamp or device to the level ground upon which the vehicle stands when the vehicle is unloaded. R.S.P.E.I. 1974, Cap. H-6,s.96.

Head lamps on motor vehicles

98. (1) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this Act, but where a motor vehicle is equipped by the manufacturer, with more than two head lamps, all head

lamps shall comply with the requirements and limitations set forth in the Act.

Head lamps on motorcycles

(2) Every motorcycle shall be equipped with at least one and not more than two head lamps that shall comply with the requirements and limitations of this Act.

Location of head lamps

(3) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height of not more than 1400 mm nor less than 600 mm except in the case of a motor vehicle that is used, from time to time in conjunction with snow removal equipment, or that is so designed as to require head lamps at a greater height.

Head lamps to provide two beams

(4) The head lamps on a motor vehicle shall provide at least two beams, either of which may be selected by the driver according to the requirements of traffic, subject to the following requirements and limitations:

(a) there shall be an upper or main beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 150 m ahead for all conditions of loading; and

(b) there shall be a lower or passing beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 30 m ahead,

and on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

Use of lower beams

(5) Whenever during the times specified in section 96 a driver of a vehicle on a highway approaches an oncoming vehicle within 150 m, such driver shall use the lower or passing beam.

Idem

(6) Whenever the driver of a vehicle follows another vehicle within 60 m to the rear, except when engaged in the act of overtaking and passing, such driver shall use the lower or passing beam.

Head lamps on motorcycles, requirements for

(7) The head lamp or head lamps upon every motorcycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(a) every said head lamp or head lamps on a motorcycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 30 m when the motorcycle is operated at any speed less than 40 km/h and at a distance of not less than 60 m when the motorcycle is operated at a speed of 40 km/h, and at a distance of not less than 90 m when the motorcycle is operated at a speed of 60 km/h or more;

(b) in the event the motorcycle is equipped with a multiple-beam head lamp or head lamps the upper or main beam shall meet the minimum requirements set forth in clause (a) and the lower beam shall meet the requirements applicable to a lower or passing beam as set forth in subsection (4); and

(c) in the event the motorcycle is equipped with a single-beam head lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 10 m ahead, shall project higher than the level of the centre of the lamp from which it comes.

Tinted lamps

(8) The head lamps of a motor vehicle or motorcycle shall not be covered with any material to colour or tint the lamp which has the effect of reducing the designed intensity of the light produced. R.S.P.E.I. 1974, Cap. H-6,s.97; 1978,c.10,s.8; 1981,c.36,s.10; 1991,c.14,s.5.

Tail lamps required

99. (1) Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle that is being drawn at the end of a train of vehicles, shall be equipped with at least two tail lamps one on each side of the rear thereof, that, when lighted, as hereinbefore required, shall emit a red light plainly visible from a distance of 150 m to the rear; but in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

Location of tail lamps and reflectors

(2) Every tail lamp and reflector upon every vehicle referred to in subsection (1) shall be located at a height of not more than 1520 mm nor less than 500 mm from ground level.

Rear number plate to be illuminated

(3) Every vehicle referred to in subsection (1) shall be equipped with either a tail lamp or a separate lamp so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 15 m to the rear, and any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. R.S.P.E.I. 1974, Cap. H-6, s.98; 1978,c.10,s.8.

Red stop lights

100. No person shall operate a motor vehicle on the highway unless the vehicle is equipped with red stop lights that become illuminated when the service brake of the vehicle is applied. R.S.P.E.I. 1974, Cap. H-6,s.99.

Additional equipment

101. In addition to other equipment required in this Act, the following vehicles shall be equipped as herein stated:

(a) on every bus or truck, whatever its size, there shall be on the rear, two red tail lights, two red stop lights, and two red reflectors, two red or amber turn signal lights, one on each side;
(b) on every commercial vehicle, semi-trailer or trailer 2 m or more in overall width, in addition to the requirements of clause (a),
(i) on the front and as high as practicable, two amber clearance lamps mounted at same height to show extreme width,
(ii) on the rear and as high as practicable two red clearance lamps mounted at the same height to show extreme width,
(iii) on the front and each side at or near midpoint, an amber reflector and at the rear on the side and the rear a red reflector, all reflectors being mounted at a height not less than 375 mm or more than 1500 mm when measured from a level ground surface,
(iv) on each side at the front an amber marker light and on each side at or near midpoint an amber marker light and on each side at the rear a red marker light, all lights being mounted at a height of not less than 375 mm or more than 1500 mm when measured from a level ground surface,
(v) on the rear three red indicator lamps in a horizontal row close to the top with center lamp on center line and others mounted equal distance from center lamp, not less than 150 mm or more than 300 mm,
(vi) mud flaps mounted immediately behind the rear wheels that will effectively reduce spray or splash to the rear of mud, water or slush caused by the rear wheels;
(c) repealed by 1995,c.19,s.5;
(d) repealed by 1995,c.19,s.5. R.S.P.E.I. 1974, Cap. H-6,s.100; 1978,c.10,s.8; 1990,c.21,s.3; 1991,c.14,s.6; 1995,c.19,s.5.

Location of clearance lamps

102. Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width. R.S.P.E.I. 1974, Cap. H-6,s.102.

Reflector visibility

103. (1) Every reflector upon any vehicle referred to in section 101 shall be of such size and characteristics and so maintained as to be readily visible at night-time from all distances within 150 m of the vehicle when directly in front of lawful upper beams of head lamps.

Clearance lamps, visibility of

(2) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 150 m from the front and rear, respectively, of the vehicle. R.S.P.E.I. 1974, Cap. H-6,s.102; 1978,c.10,s.8.

Lamps on combination vehicles

104. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted, that, by reason of its location on a vehicle of the

combination, would be obscured by another vehicle of the combination, but this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination be lighted. R.S.P.E.I. 1974, Cap. H-6,s.103.

Red light or flag on vehicles with load extending beyond rear

105. Whenever the load upon any vehicle extends to the rear 1200 mm or more beyond the bed or body of the vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 96, a red light or lantern plainly visible from a distance of at least 150 m to the sides and rear, and the red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle, and at any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 80 cm2 and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. R.S.P.E.I. 1974, Cap. H-6,s.104; 1978,c.10,s.8.

Lighting of parked vehicles

106. (1) A vehicle lawfully parked upon a street or highway during the times specified in section 96 where there is sufficient light to reveal any person or object within a distance of 150 m need not have displayed any lights.

Idem

(2) A vehicle parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times specified in section 96, where there is not sufficient light to reveal any person or object within a distance of 150 m upon the highway, shall be equipped with not less than two amber lights visible from the front of the vehicle and two red lamps visible to the rear of the vehicle visible from a distance of 150 m to the front of the vehicle and a lighted red lamp visible from a distance of 150 m to the rear.

Use of headlamps when vehicle stopped

(3) Notwithstanding subsection (2), if it becomes necessary to use headlamps the headlamps shall be used only in the depressed or dipped position. R.S.P.E.I. 1974, Cap. H-6,s.105; 1978,c.10,s.8.

Lamps and reflectors on bicycles

107. (1) Every bicycle when in use at night-time shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 150 m to the front and with a red reflector on the rear that is visible from 90 m to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle, and a lamp emitting a red light visible from a distance of 150 m to the rear may be used in addition to the red reflector.

Bicycle must be equipped with bell, etc.

(2) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 30 m, but a bicycle shall not be equipped with nor shall any person

use upon a bicycle any siren or whistle. R.S.P.E.I. 1974, Cap. H-6,s.106; 1978,c.10,s.8.

Lights and reflectors on other vehicles

108. Every vehicle not otherwise covered in this part including horsedrawn vehicles operated upon a public highway, thirty minutes after sunset and until thirty minutes before sunrise, shall be equipped with a reflector of a colour and type approved by the Minister on the left side thereof and mounted in such a position as to be clearly visible from the rear for a distance of 60 m, and in addition there shall be displayed at least one lighted lamp or lantern on the vehicle exhibiting a white light visible from a distance of approximately 150 m in front thereof under normal atmospheric conditions. R.S.P.E.I. 1974, Cap. H-6,s.107; 1978,c.10,s.8.

Spot lamps

109. (1) Any motor vehicle may be equipped with not more than one spot lamp that shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam is directed to the left of the prolongation of the extreme left side of the vehicle nor more than 30 m ahead of the vehicle.

Fog lamps

(2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height of not less than 300 mm nor more than 800 mm so aimed that none of the high-intensity portion of the light to the left of the centre of the vehicle, at a distance of 10 m ahead, projects higher than a level of 100 mm below the level of the centre of the lamp from which it comes, but the fog lamps shall only be used when driving conditions due to fog, mist or snow require their use. R.S.P.E.I. 1974, Cap. H-6,s.108; 1978,c.10,s.8.

Daytime running lights, requirements

109. 1 (1) No person shall operate on a highway during the daylight a motor vehicle manufactured after November 30, 1989, unless

(a) the motor vehicle is equipped with daytime running lights; and

(b) the daytime running lights referred to in clause (a)

(i) are illuminated, and

(ii) emit only amber or white light.

Headlights, headlamps or daytime running lights, required illumination

(2) No person shall operate on a highway at any time a motor vehicle manufactured before December 1, 1989, unless

(a) the headlights or headlamps of the motor vehicle are illuminated; or

(b) the daytime running lights, if any, of the motor vehicle are illuminated.

Daytime running lights, colour restriction

(3) No person shall operate on a highway at any time a motor vehicle manufactured before December 1, 1989, with illuminated daytime running lights that emit a light other than amber or white in colour.

Exempted motor vehicle

(4) This section does not apply in respect of a motor vehicle that
(a) is a farm tractor or self-propelled farm implement;
(b) is special mobile equipment; or
(c) is registered outside of Prince Edward Island. 2014,c.32,s.5.

Turn signal device

110. Every motor vehicle shall be equipped with lamps or a mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left that are visible both from the front and rear and the lamps shall give only an amber light to the front of the vehicle and an amber or red light to the rear of the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.109.

Stop lamps

111. (1) A stop lamp shall be plainly visible and understandable from a distance of 150 m to the rear both during daylight and darkness and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daylight and darkness from a distance of 150 m both to the front and rear.

Conditions *re* use of stop lamps

(2) When a vehicle is equipped with stop lamps or signal lamps, those lamps shall at all times be maintained in good working condition, and no stop lamps or signal lamps shall project a glaring or dazzling light. R.S.P.E.I. 1974, Cap. H-6,s.110; 1978,c.10,s.8.

Signal device to be self-illuminated

112. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 96. R.S.P.E.I. 1974, Cap. H-6,s.111.

Cowl or fender lamps

113. (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps that emit an amber light without glare.

Back-up lamps

(2) Any motor vehicle may be equipped with back-up lamps but the back-up lamps shall not be lighted when the motor vehicle is in forward motion.

Day-time running lights

(3) Repealed by 2014,c.32,s.6. R.S.P.E.I. 1974, Cap. H-6, s.112; 1991,c.14,s.7; 2014,c.32,s.6.

Red lamp in front on emergency vehicles only

114. No person shall drive or move any vehicle or equipment except an emergency vehicle upon any highway with any lamp or device thereon displaying a red light visible other than to the rear thereof. R.S.P.E.I. 1974, Cap. H-6, s.113; 2010,c.18,s.3.

Use of flashing lights

115. (1) Subject to subsections (2) and (3), no person shall use on any motor vehicle on a highway any lamp emitting flashes of light, except
(a) that red flashing lamps may be used on an emergency vehicle;
(b) that red and blue flashing lamps may be used on a police motor vehicle;

(c) that amber flashing lamps may be used on a tow-car while attending or towing a vehicle;
(d) that amber flashing lamps may be used on snow removal equipment, and on sand spreading or winter highway maintenance equipment;
(d.1) that purple flashing lights may be used exclusively for funeral processions;
(d.2) that amber revolving lights or amber strobe lights may be used on a garbage truck and any other vehicle that is used on a highway to pick up and transport garbage or waste;
(e) to indicate a right or left turn;
(f) to indicate, by flashes of amber, or red light, a temporary hazard to vehicular traffic requiring extraordinary caution on the part of drivers of vehicles; or
(g) if the Registrar, in his discretion, has given his written permission, on the vehicle specified in the permission and in accordance with the conditions set forth.

Lighting, snow removal equipment

(2) No person shall operate snow removal, sand spreading and winter highway maintenance equipment on a highway unless that equipment is fitted with amber flashing lights and the lights are engaged while the equipment is in operation on the highway.

Lighting, garbage trucks

(3) No person shall operate a garbage truck, or any other vehicle, used on a highway to pick up and transport garbage or waste unless the truck or vehicle is fitted with amber revolving lights, or amber strobe lights, that are visible from 360 degrees and the lights are engaged while the garbage truck or vehicle is parked on a highway. R.S.P.E.I. 1974, Cap. H-6, s.114; 1975,c.45,s.5; 1983,c.19,s.4; 1996,c.19,s.5; 2002,c.40,s.1; 2002,c.13,s.3.

Approaching or passing stopped emergency vehicle

115.1 (1) No person shall drive a motor vehicle on a highway at a speed greater than half the posted speed limit when approaching or passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.

Idem

(2) Where
(a) the driver of a motor vehicle approaches an emergency vehicle that is stopped on a highway with its emergency lights in operation;
(b) there are two or more lanes of traffic on the same side of the highway on which the emergency vehicle is stopped; and
(c) the driver of the motor vehicle is travelling in the same lane that the emergency vehicle is stopped in or in a lane that is adjacent to the emergency vehicle,

the driver shall, in addition to reducing speed as required by subsection (1), move into another lane if the movement can be made in safety.

Idem

(3) Nothing in subsection (1) or (2) prevents a driver from stopping his or her motor vehicle and not passing the stopped emergency vehicle if the driver can stop the motor vehicle in safety and stopping is not otherwise prohibited by law. 2004,c.5,s.1.

Use of certain lights when vehicle in motion

116. No person shall use the parking lights on any motor vehicle, except when the head lamps are also illuminated, unless the vehicle is stationary. 1977,c.16,s.3.

Special markings for vehicles of peace officer

117. The Minister may by order designate a mode or method of painting or marking motor vehicles used by peace officers, and upon the making of such an order no person who is not a peace officer shall paint or mark any motor vehicle in his possession in such a way that it may be confused or is likely to be confused with a motor vehicle used by a peace officer. R.S.P.E.I. 1974, Cap. H-6,s.115.

Regulations *re* implements of husbandry etc.

118. Subject to section 91, the Lieutenant Governor in Council may make regulations specifying and regulating the equipment and appliances that shall be installed or form part of any implement of husbandry, road machinery or road roller or any vehicle not specifically covered by this Act, to ensure its safe operation and control and to protect passengers being carried in or upon the vehicle and other traffic upon the highway. R.S.P.E.I. 1974, Cap. H-6,s.116.

APPROVED EQUIPMENT

Lamps and reflectors to be approved by inspector

119. No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer or use upon any such vehicle, trailer, or semi-trailer any exterior lighting equipment or reflectors, signal lamp or parts of any of the foregoing that tend to change the original design or performance of the equipment unless the lighting equipment has been approved for use or sale by proper authority appointed under this Act. R.S.P.E.I. 1974, Cap. H-6,s.117.

Approved trade-mark to be on lamps and reflectors

120. No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer any lamp or device mentioned in section 119 that has not been approved by proper authority appointed under this Act, and unless the equipment bears such legible marks or identification as to indicate compliance with required standards. R.S.P.E.I. 1974, Cap. H-6,s.118.

Safety standards of new motor vehicles

121. No person who deals in motor vehicles shall sell or offer to sell a new motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor*

Vehicle Safety Act (Canada), and bears the National Safety Mark referred to therein. R.S.P.E.I. 1974, Cap. H-6,s.119; 1975,c.45,s.6.

Tire standards

122. (1) No person shall operate, and no owner shall knowingly permit a motor vehicle to be operated on a highway with tires less than 1.6 mm of tread design depth in any three locations measured one hundred and twenty degrees apart.

Sale of tires to conform to standard

(2) No person shall have for sale, sell, or offer for sale, for use upon or as part of the equipment of a motor vehicle any tire that does not conform to the safety standards prescribed under the *Motor Vehicle Safety Act* (Canada). R.S.P.E.I. 1974, Cap. H-6,s.120; 1978,c.10,s.8; 1990,c.21,s.4.

Inspection of lighting equipment

123. (1) The Lieutenant Governor in Council shall appoint an inspector whose duty will be to see that all lighting equipment referred to in this Act or the regulations conforms to the requirements of this Act or regulations.

Submission of equipment for approval

(2) Any person desiring approval of lighting equipment shall submit to the inspector two sets of each lamp or equipment upon which approval is desired, together with such fee as may be prescribed by the Minister not exceeding $15 for each type of lamp or other type of equipment submitted. R.S.P.E.I. 1974, Cap. H-6,s.121.

BRAKES

Motor vehicles, brakes on

124. (1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels on the same axle, and if the two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Motorcycles

(2) Repealed by 1990,c.21,s.14.

Idem

(3) Every motorcycle shall be equipped with a braking system capable of being operated on not fewer than two wheels where the motorcycle was originally equipped with such a braking system or where the motorcycle is sold new after the coming into force of this subsection.

Trailers, etc. over 1500 kg gross weight, brakes on

(4) Every trailer or semi-trailer of a gross weight of 1500 kg or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle and so

designed as to be applied by the driver of the towing motor vehicle from its cab in the case of every trailer or semi-trailer equipped with air brakes, and the brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

Service brakes on new vehicles

(5) Every new motor vehicle, trailer, or semi-trailer hereafter sold in this province and operated upon the highways shall be equipped with service brakes upon all wheels of such vehicles, except any motorcycle or farm tractor, but any semi-trailer or trailer of less than 1500 kg gross weight need not be equipped with brakes.

Combination of vehicles, brakes on

(6) In any combination of motor-driven vehicles in which a trailer equipped with brakes is included, those brakes shall be so designed that

(a) the brakes of the rearmost trailer may be applied in approximate synchronism with the brakes on the towing vehicle and so that the brakes on the said trailer develop the required braking effort on the rearmost wheels at the fastest rate;

(b) shall be so designed that the braking effort applies first on the rearmost trailer equipped with brakes; or

(c) shall be designed to include both of the systems referred to in clause (a) and (b) so installed as to be capable of being used alternatively.

Brake operation

(7) One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or downgrade upon which it is operated.

Brake shoes

(8) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

Stopping distances

(9) Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below:

	metres to stop from 30 km/h
vehicles or combinations of vehicles having brakes on all wheels	9.15
vehicles or combinations of vehicles not having brakes on all wheels	12.20

(10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.122; 1980,c.25,s.1; 1978,c.10,s.8; 1990,c.21,s.14; 1991,c.14, s.8.

Adjustment of brakes

125. Repealed by 1990,c.21,s.14.

Inspection of motorcycle brakes

126. No person shall drive or operate, or permit to be driven or operated, any vehicle on a highway at any time unless the vehicle is equipped with whatever braking equipment is required under this Act, and unless the equipment is in effective working order. R.S.P.E.I. 1974, Cap. H-6, s.124.

Brakes must comply with Act

MISCELLANEOUS EQUIPMENT

127. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order that is capable of emitting sound audible under normal conditions from a distance of not less than 60 m, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

Horn required, standards

(2) No driver or person in control or charge of

(a) a motor vehicle other than an emergency vehicle shall sound or permit the sounding of any bell, horn or other signalling device or squeal the tires of any motor vehicle so as to make unnecessary or unreasonable noise; or

(b) a motor vehicle shall permit any unreasonable amount of smoke to escape from the motor vehicle.

Unnecessary noise and smoke

(3) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device that is so arranged that it cannot be used by the driver as an ordinary warning signal.

Theft alarm signal device

(4) No driver or person in control or charge of an emergency vehicle shall operate it or permit it to be operated on a highway unless it is equipped with a siren, horn, whistle or bell capable of emitting sound audible under normal conditions for a distance of not less than 150 m.

Warning devices on emergency vehicles

(4.1) The driver or person in control or charge of an emergency vehicle shall not use or sound, or permit the use or sounding of the siren, horn, whistle or bell with which the emergency vehicle is equipped unless the emergency vehicle is being operated in response to, but not when returning from, an emergency call or alarm, or in the immediate pursuit of an actual or suspected violator of the law.

Use or sounding of warning device

(5) When one vehicle is towing another with a drawbar, ball hitch, or other type of utility trailer hitch, the connection shall be of sufficient

Towing vehicle, safety chain required

strength to pull all the weight towed thereby, and the combination of vehicles shall be connected with at least two safety chains of equal length, and each chain shall be of sufficient strength to hold the vehicles together in the event the connection between the vehicles should break or be accidentally disconnected. R.S.P.E.I. 1974, Cap. H-6,s.125; 1975,c.45, s.7; 1978,c.10,s.8; 2010,c.18,s.4.

Muffler requirements

128. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device upon a motor vehicle on a highway. R.S.P.E.I. 1974, Cap. H-6, s.126.

Rear view mirror

129. Every motor vehicle, other than a farm tractor, shall be equipped with a mirror so located and adjusted as to reflect to the driver without obstruction by any part of the vehicle or load thereon a view of the highway for a distance of at least 60 m to the rear of the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.127; 1978,c.10,s.8.

Exterior accessory rear view mirror

130. The owner or operator of a vehicle having an exterior accessory rear view mirror or other device, used by a towing vehicle, which extends beyond the length of a fixed standard mirror or more than ten inches beyond the body of the towing vehicle, shall remove or withdraw the exterior accessory rear view mirror or other device so that it is 250 mm or less beyond the body of the towing vehicle when the equipment being towed is disconnected. 1975,c.45,s.8; 1978,c.10,s.8.

Windshield wiping device

131. (1) The windshield on every motor vehicle other than a motorcycle or farm tractor shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle and shall be kept in operation whenever necessary.

Maintenance in working order

(2) Every windshield wiping device on a motor vehicle shall be maintained in good working order. R.S.P.E.I. 1974, Cap. H-6, s.128; 1977,c.16,s.4.

Bumpers

132. (1) No person shall drive on a highway a motor vehicle that is not equipped with bumpers that conform to the standards prescribed under the *Motor Vehicle Safety Act* (Canada).

Replacement

(2) The bumpers referred to in subsection (1) shall be the original bumpers as provided by the manufacturer and if replaced, the bumpers shall be made of a material similar to the original material.

Wood

(3) No bumper shall be constructed of wood. 1990,c.21,s.5.

Television set prohibited

133. No person shall drive upon a highway a motor vehicle equipped with a television set or carrying a television set while the set is in operation. R.S.P.E.I. 1974, Cap. H-6, s.130.

Windshield & speedometer, requirements for

134. No person shall drive on a highway a passenger vehicle, bus or commercial vehicle without

(a) a windshield, except to move the vehicle for the purpose of repairs thereto; or

(b) a speedometer in good working condition so as to show the speed at which the vehicle is travelling or with a windshield that is cracked, broken or shattered so as to constitute a hazard. R.S.P.E.I. 1974, Cap. H-6,s.131; 1994,c.25,s.11.

Radar warning devices

135. (1) In this section, "radar warning device" means any device or equipment designed or intended for use in a motor vehicle to warn the driver of the presence of radar or other electronic speed measuring equipment in the vicinity and includes any device or equipment designed or intended for use in a motor vehicle to interfere with the transmissions of radar or other electronic speed measuring equipment.

Offences

(2) No person shall

(a) drive on a highway a motor vehicle that is equipped with or that carries or contains a radar warning device; or

(b) sell, or offer for sale by retail, a radar warning device.

Defence

(3) It is a defence to prosecution under clause (2)(a) to prove that the radar warning device was disconnected or otherwise rendered inoperative and was carried in the trunk of the motor vehicle or in a locked container, other than a glove or map compartment, not readily accessible by the driver.

Powers of peace officer

(4) A peace officer may at any time, without a warrant, stop, enter and search a motor vehicle that he has reasonable grounds to believe is equipped with or carries or contains a radar warning device contrary to subsection (2) and may seize and take away any radar warning device found in or upon the motor vehicle.

Forfeiture

(5) Where a person is convicted of an offence under this section, any device seized under subsection (4) by means of which the offence was committed is forfeited to the Crown and may be disposed of in such manner as the Minister of Environment, Labour and Justice and Attorney General may direct. 1981,c.17,s.9; 1982,c.29,s.2; 1997,c.20,s.3; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2.

Solid rubber tires

136. (1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least 25 mm above the edge of the flange or rim on the entire periphery.

Metal tires prohibited

(2) No person shall operate or move on any highway any motor vehicle, trailer or semi-trailer having any metal tire in contact with the roadway.

Studs, flanges etc. prohibited

(3) Except as provided by the regulations no tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber that projects beyond the tread of the traction surface of the tire, but it is permissible to use farm machinery with tires having protuberances that will not injure the highway, and it is also permissible to use tire chains.

Special permits

(4) The Minister and the Council of the City of Charlottetown and the City of Summerside in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of special mobile equipment having movable tracks with transverse corrugations upon the periphery of the movable tracks, or farm tractors, or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Act. R.S.P.E.I. 1974, Cap. H-6,s.132; 1980,c.2,s.3; 1978,c.10,s.8; 1994,c.59,s.75.

Safety glass, requirements for

137. (1) No person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter, unless the vehicle is equipped with safety glass of a type approved by the Registrar wherever glass is used in doors, windows and windshields.

Safety glass requirements for trucks

(2) Subsection (1) applies to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck-tractors, the requirements as to safety glass apply only to all glass in doors, windows and windshields in the driver's compartments of such vehicles.

Definition of "safety glass"

(3) The term "safety glass" means any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other similar product as may be approved by the Registrar. R.S.P.E.I. 1974, Cap. H-6, s.133.

Window glazing, front and side

138. (1) Subject to this section, no person shall place or install in a motor vehicle a transparent, translucent or opaque material on or in the place of the

(a) windshield glazing; or

(b) side window glazing that is beside or forward of the driver on the right and left hand side of the motor vehicle.

Rear window

(2) No person shall place or install in a motor vehicle a transparent, translucent or opaque material on or in place of the rear window glazing

unless the motor vehicle is equipped with outside rear view mirrors on the left and right of the motor vehicle.

Application

(3) Subsections (1) and (2) do not

(a) apply to the equivalent replacement of the glazing installed by the manufacturer of the motor vehicle;

(b) prohibit the use of clear untinted frost shields; or

(c) prohibit the use of window stickers as long as they do not impair the operator's field of vision or otherwise impair the safe operation of the motor vehicle.

Frost shields

(4) The owner of a motor vehicle shall ensure that the view through all frost shields on the motor vehicle is not impaired by discoloration, scratches or other damage.

Glare

(5) No person shall place or install any material on or in place of any window glazing that, by reason of sunlight or the headlights of other vehicles, casts a glare at other vehicles on the highway.

Offence

(6) No person shall operate on a highway a motor vehicle that contains material that is prohibited by this section. 1985,c.19,s.11.

Flares or lanterns to be carried

139. (1) No person shall operate any motor truck of 2.05 m in width, passenger bus, motor vehicle towing a house trailer, or truck tractor upon any highway at any time from sunset to sunrise unless there are carried in the vehicle at least three flares or three red electric lanterns, each of which is capable of being seen and distinguished at a distance of 150 m under normal atmospheric conditions at night-time, but if three red electric lanterns are not carried there shall be carried, in addition to the flares, three red fusees.

Type of flare and lantern

(2) Each flare shall be

(a) capable of burning for not less than twelve hours in 10 km/h wind velocity and capable of burning in any air velocity from zero to 60 km/h;

(b) substantially constructed so as to withstand reasonable shocks without leaking; and

(c) carried in the vehicle in a metal rack or box;

and every red electric lantern shall

(d) be capable of operating continuously for not less than twelve hours; and

(e) substantially be constructed so as to withstand breakage.

Red cloth flags

(3) At least two red cloth flags, not less than 80 cm, with standards to support same shall also be carried at all times on the vehicles described in subsection (1).

Vehicle carrying flammable liquids

(4) No person shall operate at the time and under the conditions stated in subsection (1) any motor vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there are carried in the vehicle three red electric lanterns meeting the requirements of this section, and there shall not be carried in any such vehicle any flares, or other signal produced by a flame.

Reflector units as alternative

(5) As an alternative it is deemed a compliance with this section in the event a person operating any motor vehicle described in this section carries in the vehicle three portable reflector units on standards of a type approved by the Registrar, but no portable reflector unit shall be approved unless it is so designed and constructed as to include three reflectors, each of which is capable of reflecting red light clearly visible from all distances within 150 m under normal atmospheric conditions at night time when directly in front of lawful upper beams of head lamps. R.S.P.E.I. 1974, Cap. H-6, s.134; 1978,c.10,s.8; 1991,c.14,s.9.

Warning devices for disabled trucks, etc.

140. (1) When any motor truck of 2.05 m or more in width, passenger bus, truck tractor, trailer, semi-trailer, or pole trailer is disabled upon the travelled portion of any highway or the shoulder thereof outside the jurisdiction of any city, town or incorporated municipality lighted by street lamps at any time when lighted lamps are required on vehicles, the driver of the vehicle shall comply with the following requirements, except as provided in subsection (2):

(a) a lighted fusee or electric lantern shall be immediately placed on the roadway at the traffic side of the motor vehicle; and

(b) within the burning period of the fusee and as promptly as possible three lighted flares or three electric lanterns shall be placed on the roadway, one at a distance of approximately 30 m in advance of the vehicle, one at a distance of approximately 30 m to the rear of the vehicle, each in the centre of the lane of traffic occupied by the disabled vehicle, and one at the traffic side of the vehicle approximately 3 m either rearward or forward thereof.

Disabled vehicles carrying flammable liquids or gases

(2) When any vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases is disabled upon a highway at any time or place mentioned in subsection (1), the driver of the vehicle shall comply with the following requirements:

(a) one lighted red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle; and

(b) two other lighted red electric lanterns shall be placed to the front and rear of the vehicle in the manner prescribed in subsection (1) for flares,

and when a vehicle of a type specified in this subsection is disabled the use of flares, fusees, or any signal produced by flame is prohibited.

(3) When any vehicle of a type referred to in this section is disabled upon the travelled portion of a highway or the shoulder thereof outside the jurisdiction of any city, town or incorporated village lighted by street lamps at any time when the display of fusees, flares or electric lanterns is not required, the driver of that vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 30 m in advance of the vehicle, and one at a distance of approximately 30 m to the rear of the vehicle.

Vehicles disabled on roadway in daytime

(4) In the alternative it shall be deemed a compliance with this section if three portable reflector units on standards of a type approved by the Registrar are displayed at the times, in the locations and under the conditions specified in this section.

Alternative to ss (1)-(3)

(5) The flares, fusees, lanterns and flags to be displayed as required in this section shall conform with the requirements of section 139. R.S.P.E.I. 1974, Cap. H-6,s.135; 1978,c.10,s.8.

Type of flares, etc.

141. (1) Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with this section.

Vehicles carrying explosives

(2) The vehicle shall be marked or placarded on each side and the rear with the word “EXPLOSIVES” in letters not less than 200 mm high, and there shall be displayed on the rear of the vehicle a red flag not less than 160 cm marked with the word “DANGER” in white letters 150 mm high.

Marking vehicle

(3) Every vehicle referred to in subsection (1) shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, placed at a convenient point on the vehicle so used.

Fire extinguishers

(4) The Lieutenant Governor in Council may make such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he may consider advisable for the protection of the public. R.S.P.E.I. 1974, Cap. H-6, s.136; 1978,c.10,s.8.

Regulations *re* vehicles carrying explosives

141.1 (1) No person shall operate on a highway a vehicle that is equipped with right-hand drive.

Prohibition

(2) Subsection (1) does not apply in respect of any vehicle equipped with right-hand drive if

Exempted motor vehicles

(a) the vehicle is a motor vehicle registered outside of Prince Edward Island;

(b) the vehicle is a motor vehicle that was manufactured 25 years ago or more;

(c) the vehicle is a commercial vehicle, as defined under clause 142(b);

(d) the vehicle is special mobile equipment;

(e) the vehicle is a passenger vehicle under 4,100 kg in weight and

(i) is of a prescribed type or class, or

(ii) is operated under the authority of an exemption permit issued under the regulations; or

(f) a valid registration permit issued under this Act for the vehicle is in force on June 1, 2014.

Notice requirement for exempted motor vehicles

(3) No person shall operate on a highway a right-hand drive vehicle referred to in subsection (2) unless there is prominently displayed on the rear of the vehicle in bold face letters not less than 50 mm in height and of a colour contrasting with that of the vehicle the words "RIGHT-HAND DRIVE VEHICLE".

Regulations

(4) The Lieutenant Governor in Council may make regulations, for the purposes of clause (2)(e),

(a) prescribing the types or classes of passenger vehicles equipped with right-hand drive that are exempt from the application of subsection (1); or

(b) respecting the issuance, use, term and cancellation of an exemption permit that authorizes the holder of the permit to operate on the highway a passenger vehicle equipped with a right-hand drive for one or more specified purposes. 2014,c.32,s.7.

PART VI
COMMERCIAL VEHICLE SAFETY

Definitions

142. In this Part

carrier

(a) "carrier" means a person, partnership or other business enterprise that owns, leases or is otherwise responsible for the operation of a commercial vehicle for the purpose of transporting passengers or goods;

commercial vehicle

(b) "commercial vehicle" means a commercial vehicle as defined in clause 1(b.2) that has a gross mass exceeding 4 500 kg and includes a bus that has a seating capacity of more than ten passengers;

reciprocating province

(c) "reciprocating province" means a province or state which is declared to be a reciprocating province under section 150. 1988,c.30,s.1; 2002,c.13,s.4.

Application

143. This Part applies to

(a) commercial vehicles whether registered in this province or a reciprocating province;

(b) drivers of commercial vehicles licensed under this Act; and
(c) carriers. 1988,c.30,s.1.

Records

144. (1) The Registrar shall maintain a safety record on drivers and carriers for the purpose of monitoring commercial vehicles, drivers of commercial vehicles and carriers.

Information

(1.1) The safety record of a driver and a carrier shall contain a record of the types of information prescribed.

Disclosure

(2) The records maintained under subsection (1) may be disclosed by the Registrar to the appropriate authority in a reciprocating province or to the carrier or an insurer authorized by the carrier to obtain such records. 1988,c.30,s.1; 2013,c.14,s.1.

Safety ratings

144.1 The Registrar shall assign a safety rating to every carrier and to every driver of a commercial vehicle in accordance with the regulations. 2013,c.14,s.2

Records, carrier

145. (1) Each carrier shall keep records showing
(a) particulars in respect of each driver employed by him, including name, date of birth, class of license held, qualifications, courses undertaken relevant to his work, hours of work, and warnings, convictions and suspensions given or imposed in this province or a reciprocating province;
(b) particulars in respect of each commercial vehicle operated by him including number plates, vehicle identification number, and trip inspection, safety inspection and maintenance reports.

Inspection

(2) Every carrier shall permit any person authorized by the Registrar to inspect, audit and take copies of the records maintained under subsection (1).

Identification of carrier

(3) The Registrar shall issue an identification number in respect of each carrier. 1988,c.30,s.1.

Infractions

146. (1) Every driver of a commercial vehicle shall, within ten days thereof, inform the carrier employing him of all warnings, convictions and suspensions given or imposed in this province or a reciprocating province.

Offences reported by carrier

(2) A carrier shall report to the Registrar all convictions imposed on a driver employed by the carrier in respect of offences in a reciprocating province. 1988,c.30,s.1.

Bill of lading

146.1 Every carrier shall use a uniform bill of lading approved by the Registrar. 1994,c.25,s.12.

Leases

146.2 Every carrier who leases his vehicles from another person shall submit the terms of the lease arrangement or contract to the Registrar at the time of registration of the vehicle. 1994,c.25,s.12.

Commercial vehicle

146.3 Repealed by 2003,c.8,s.4.

Suspension, etc.

147. The Registrar may suspend or cancel

(a) the registration permit and number plate in respect of any commercial vehicle; or

(b) a driver's license or a class of driver's license authorizing a driver to drive a particular class of vehicle,

on the grounds of

(c) misconduct related to the operation or driving of a motor vehicle for which the holder is responsible directly or indirectly;

(d) conviction of the holder for an offence under this Part; or

(e) any other cause appearing to the Registrar to be sufficient to warrant protection of the public. 1988,c.30,s.1.

Regulations

148. (1) The Lieutenant Governor in Council may make regulations

(a) prescribing fees;

(b) respecting records and documents to be maintained by the carrier respecting commercial vehicles and the drivers of commercial vehicles;

(c) providing for a demerit point system for carriers and drivers with respect to warnings, cancellations, suspensions, facility audits, safety inspections, trip inspections and contraventions of this Act and the regulations and such other provisions as may be prescribed;

(d) requiring the attendance of the carrier before the Registrar to show cause why his registration permit should not be suspended or cancelled;

(e) providing for hours of work of drivers;

(f) providing for the security of loads;

(g) classifying carriers, drivers and vehicles and exempting any class of carrier, driver or vehicle from any provision of this Part and prescribing conditions for any such exemptions;

(h) providing for safety and safety standards for commercial vehicles and safe operation of commercial vehicles;

(h.1) prescribing the types of information to be kept by the Registrar in the safety record of a driver and carrier;

(h.2) establishing categories of safety ratings for drivers and carriers and respecting the determination of the safety rating of a driver and carrier;

(i) providing for the safety and convenience of the public;

(j) providing for trip inspection reports;

(k) providing for short term suspensions by peace officers;

(l) generally, for the purpose of carrying out the provisions of this Act.

(2) A regulation made under subsection (1) may adopt by reference in whole or in part, with such changes as the Minister considers necessary, any code or standard respecting commercial vehicles, carriers and drivers of commercial vehicles that is made by any recognized technical organization, and may require compliance with any code or standard so adopted. 1988,c.30,s.1; 2002,c.13,s.5; 2013,c.14,s.3.

Adoption by reference codes, standards

149. Every carrier and driver of a commercial vehicle who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding $1,000 or to imprisonment for a term not exceeding thirty days. 1988,c.30,s.1.

Offences

150. The Lieutenant Governor in Council may, where he is satisfied that a province or state has laws that are substantially similar to this Part, by order declare that province or state to be a reciprocating province. 1988, c.30,s.1.

Reciprocating province

151. This Part is in addition to, and not in substitution for, any other provisions of law applicable to carriers, commercial vehicles and the drivers of commercial vehicles. 1988,c.30,s.1.

Saving for existing laws

PART VII
RULES OF THE ROAD

152. Unless the context otherwise provides,

(a) the provisions of this Act relating to the operation of vehicles refer only to the operation of vehicles upon a highway; and

(b) a person riding an animal or driving an animal-drawn vehicle upon a highway has all the rights and is subject to all the duties that a driver of a vehicle has under this Part. R.S.P.E.I. 1974, Cap. H-6, s.137.

Application of Act

153. (1) Subject to this Act, the driver of a vehicle shall drive the vehicle on the right side of the roadway.

Vehicles to drive to the right

(2) The driver of a vehicle upon a roadway that has a width for only one line of traffic in each direction shall, when meeting another vehicle that is moving, give to the other vehicle at least one-half of the roadway as nearly as possible. R.S.P.E.I. 1974, Cap. H-6,s.138.

Vehicle to allow approaching vehicle half of roadway

154. (1) Subject to this Act, the driver of a vehicle that is overtaking another vehicle

(a) shall sound a clearly audible signal by horn;

Duty of driver of vehicle overtaking another

(b) shall not pass the other vehicle without first signalling his intentions to do so in the manner prescribed in sections 179 and 180;
(c) shall pass to the left side of the other vehicle at a safe distance; and
(d) shall not return to the right side of the roadway until safely clear of the other vehicle and after having in the manner prescribed by subsection 184(3), signalled his intention to do so.

Duty of vehicle being overtaken

(2) Except when overtaking and passing on the right is permitted, the driver of a vehicle that is being overtaken by another vehicle
(a) shall upon hearing the audible signal give way to the right in favour of the other vehicle; and
(b) shall not increase the speed of his vehicle until completely passed by the other vehicle. R.S.P.E.I. 1974, Cap. H-6,s.139.

Conditions for passing on the right

155. (1) The driver of a vehicle shall not overtake and pass on the right of another vehicle except
(a) when on a laned highway in a place where there are two or more lanes available to traffic moving in the same direction, the vehicle overtaken is making or about to make a left turn and its driver has signalled his intention to make a left turn;
(b) when on a laned roadway there are one or more unobstructed lanes available to traffic moving in the direction of travel of the vehicle; or
(c) upon a one-way roadway where the roadway is of sufficient width for two or more lines of moving vehicles and is free from obstructions.

Exception

(2) Notwithstanding subsection (1), the driver of a vehicle shall not overtake and pass another vehicle upon the right
(a) when the movement cannot be made safely; or
(b) by driving off the roadway. R.S.P.E.I. 1974, Cap. H-6,s.140.

Duty of driver where weight or width of vehicle makes passing difficult

156. The driver of a vehicle that meets or is being overtaken by another vehicle and that, because of the weight of the load or the width of either of them, finds it impractical to draw to the right, shall immediately stop and if necessary for the safety of the other vehicle and if requested so to do by the driver, he shall assist the driver of the other vehicle to pass without damage. R.S.P.E.I. 1974, Cap. H-6,s.141.

Restriction in driving to left when passing

157. A driver shall not drive a vehicle to or upon the left side of the centre of a roadway in overtaking and passing another vehicle unless the left side of the roadway is free of oncoming and overtaking traffic and is clearly visible for a sufficient distance to permit overtaking and passing to be completely made in safety and without interfering with the safe operation of another vehicle. R.S.P.E.I. 1974, Cap. H-6,s.142.

158. (1) A driver shall not drive a vehicle to the left of the centre line of a roadway except

Driving to left of centre line

(a) when overtaking and passing another vehicle proceeding in the same direction;

(b) when the roadway to the right of the centre line is obstructed by a parked vehicle or other object;

(c) when the roadway to the right of the centre line is closed to traffic; or

(d) upon a one-way roadway.

(2) Notwithstanding subsection (1) a person may drive vehicles and other equipment to the left of the centre line of a roadway when actually engaged in highway construction or maintenance work upon, under or over the surface of a highway and while at the site of the work and when it is reasonably necessary for the purposes of the construction or work.

Exception, where road construction or maintenance

(3) The driver of a vehicle that is proceeding at less than the normal speed of traffic at the time and place and under the condition then existing shall drive in the right hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left hand turn at an intersection or into a private road or driveway.

Driving vehicle at less than normal speed

(4) A driver of a vehicle when passing around a rotary traffic island shall drive to the right of the island, except where a sign giving other directions is displayed. R.S.P.E.I. 1974, Cap. H-6,s.143.

Driving around rotary island

159. The driver of a vehicle on a laned roadway

Driving on laned roadway

(a) may drive from one lane to another lane where one or more broken lines only exist between lanes;

(b) except as provided in clauses (c) and (d), shall not drive from one lane to another where that action necessitates the crossing of a solid line;

(c) when a solid line and a broken line exist together may, with caution, cross the solid line from the lane in which the broken line is located and re-cross;

(d) may, with caution, cross a solid line when necessary to turn left into a private road or driveway or when necessary on entering the roadway from a private road or driveway;

(e) may, with caution, and subject to section 160, cross a solid line when necessary to pass a stationary vehicle or other obstruction in the lane in which he is driving;

(f) shall not drive from one lane to another without first signalling his intention to do so in the manner prescribed by subsection 184(3);

(g) when approaching an intersection and intending to turn left or when intending to turn left into a private road or driveway shall travel in the left-hand lane available to traffic moving in the direction of the travel of the vehicle;

(h) when approaching an intersection intending to turn right shall travel in the lane nearest to the right-hand side of the roadway and may pass another vehicle travelling in the same direction in a lane to his left;

(i) shall not use the centre lane of a three lane roadway except when passing another vehicle proceeding in the same direction or when approaching an intersection where he intends to turn to the left or when that lane is designated for traffic moving in the direction of travel of the vehicle;

(j) except as provided in section 155, when overtaking another vehicle that is travelling in the same direction in a place where there are two or more lanes available to traffic moving in that direction, shall in passing keep to the left of the other vehicle and to the right of the centre line;

(k) where a traffic-control device directs slow-moving traffic to use a designated lane, when driving slowly shall use that lane only; or

(l) when being overtaken by another vehicle travelling in the same direction shall allow that vehicle to pass and shall travel in the lane nearest to the right-hand side of the roadway or in a manner that allows the overtaking vehicle free passage to the left in a lane available to traffic moving in the direction of the travel of the vehicle. R.S.P.E.I. 1974, Cap. H-6,s.144.

Prohibition on driving to left of centre line

160. (1) A driver shall not drive a vehicle to or upon the left side of the centre line of a roadway other than a one-way roadway

(a) when approaching the crest of a grade or upon a curve in the roadway where the driver's view is obstructed within such distance as to create a hazard;

(b) when approaching within 30 m of or traversing an intersection or level railway crossing; or

(c) when the driver's view is obstructed upon approaching within 30 m of a bridge, viaduct or tunnel.

Exception

(2) Notwithstanding subsection (1), a driver may with caution drive a vehicle to the left side of the centre line of a roadway under the circumstances mentioned in subsection (1) when a left turn is made at an intersection or into a private road or driveway. R.S.P.E.I. 1974, Cap. H-6, s.145; 1978,c.10,s.8.

"No passing" zones

161. Where all or any part of a highway has been marked by a sign as a zone in which passing is prohibited or a zone limited to driving on the

right-hand side of the roadway, a driver shall obey the instructions on the sign. R.S.P.E.I. 1974, Cap. H-6,s.146.

Following too closely

162. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the amount and nature of traffic upon and the condition of the roadway. R.S.P.E.I. 1974, Cap. H-6,s.147.

Space between vehicles in processions

163. The driver of a motor vehicle in a motorcade other than a funeral procession, outside an urban district, shall leave sufficient space between his vehicle and another vehicle or combination of vehicles to enable an overtaking vehicle to enter and occupy that space without danger. R.S.P.E.I. 1974, Cap. H-6,s.148.

Divided roadways

164. Where a highway has been divided into two roadways by an intervening space or a physical barrier or clearly indicated dividing section constructed so that it impedes vehicular traffic, a driver shall not drive a vehicle over, across or within the intervening space, barrier or dividing section, except at a crossover or intersection established by a traffic authority. R.S.P.E.I. 1974, Cap. H-6,s.149.

Entering controlled-access highway

165. (1) Where on a controlled-access highway there is a sign indicating a location at which vehicles are permitted to enter, a driver shall not drive a vehicle onto the highway except at that location.

Leaving controlled-access highway

(2) Where on a controlled-access highway there is a sign indicating a location at which vehicles are permitted to leave, a driver shall not drive a vehicle from the highway except at that location. R.S.P.E.I. 1974, Cap. H-6,s.150.

Traffic control devices, requirement to obey

166. Except when a traffic officer directs otherwise, drivers and pedestrians shall obey the instructions of a traffic control signal or traffic-control device in accordance with this Act. R.S.P.E.I. 1974, Cap. H-6, s.151.

Green light signal at intersection

167. (1) When a green light signal is shown at an intersection by a traffic control signal,

(a) the driver of a vehicle approaching the intersection and facing the light or signal

(i) may proceed across the intersection or turn left or right subject to a traffic control device prohibiting a left or right turn or both, and

(ii) shall yield the right-of-way, if turning left or right, to other traffic lawfully within the intersection or within an adjacent crosswalk at the time the light or signal is shown; and

(b) a pedestrian facing the light or signal may proceed across the roadway, subject to a pedestrian control signal, if any, directing him

otherwise, and while so proceeding across the roadway has a right-of-way over all vehicles.

Green light signal other than at intersection

(2) When a green light signal is shown at a place other than an intersection by a traffic-control signal,

(a) the driver of a vehicle approaching the light or signal

(i) may proceed to pass the light or signal, and

(ii) shall yield the right-of-way to any pedestrian still in the roadway or on a crosswalk in the vicinity of the light or signal when it is shown after the pedestrian entered the roadway or crosswalk; and

(b) a pedestrian facing the light or signal may proceed across the roadway, subject to a pedestrian control signal, if any, directing him otherwise, and while so proceeding across the roadway has a right-of-way over all vehicles.

Yellow or amber light at intersection

(3) When a yellow or amber light alone is shown at an intersection by a traffic-control signal following a green light signal,

(a) the driver of a vehicle approaching the intersection and facing the light shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk then immediately before entering the intersection unless a stop cannot be made in safety;

(b) a pedestrian facing the light shall not commence to cross the roadway until a pedestrian control signal or other traffic control signal permitting him to enter the roadway is shown; and

(c) a pedestrian still in the roadway or on a crosswalk in the vicinity of the light when the light is shown after he entered the roadway or crosswalk shall proceed across the roadway and has a right-of-way for that purpose over all vehicles.

Yellow or amber light other than at intersection

(4) When a yellow or amber light is shown at a place other than an intersection by a traffic-control signal following a green light signal,

(a) the driver of a vehicle approaching the light shall stop the vehicle at a clearly marked stop line, or if none, then immediately before entering the crosswalk on the near side of the light, or if there is no crosswalk, then immediately before reaching the light unless a stop cannot be made in safety;

(b) a pedestrian facing the light shall not commence to cross the roadway until a pedestrian control signal or other traffic control signal permitting him to enter the roadway is shown; and

(c) a pedestrian still in the roadway or on a crosswalk in the vicinity of the light when the light is shown after he entered the roadway

shall proceed across the roadway and has a right-of-way for that purpose over all vehicles.

Red light or "STOP" signal at intersection

(5) When a red light alone or "STOP" signal is shown at an intersection by a traffic-control signal,

(a) the driver of a vehicle approaching the intersection and facing the light or signal

(i) shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and

(ii) may cautiously enter the intersection to make a right turn, but where a sign is posted at the intersection indicating that right turns are not permitted on the light or signal, the driver shall not proceed until a traffic control signal permitting the movement of the vehicle into the intersection is shown, and

(iii) shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, if he makes a right turn on the light or signal under subclause (ii); and

(b) a pedestrian facing the light or signal shall not commence to cross the roadway until a pedestrian-control signal or other traffic control signal permitting him to enter the roadway is shown.

Red light or "STOP" signal other than at intersection

(6) When a red light alone or "STOP" signal is shown at a place other than an intersection by a traffic-control signal,

(a) the driver of a vehicle approaching the light or signal shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk on the near side of the light or signal or, if there is no crosswalk, then immediately before reaching the light or signal and shall not proceed until a traffic-control signal permitting him to pass the light or signal is shown; and

(b) a pedestrian facing the light or signal shall not commence to cross the roadway until a pedestrian-control signal or other traffic-control signal permitting him to enter the roadway is shown.

Green arrow

(7) When a green arrow or a green arrow in conjunction with a red light or a red light with a green arrow is shown at an intersection by a traffic-control signal,

(a) the driver of a vehicle approaching the intersection and facing the arrow

(i) may cautiously enter the intersection to make only the movement indicated by the arrow, and

(ii) shall yield the right-of-way to other traffic lawfully within the intersection or within an adjacent crosswalk; and

(b) a pedestrian facing the arrow shall not commence to cross the roadway until a pedestrian control signal or other traffic control signal permitting him to enter the roadway is shown.

Red flashing light at intersection

(8) When a red flashing light is shown at an intersection by a traffic control signal,

(a) the driver of the vehicle approaching the intersection and facing the light

(i) shall stop the vehicle at a clearly marked stop line or, if none, then immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection,

(ii) having stopped, shall yield the right-of-way to traffic within the intersection or within an adjacent crosswalk, and

(iii) having yielded, may proceed with caution; and

(b) a pedestrian facing the light may proceed across the roadway with caution.

Red flashing light other than at intersection

(9) When a red flashing light is shown at a place other than an intersection by a traffic-control signal,

(a) the driver of a vehicle approaching the light

(i) shall stop the vehicle at a clearly marked stop line or, if none, then immediately before reaching the crosswalk on the near side of the light or, if there is no crosswalk then immediately before reaching the light,

(ii) having stopped, shall yield the right-of-way to all pedestrians in the roadway or in a crosswalk in the vicinity of the light, and

(iii) having yielded, may proceed with caution; and

(b) a pedestrian facing the light may proceed across the roadway with caution.

Yellow or amber flashing light at intersection

(10) When a yellow or amber flashing light is shown at an intersection by a traffic control signal,

(a) the driver of a vehicle approaching the intersection and facing the light

(i) may enter the intersection only with caution, and

(ii) shall yield the right-of-way to all traffic within the intersection or within an adjacent crosswalk; and

(b) a pedestrian facing the light may proceed across the roadway with caution.

Yellow or amber flashing light other than at intersection

(11) When a yellow or amber flashing light is shown at a place other than at an intersection by a traffic-control signal,

(a) the driver of a vehicle approaching the light

(i) may pass the light only with caution, and

(ii) shall yield the right-of-way to all pedestrians in the roadway or in a crosswalk in the vicinity of the light; and

(b) a pedestrian facing the light may proceed across the roadway with caution.

White walking pedestrian symbol

(12) When a white walking pedestrian symbol is shown by a pedestrian control signal, a pedestrian facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has a right-of-way over all vehicles.

Pedestrian signal

(13) When an orange hand outline symbol is shown by a pedestrian control signal

(a) a pedestrian facing the signal shall not commence to cross the roadway until the white walking pedestrian symbol is shown by the pedestrian control signal; and

(b) a pedestrian proceeding across the roadway when the orange hand outline symbol is shown after he entered the roadway shall proceed across the roadway and has a right of way for that purpose over all vehicles. R.S.P.E.I. 1974, Cap. H-6,s.152; 1975,c.45,s.9; 1975,c.71,s.2; 1991,c.14,s.10.

”STOP” signal or flag or other device

168. A traffic-control signal consisting of a flag or other device approved by the Minister and containing the word “STOP” may be used in accordance with this subsection to control traffic at an intersection or crosswalk, and when the signal is held by a person or by mechanical means more or less parallel with and 1 m more or less above the driving surface of a highway at or near an intersection or crosswalk or elsewhere,

(a) the driver of a vehicle approaching the signal shall stop the vehicle immediately before entering the intersection or crosswalk, if any, in the vicinity of the signal and shall not proceed until the signal is no longer in the position described in this subsection; and

(b) a pedestrian, if intending to cross the roadway may enter the intersection or crosswalk, if any, in the vicinity of the signal and proceed across the roadway and has a right-of-way for that purpose over all vehicles in the intersection. R.S.P.E.I. 1974, Cap. H-6, s.168; 1978,c.10,s.8.

Obstruction to or interference with use of highways

169. (1) Where any person including the Minister for any reason closes or causes a temporary or permanent obstruction to or interference with the driving of vehicles on a highway or any part thereof, that person shall erect signs at each end of the highway or part thereof that is closed or to which a temporary or permanent obstruction or interference has been made.

Inscription on signs

(2) The signs referred to in subsection (1) shall have inscribed thereon words to indicate that the highway is closed until further notice, and shall be in such form and shall have inscribed thereon such further particulars as may be prescribed by regulation.

Permission to close road required by certain persons

(3) No person other than the Minister shall close or cause a temporary or permanent obstruction to or interference with the driving of vehicles on a highway except as otherwise permitted by this Act, without the consent of the Minister being first obtained. R.S.P.E.I. 1974, Cap. H-6, s.154; 1980,c.2,s.3.

Signs for stands for commercial motor vehicles

170. (1) Signs to indicate places where commercial motor vehicles may be parked on a highway shall be deemed to prohibit any vehicles other than a commercial motor vehicle from stopping or standing

(a) nearer to the sign than the distance; or

(b) within the area

inscribed or referred to on the sign by name or other description or by reference to any other sign erected on or near the same highway.

Inscription on signs

(2) Repealed by 1991,c.14,s.11. R.S.P.E.I. 1974,Cap. H-6, s.155; 1991,c.14,s.11.

Signs to restrict the use of highways

171. (1) Signs to restrict the use of a highway or any part thereof shall be deemed to prohibit any vehicle other than the class of vehicles specified on the sign from being driven over the highway or any part thereof to which the sign refers.

Inscription on signs

(2) Repealed by 1991,c.14,s.12. R.S.P.E.I. 1974, Cap. H-6,s.156; 1991,c.14,s.12.

Signs restricting use of highways to vehicles of certain weights

172. (1) Signs to restrict the use of a highway or any part thereof to vehicles other than vehicles of a maximum gross weight in excess of that inscribed on the signs may have inscribed on them other letters, figures, words, and signs, and different letters, figures, words and signs may be used in different circumstances.

Effect of signs

(2) Each sign erected in accordance with subsection (1) shall be taken as prohibiting any person from driving upon the highway or the part of the highway to which the sign refers a vehicle of a maximum gross weight in excess of that inscribed on the sign.

Location of signs

(3) The highway or part of the highway to which a sign erected in accordance with subsection (1) refers shall be indicated by the erection of a sign at each end of the highway or part of the highway and at all major points of intersection with the highway or part of the highway. R.S.P.E.I. 1974, Cap. H-6,s.157.

173. No person shall erect or maintain upon or in view of a highway a device that purports to be, resembles or interferes with the effectiveness of a traffic control device unless he is authorized to do so by the Minister or a traffic authority. R.S.P.E.I. 1974, Cap. H-6,s.158.

Unauthorized traffic control devices

174. No person shall place or maintain commercial advertising upon a traffic control device. R.S.P.E.I. 1974, Cap. H-6,s.159.

Advertising on traffic control devices

175. Except with lawful authority, no person shall alter, injure or remove or attempt to alter, injure or remove a traffic control device or any part thereof. R.S.P.E.I. 1974, Cap. H-6,s.160.

Alteration, removal etc. of traffic control devices

176. (1) Notwithstanding any other provision of this Act, a person shall not drive a vehicle on a highway or in any other place

Driving imprudently, without due care and attention, or if disabled

(a) at a speed that is greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards existing on the highway or other place;

(b) without due care and attention or without reasonable consideration for other persons; or

(c) if he suffers from a disease or physical or mental disability that might cause his driving of a vehicle to be a source of danger to other persons,

and he shall control the speed of the vehicle on a highway so that he may avoid collision with persons, vehicles or conveyances, animals or obstacles on entering the highway.

(2) Subject to subsection (1) and except where a lower maximum speed limit is prescribed by this Act or the regulations, no person shall drive a vehicle at a greater speed than

Speed limits

(a) fifty kilometres per hour in an urban district;

(b) sixty kilometres per hour in a business district;

(c) eighty kilometres per hour on unpaved highways;

(d) one hundred kilometres per hour in other locations during the day time;

(e) ninety kilometres per hour in other locations during the night time;

(f) sixty kilometres per hour when entering and passing through a school zone that has been properly designated as such by the erection of signs at the entrance thereto and the exit therefrom, between the hours of 8 a.m. and 4 p.m., Monday to Friday during the months of September to June;

(f.1) sixty kilometres per hour in a construction zone; and

(g) the maximum speed established within a municipality.

(2.1) In this section, “construction zone” means a portion or length of highway

construction zone, defined

(a) that is under construction, or where any reconstruction, widening, marking, repairs or other work is being done by or on behalf of the traffic authority, including installation of, and repairs and modifications to, the equipment or facilities of any person who the traffic authority allows to maintain equipment or facilities on or under the highway; and

(b) that is identified as a construction zone by traffic control devices that are placed

(i) at the beginning and end of the zone, and

(ii) facing oncoming traffic.

Speed limit in construction zone set by sign

(2.2) Notwithstanding clause (2)(f.1), where traffic control devices that are placed on a highway at either end of a construction zone, and facing oncoming traffic, indicate the maximum permissible speed in the construction zone, no person shall drive a vehicle in the construction zone at a rate of speed greater than the maximum permissible speed indicated by such traffic control devices.

Speed limits, offences and penalties

(3) Every person who contravenes clause (2)(a), (b), (c), (d), (e) or (g), or any bylaw made under section 306, with respect to the operation of a motor vehicle over and above the posted maximum speed limits, is guilty of an offence and on summary conviction is liable to a fine of not less than the sum of

(a) $50; and

(b) the amount determined under subclause (i), (ii), (iii), or (iv) of this subsection, whichever is applicable, where it is found that the rate of speed at which the motor vehicle was driven

(i) is less than thirty kilometres per hour over the maximum posted speed limit, to a fine of $1.50 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit,

(ii) is thirty kilometres per hour or more but less than fifty kilometres per hour over the maximum posted speed limit, to a fine of $3 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit,

(iii) is fifty kilometres per hour or more but less than sixty kilometres per hour over the maximum posted speed limit, to a fine of $8 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit, or

(iv) is sixty kilometres per hour or more over the maximum posted speed limit, to a fine of $10 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit.

(3.1) Every person who contravenes clause 2(f) or (f.1) or subsection (2.2) with respect to the operation of a motor vehicle over and above the posted maximum speed limits, is guilty of an offence and on summary conviction is liable to a fine of not less than the sum of *Idem*

(a) $100; and

(b) the amount determined under subclause (i), (ii), (iii), or (iv) of this subsection, whichever is applicable, where it is found that the rate of speed at which the motor vehicle was driven

(i) is less than thirty kilometres per hour over the maximum posted speed limit, to a fine of $3 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit,

(ii) is thirty kilometres per hour or more but less than fifty kilometres per hour over the maximum posted speed limit, to a fine of $6 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit,

(iii) is fifty kilometres per hour or more but less than sixty kilometres per hour over the maximum posted speed limit, to a fine of $8 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit, or

(iv) is sixty kilometres per hour or more over the maximum posted speed limit, to a fine of $10 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit.

(4) The provisions of subsection (2) shall not under any circumstances be interpreted to allow or permit any rate of speed that for any reason may be likely to endanger the life or limb of any person or the safety of any property. General limitation *re* speed limits

(5) The Lieutenant Governor in Council may, by regulation, prescribe a lower rate of maximum speed than the rates of speed prescribed in clauses (2)(a) to (g) for Changes in lower rates, Lieutenant Governor may prescribe

(a) any highway or part of a highway; or

(b) any class of motor vehicles,

and the rate of speed may be different for any period of the day, week, month or year. R.S.P.E.I. 1974, Cap. H-6,s.161; 1975,c.45,s.10; 1975, c.71,s.3; 1977,c.16,s.5; 1994,c.58,s.6; 2007,c.7,s.2; 2008,c.46,s.1; 2010,c.33,s.2; 2013,c.14,s.4.

177. (1) Subject to section 176, and having regard to conditions caused by rain, fog, snow or ice or any other conditions, whether of the foregoing kind or not, that may affect the movement of traffic or that may make driving at a lower speed necessary for safe operation of a vehicle, no person shall drive a vehicle at such a slow rate of speed as to Slow driving

impede or block the normal and reasonable movement of traffic then existing except when it is necessary to do so for safe operation of the vehicle or to comply with this Act.

Order by peace officer to increase speed or allow others to pass

(2) Having regard to the conditions referred to in subsection (1) and subject to section 176 and any traffic signs, a traffic officer may order a driver referred to in that subsection to increase his rate of speed, pull into the curb to allow other vehicles to pass or remove the vehicle from the highway.

Offence

(3) A person who fails to comply with an order given under subsection (2) is guilty of an offence.

Slow moving vehicle sign

(4) No person shall operate on a highway any slow-moving vehicle or equipment, or animal-drawn vehicle, or any other machinery designed for use at speeds less than forty kilometres per hour and which normally travels or is normally used at a speed of less than forty kilometres per hour unless there is displayed on the rear thereof a slow-moving vehicle sign attached in accordance with the regulations, except when directly crossing a highway.

Exception

(5) Subsection (4) does not apply to special mobile equipment while engaged in actual construction or maintenance work when guarded by a flagman or by clearly visible warning signs.

Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the type and specification of the sign referred to in subsection (4), the location thereof on the vehicle, and prohibiting the use of the sign elsewhere than on a vehicle. R.S.P.E.I. 1974, Cap. H-6,s.162; 1975,c.45, s.11; 1975,c.71,s.4; 1977,c.16,s.6.

Signalling change of direction, etc.

178. (1) No driver of a vehicle shall pull into or out from the curb, slow down, turn or change direction without first giving clearly the appropriate signal in accordance with this Act.

Commencement of signal

(2) The driver of a vehicle when preparing to stop or turn from a direct line, shall commence signalling his intention to stop or turn at least 30 m before turning or stopping and shall continue signalling until entering the turn or just before coming to a complete stop, unless such stop is being made in a sudden emergency. R.S.P.E.I. 1974, Cap. H-6,s.163; 1978, c.10,s.8.

Means of signalling

179. (1) Subject to subsection (2), where a signal is required, a driver shall give it by means of

(a) his hand and arm;

(b) a signal lamp of a type specified in the regulations, if any, or, if none is specified in the regulations, a signal lamp with which the vehicle was equipped by the manufacturer; or

(c) a mechanical or electrical device of a type specified in the regulations, if any, or, if none is specified in the regulations, a mechanical or electrical device with which the vehicle was equipped by the manufacturer.

Mechanical or electrical signal device on certain vehicles necessary

(2) Every motor vehicle in which the distance from the centre of the top of the steering post to the left outside limit of the cab, body or load exceeds 600 mm, or in which the distance from the centre of the top of the steering post to the rear limit of the body or load of the vehicle, or the last vehicle where more than one vehicle is included in a single combination exceeds 4.27 m, shall be equipped with a mechanical or electrical signal device in good working order, and every driver of a vehicle so equipped shall give appropriate signals as required in subsection (1) by means of the mechanical or electrical signal device. R.S.P.E.I. 1974, Cap. H-6, s.164; 1978, c.10, s.8.

Method of hand signalling

180. (1) When the driver of a left-hand drive vehicle gives a signal by hand and arm he shall do so from the left side and shall signify his intention in the following manner:

(a) when making a left-hand turn or turning out from the stationary position on the side of a public highway, by extending the left arm horizontally, beyond the left side of the vehicle;

(b) when making a right-hand turn, by extending the left arm from the shoulder to the elbow horizontally and from the elbow to the hand vertically upwards, outside the left side of the vehicle; and

(c) when stopping, by extending the left arm diagonally downwards in a straight line, outside the left side of the vehicle.

Right-hand drive vehicles

(2) Repealed by 2014,c.32,s.8. R.S.P.E.I. 1974, Cap. H-6, s.165; 1978, c.10, s.8; 2014,c.32,s.8.

Turning at intersection

181. (1) When a driver intends to turn right at an intersection, he shall approach the intersection and make the turn as closely as practicable to the right-hand curb or edge of the roadway.

Entering an intersection where traffic permitted in both directions

(2) When a driver intends to turn left at an intersection where traffic is permitted in both directions on each roadway entering the intersection, he shall

(a) approach the intersection in the part of the right half of the roadway that is nearest its centre line, or on a laned roadway in the extreme left-hand lane available to traffic moving in the direction of travel of the vehicle;

(b) keep to the right of the centre line at the place where it enters the intersection;

(c) after entering the intersection make a left turn so as to leave the intersection at a point to the right of and as close as practicable to the centre line of the roadway being entered; and

(d) when practicable make the left turn in the part of the intersection to the left of the centre of the intersection.

Turning left at intersection from one-way roadway

(3) When a driver of a vehicle intends to turn left at an intersection from a one-way roadway into a roadway on which traffic is permitted to move in both directions, he shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and after entering the intersection shall make the left turn so as to leave the intersection at a point to the right of and as closely as practicable to the centre line of the roadway being entered.

Turning left at intersection from two-way roadway

(4) When a driver of a vehicle intends to turn left at an intersection from a roadway on which traffic is permitted in both directions into a one-way roadway, he shall approach the intersection in the part of the right-half of the roadway that is nearest its centre line or on a laned roadway in the extreme left-hand lane available to traffic moving in the direction of travel of the vehicle, and shall enter the left lane of the one-way roadway.

Turning left at intersection from one-way roadway to one-way roadway

(5) When a driver of a vehicle intends to turn left at an intersection from a one-way roadway into another one-way roadway, he shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and shall enter the left lane of the other one-way roadway.

Turning to be as directed by traffic control device

(6) Where at an intersection there is a traffic control device indicating the course to be travelled by drivers turning at the intersection, a driver shall not turn a vehicle at the intersection in a manner other than as directed by the traffic control device. R.S.P.E.I. 1974, Cap. H-6, s.166; 1976, c.2, s.3.

Turning to proceed in opposite direction

182. A driver shall not turn a vehicle on a highway so as to proceed in the opposite direction

(a) unless he can do so without interfering with other traffic; or

(b) when he is driving

(i) upon a curve,

(ii) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 m, or

(iii) at a place where a sign prohibits making a U-turn. R.S.P.E.I. 1974, Cap. H-6, s.167; 1978, c.10, s.8.

183. No person shall cause a vehicle that is stopped, standing or parked to move unless the movement can be made with reasonable safety. R.S.P.E.I. 1974, Cap. H-6, s.168.

Starting stationary vehicles

184. (1) No driver shall turn a vehicle at an intersection unless the vehicle is in the position upon the roadway required by section 181.

Restriction on turning

(2) No driver shall turn a vehicle to enter a private road or driveway or otherwise turn the vehicle from a direct course or move right or left upon a roadway unless the movement can be made with reasonable safety.

Turn or change of course only where safe

(3) Where a signal of intention to turn right or left or to drive from one lane to another is required, a driver shall give the signal continuously for sufficient distance before making the turn to warn traffic or to make his intention known to a traffic officer on point duty.

Signalling turns

(4) When there is an opportunity to give a signal, a driver shall not stop or suddenly decrease the speed of a vehicle without first giving the appropriate signal under section 179 or 180. R.S.P.E.I. 1974, Cap. H-6, s.169.

Signalling when stopping or slowing

185. (1) Except as otherwise provided by this Act, a driver approaching but not having entered an intersection shall yield the right-of-way to traffic that has entered the intersection.

Right-of-way at intersection

(2) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction that is within the intersection or so close thereto as to constitute an immediate hazard. R.S.P.E.I. 1974, Cap. H-6, s.170; 1981, c.17,2.10.

Idem

186. Except as otherwise provided by this Act, when two vehicles approach or enter an intersection from different highways at approximately the same time, the driver on the left shall yield the right-of-way to the vehicle on the right. R.S.P.E.I. 1974, Cap. H-6, s.171.

Right-of-way at intersection, general rule

187. When a driver is about to enter or cross a highway from a private road, alley, building, driveway, lane or roadway, or is about to leave his lane of the highway in order to enter another lane thereof or a highway, private road, alley, building, driveway, lane or roadway, he shall yield the right-of-way to traffic approaching so closely as to constitute a hazard. R.S.P.E.I. 1974, Cap. H-6, s.172.

Entering or crossing a highway

188. Upon the immediate approach of an emergency vehicle giving an audible signal by a bell, siren or exhaust whistle and showing a visible flashing red light, except when otherwise directed by a traffic officer, the driver of a vehicle shall

Yielding right-of-way to emergency vehicles

(a) yield the right-of-way to the emergency vehicle;
(b) drive immediately to a position parallel to and as closely as practicable to the right-hand curb or edge of the roadway, clear of an intersection;
(c) at night turn off the headlights and turn on the parking lights; and
(d) stop and remain in that position until the emergency vehicle has passed. R.S.P.E.I. 1974, Cap. H-6, s.173.

Pedestrians to comply with traffic control signals

189. Except when a traffic authority has otherwise provided, where traffic control signals are operating, pedestrians shall comply with them in the manner provided in accordance with sections 167 and 168. R.S.P.E.I. 1974, Cap. H-6, s.174.

Pedestrian in crosswalk has right-of-way

190. (1) Subject to section 191, where traffic control signals are not in place or not in operation when a pedestrian is crossing the roadway within a crosswalk and the pedestrian is upon the half of the roadway upon which the vehicle is travelling or is approaching so closely from the other half of the roadway that he is in danger, a driver shall yield the right-of-way to the pedestrian.

Pedestrian's duty when crossing roadway

(2) A pedestrian shall not leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impracticable for the driver of the vehicle to yield.

Overtaking vehicle in crosswalk

(3) Where a vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, the driver of a vehicle approaching from the rear shall not overtake and pass the stopped vehicle. R.S.P.E.I. 1974, Cap. H-6, s.175.

Pedestrian to yield right-of-way outside crosswalk

191. When a pedestrian is crossing a roadway at a point other than within a crosswalk, he shall yield the right-of-way to a driver. R.S.P.E.I. 1974, Cap. H-6, s.176.

Additional duties of driver respecting pedestrians

192. Notwithstanding sections 189, 190 and 191, a driver shall
(a) exercise due care to avoid colliding with a pedestrian who is upon a highway;
(b) give warning by sounding the horn when necessary; and
(c) observe proper precaution upon observing a child or an apparently confused or incapacitated person who is upon a highway. R.S.P.E.I. 1974, Cap. H-6, s.177.

Pedestrians to use sidewalks

193. (1) Where there is a sidewalk that is reasonably passable on either or both sides of a highway, a pedestrian shall not walk on a roadway.

Pedestrians on roadway, general rules

(2) Where there is no sidewalk, a pedestrian walking along or upon a roadway or the shoulder thereof shall when practicable walk only on the left side of the roadway or the shoulder of the highway facing traffic

approaching from the opposite direction and no more than two persons shall walk abreast on the roadway.

Soliciting & hitch hiking prohibited

(3) No person shall be on a roadway for the purpose of soliciting a ride, employment or business from the occupant of a vehicle. R.S.P.E.I. 1974, Cap. H-6, s.178.

Duties & rights of bicyclists

194. (1) Except as provided in this section, a person riding a bicycle upon a highway has the same rights and duties as a driver.

Rules of the road for bicyclists

(2) A person who is riding a bicycle

(a) shall not ride on a sidewalk;

(a.1) shall wear a bicycle safety helmet that complies with the regulations and shall have the chin strap of the helmet securely fastened;

(b) shall ride as near as practicable to the right-hand curb or edge of a roadway;

(c) shall not ride abreast of any other person who is riding a bicycle upon a roadway;

(d) shall keep at least one hand on the handle bars;

(e) shall not ride other than upon or astride a regular seat of the bicycle;

(f) shall not use the bicycle to carry more persons at one time than the number for which it is designed and equipped;

(g) shall not carry on the bicycle an object of any kind that is of such a size, weight or shape or so placed that it may interfere with the proper operation or control of the bicycle;

(h) shall not ride a bicycle on a highway where signs prohibit their use;

(i) shall not ride a bicycle upon a roadway if there is a useable path intended for the use of bicycles adjacent to the roadway; and

(j) shall not remove his feet from the pedals thereof while the bicycle is being driven on any roadway. R.S.P.E.I. 1974, Cap. H-6, s.179; 2002,c.13,s.6.

Restriction

194.1 No parent or guardian of a person under 16 years of age shall authorize or knowingly permit that person to ride on or operate a bicycle on a highway unless the person is wearing a bicycle helmet as required by clause 194(2)(a.1). 2002,c.13,s.7.

Towing of bicyclists etc. prohibited

195. No person whether on foot or riding upon a bicycle, motorcycle, sled, coaster, toboggan or play vehicle or upon skates, roller skates or skis, shall attach it or them or himself by hand or other means to a vehicle upon a roadway, and no driver of a vehicle shall permit any such person to take hold of that vehicle or permit the bicycle, motorcycle,

sled, coaster, toboggan, play vehicle or skis to be attached thereto or drawn thereby. R.S.P.E.I. 1974, Cap. H-6, s.180.

Driving through safety zone

196. A driver shall not drive a vehicle through or within a safety zone. R.S.P.E.I. 1974, Cap. H-6, s.181.

Sections **197** to **200** repealed by 1997,c.24,s.7.

"YIELD" signs

201. Except when a traffic officer directs otherwise, where there is a yield sign at an intersection the driver of a vehicle approaching the sign shall slow down the vehicle to a speed reasonable for the existing conditions and shall stop the vehicle if necessary before entering the intersection and shall not proceed into the intersection until it is safe to do so. R.S.P.E.I. 1974, Cap. H-6, s.186.

Stopping for school buses

202. (1) The driver of a vehicle meeting or overtaking a school bus upon a highway when the flashing red lights are displayed on the school bus, shall bring the vehicle to a stop not less than 6 m from the school bus, and shall not pass the school bus until the flashing red lights cease to be displayed.

Amber flashing light

(1.1) The driver of a vehicle meeting or overtaking a school bus upon a highway when the flashing amber lights are displayed on the school bus

(a) shall reduce speed and proceed with caution; and

(b) may pass the school bus only with caution.

Stopping of school buses

(2) The driver of a school bus

(a) shall, having in mind the safety of his passengers, when stopping for the purpose of receiving or discharging children, stop the vehicle on the roadway of a highway;

(b) shall not for any reason or by any means unnecessarily delay the passing of other vehicles on the highway;

(b.1) shall, having in mind the safety of his passengers, when preparing to stop for the purpose of receiving or discharging children, operate the flashing amber lights;

(c) shall operate the flashing red lights when the school bus is stopped for the purpose of receiving or discharging children; and

(d) may operate the flashing amber lights when backing a school bus onto a roadway, highway, street, or driveway.

School buses to be marked

(3) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 200 mm in height and shall be equipped with visual signals as specified in the regulations, if any, that shall be actuated by the driver of the school bus when the school bus is stopped on the highway for the purpose of receiving or discharging passengers. R.S.P.E.I. 1974, Cap. H-

6, s.187; 1975,c.45,s.12; 1978,c.10,s.8; 1985,c.19,s.12; 1992,c.32,s.2; 1999,c.28,s.2; 2003,c.8,s.5.

(4) Repealed by 1992,c.32,s.2.

Marking on school bus

(5) Repealed by 1992,c.32,s.2.

Different roadway

202.1 (1) The cities of Charlottetown and Summerside may designate school bus loading zones on streets under their respective jurisdictions.

School bus loading zones; municipal

(2) The Minister may designate school bus loading zones on highways under the jurisdiction of the Minister pursuant to this Act.

School bus loading zones; non-municipal

(3) School bus loading zones designated under subsection (1) or (2) may be temporary.

Temporary zones

(4) Where a school bus loading zone is designated as temporary under this section, the authority having jurisdiction over the temporary school bus loading zone pursuant to subsection (1) or (2) shall post a sign or signs identifying the area as a temporary school bus loading zone.

Designation by authority having jurisdiction

(5) Subsection 202(2) does not apply to the driver of a school bus where the school bus is completely within the area designated as a school bus loading zone under this section. 2003,c.8,s.6.

Lights in loading zones - exception

202.2 Where two or more school buses are lined up outside a school bus loading zone, the driver of the school bus that is last in line shall operate lights corresponding to the lights operated by the school bus that is first in the line. 2003,c.8,s.6.

Operation of corresponding lights

203. The driver of a motor vehicle shall, when upon a highway and approaching or passing an animal, exercise reasonable precaution to avoid injuring the animal. R.S.P.E.I. 1974, Cap. H-6, s.188.

Drivers to avoid injuring animals

204. (1) Subject to subsection (3), where outside of an urban district it is practicable to stop, park or leave a vehicle off the roadway, no person shall stop, park or leave the vehicle either unattended or attended on the roadway.

Parking on roadway prohibited

(2) Subject to subsection (3), no person shall park a vehicle so as to obstruct the free passage of traffic on the roadway.

Parking not to obstruct traffic

(3) Subsections (1) and (2) do not apply when a vehicle is so disabled that it is not practicable to avoid stopping and temporarily leaving it on a roadway. R.S.P.E.I. 1974, Cap. H-6, s.189.

Exception

205. (1) Except where otherwise provided in an urban district by a traffic authority or when necessary to avoid conflict with traffic or to comply

Places where parking prohibited

with the law or the directions of a traffic officer or traffic control device, no person shall stop, stand or park a vehicle on a highway so that the vehicle or any part of it is

(a) on a sidewalk or an area generally used or intended for use by pedestrians;

(b) in front of a public or private driveway or in front of an authorized loading zone designated as such by a traffic authority;

(c) within an intersection;

(d) within 2.5 m from the point on the curb or edge of the roadway immediately opposite a fire hydrant;

(e) within a crosswalk;

(f) within 6 m of the approach side of a crosswalk;

(g) within 12 m upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(h) within 6 m either side of the entrance to or exit from a hotel, church, school, public meeting-place, theatre, dancehall or playground;

(i) between a safety zone and the adjacent curb or within 9 m of points on the curb immediately opposite the ends of a safety zone, unless a traffic authority indicates a different length by signs or markings;

(j) within 15 m of the nearest rail of a railway crossing;

(k) within 6 m of a driveway entrance to a fire station or on the side of a street opposite the entrance to a fire station within 45 m of the entrance when properly marked with signs;

(l) alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;

(m) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;

(n) upon a bridge or other elevated structure upon a highway, or within a highway tunnel; or

(o) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted.

Moving vehicle only if lawfully under control

(2) No person shall move a vehicle that is not lawfully under his control into any of the places mentioned in subsection (1). R.S.P.E.I. 1974, Cap. H-6, s.190; 1978, c.10, s.8.

Parking on right side of highway

206. Except when a traffic authority otherwise permits, no driver shall stop, stand or park a vehicle on a highway other than on the right side of the highway parallel to that side and, where there is a curb, with the wheels within 300 mm of the curb. R.S.P.E.I. 1974, Cap. H-6, s.191; 1978,c.10,s.8.

Disabled parking

206.1 No driver shall stop, stand or park a vehicle on a highway in a disabled parking space unless the vehicle prominently displays a valid emblem approved by the Minister that clearly identifies the vehicle as being owned, operated by or used for the transportation of a disabled person. 2001,c.8,s.4.

Vehicles not to be parked in dangerous position

207. No person in charge of a vehicle shall cause or permit a vehicle to remain at rest on any highway in a position or condition or under circumstances likely to cause danger to other persons using the highway. R.S.P.E.I. 1974, Cap. H-6, s.192.

Parked vehicle must be visible to approaching traffic

208. No person shall park a vehicle upon a highway in such a position that it is not visible to approaching traffic in both directions on the highway for a distance of 125 m, except for the purpose of repairing the vehicle when repairs thereto on the highway are necessary. R.S.P.E.I. 1974, Cap. H-6, s.193; 1978,c.10,s.8.

Parking of vending vans prohibited on highway

209. No owner or operator of a vehicle shall permit that vehicle while being used for the purpose of preparing for sale or selling any foodstuffs, candy, bottled or other beverages, tobacco or cigarettes, to remain stationary for such purposes on any highway. R.S.P.E.I. 1974, Cap. H-6, s.194.

Authority for police to move parked vehicles

210. (1) Where a vehicle is standing or parked on a highway

(a) contrary to section 204, 205, 206, 207, 208, or 209;

(b) in a position that causes it to interfere with the removal of snow from the highway by a person authorized to do so by a traffic authority;

(c) in a position that causes it to interfere with fire fighting;

(d) in a position that causes it to interfere with the normal flow of traffic on the highway; or

(e) in a position that causes it to interfere with the construction, improvement alteration, extension, widening, marking or repair of the highway,

a traffic officer may move the vehicle or require the driver or person in charge of the vehicle to move it to a position determined by the traffic officer, and all costs and charges, if any, for moving the vehicle shall be a lien upon the vehicle.

Police may move unattended vehicles

(2) When an unattended vehicle is

(a) parked contrary to section 204 or 205;

(b) apparently abandoned on or near a highway; or

(c) on a highway without proper number plates,

a traffic officer may take the vehicle into his custody and cause it to be taken to and stored in a safe and otherwise suitable place, and all costs

and charges for the removal, care and storage shall be a lien upon the vehicle.

Notice to owner to remove vehicle abandoned on Crown land

(3) When a vehicle has been apparently abandoned upon Crown land or other land owned or occupied by the Crown in right of Prince Edward Island adjoining a highway, the Minister may by his representative orally or in writing give notice to the owner of the vehicle, if he is known to the Minister, to remove the vehicle, and the owner shall remove the vehicle within twenty-four hours after the notice is given to him.

Notice where owner unknown or cannot be found

(4) If the owner of a vehicle referred to in subsection (3) is not known to the Minister or cannot immediately be found, written notice requiring the vehicle to be removed within twenty-four hours may be placed on or in the vehicle.

Removal of vehicle from Crown lands

(5) If the owner of a vehicle referred to in subsection (3)

(a) has been given notice in accordance with that subsection and has failed to remove the vehicle in accordance with that subsection; or

(b) was unknown to the Minister or could not be found and notice was given in accordance with subsection (4) and the vehicle was not removed within the time required by the notice,

the Minister may by any person authorized by him for the purpose remove the vehicle or cause it to be removed to a place selected by the Minister.

Recovery of costs as civil debt

(6) The Minister may by action taken in his own name in any court of competent jurisdiction recover as a civil debt due Her Majesty from the owner the cost of removal, storage and care of a vehicle referred to in this section.

Disposal of vehicle

(7) If a vehicle removed under subsection (5) is not claimed by the owner within three months after the date of removal, the Minister may dispose of the vehicle by sale or other means as he considers fit and the proceeds of the sale, if any, shall be paid into the Operating Fund after deducting therefrom any costs incurred in the removal, storage and care of the vehicle.

Limitation of action

(8) No action or other legal proceedings shall lie or be brought against a traffic officer or against the Minister or any person authorized by him in respect of anything done under this section where the action or other proceedings are not based on malfeasance or misfeasance.

Traffic officer may order removal of vehicles in bad state of repair

(9) A traffic officer who finds a vehicle on a highway in such a state of repair that it would obviously be hazardous to other users of the highway to allow the vehicle to operate on the highway may remove or order the driver or person in charge of the vehicle to remove it from the highway.

(10) A traffic officer may remove the number plates from a vehicle that has been removed from the highway under subsection (9) and the owner of the vehicle or any other person having possession of the registration permit issued in respect of that vehicle shall surrender the registration permit to the traffic officer.

Removal of plates and surrender of registration permit

(11) A traffic officer who removes number plates or receives a registration permit under subsection (10) shall immediately forward the plates and registration permit to the Registrar with a report of the condition of the vehicle from which the plates were removed, and the Registrar shall not return the plates and registration permit to the owner of the vehicle unless and until he is satisfied that the vehicle has been put in such a state of repair that it may apparently no longer be hazardous to other users of a highway.

Plates and license to be forwarded to Registrar

(12) Any driver or other person who fails to comply with an order under subsection (9) is guilty of an offence and is liable on summary conviction to a fine of not less than $250 and not more than $1,000. R.S.P.E.I. 1974, Cap. H-6, s.195; 1994, c.25, s.13; 1997,c.20,s.3.

Offence

211. No driver of a motor vehicle shall permit that vehicle to stand unattended on a highway without first having

(a) stopped the engine;

(b) effectively braked the vehicle and, when standing on a grade, having turned the front wheels to the curb, if any; and

(c) removed the ignition key from the ignition of the vehicle, and where a vehicle has a “locked” position on the ignition, having left the ignition in the “locked” position. R.S.P.E.I. 1974, Cap. H-6, s.196.

Unattended vehicle to be braked, ignition key removed, etc.

212. No driver shall back a vehicle unless the movement can be made with safety and without unduly interfering with traffic. R.S.P.E.I. 1974, Cap. H-6, s.197.

Backing vehicles

213. (1) A person who is operating a motorcycle shall ride only upon the regular seat attached to it.

Operation of motorcycles

(2) No person, other than the operator, shall ride on a motorcycle unless

(a) it is designed and equipped to carry more than one person; and

(b) he rides on a seat attached to the motorcycle and designed to carry a passenger.

Number of persons riding on motorcycle

(3) No person who is operating a motorcycle shall permit another person to ride on it in violation of subsection (2).

Prohibition to permit too many persons

Crash helmet required on motorcycle

(4) No person shall operate a motorcycle or ride as a passenger on a motorcycle unless that person is wearing a crash helmet that meets one of the following standards:

(a) CSA Standard CAN3-D230-M85;

(b) Federal Motor Vehicle Safety Standard 218 established under the United States Code of Federal Regulations, Title 49, section 571.218;

(c) Economic Commission for Europe motorcycle helmet safety standard ECE 22.05;

(d) Snell Memorial Foundation Standard M 2010 – standard for protective gear for use with motorcycles and other automotive vehicles; or

(e) a standard approved by the Registrar.

Display of illuminated headlights

(5) A person who is operating a motorcycle on a highway shall at all times display one or two illuminated headlights when the motorcycle is in forward motion. R.S.P.E.I. 1974, Cap. H-6, s.198; 1975, c.45, s.13; 1977, c.16, s.8; 1981, c.17, s.11; 1994, c.25, s.14; 2012(2nd),c.11,s.2.

Stickers, ornaments, etc. on windows prohibited

214. No person shall drive a motor vehicle on a highway when

(a) there is in or upon the windshield sidewings, side or rear windows or the openings for the same or any of them any sign, poster or other non-transparent material other than a certificate, sticker or other device required by or pursuant to this Act or the regulations to be displayed thereon or approved by the Minister;

(b) there is on the exterior or in the interior thereof any ornament, decoration, novelty or other thing whether of the similar or any other kind so located that it may obstruct the vision or distract the attention of the driver; or

(c) the windshield, sidewings, side or rear windows are so covered, either completely or partially by snow, ice, mist, dirt or other matter that the vision of the driver is obscured or obstructed. R.S.P.E.I. 1974, Cap. H-6, s.199.

Driver's view or control not to be obstructed

215. (1) No person shall operate, or permit to be operated, any vehicle on a highway when

(a) the driver's view to the front, sides or rear of the vehicle; or

(b) the driver's control of the vehicle

is obstructed or interfered with by reason of the load or the number of persons in the front seat.

Number of persons in front seat

(2) No driver or operator of a vehicle shall permit more than two persons exclusive of the driver to be carried in the front seat, compartment or cab of the motor vehicle.

(3) No passenger in a vehicle shall occupy and no driver of a vehicle shall permit a passenger in the vehicle to occupy a position that interferes with

Passenger interfering with driver

(a) the driver's view to the front or to the side of the vehicle; or

(b) the driver's control of the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.200; 1992, c.32, s.3.

216. No person shall drive on a highway a vehicle that, including its load and contents, has a greater width than 2.60 m, except implements of husbandry, special mobile equipment and loads of fodder that may have a total width of 2.80 m, but the Minister or such other person as may be authorized by him may, upon application in writing, issue a permit for a vehicle having a width in excess of 2.60 m to be operated on a highway subject to the conditions, if any, mentioned in the permit, and the permit shall be displayed at all times in a conspicuous position inside the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.201; 1978, c.10, s.8.

Maximum width of vehicles

217. No person shall drive on a highway a vehicle that, including its load and contents, has a height above the surface of the highway greater than 4.15 m, but the Minister or such other person as may be authorized by him may, upon application in writing, issue a permit for that vehicle to be operated on a highway subject to the conditions, if any, mentioned in the permit and the permit shall be displayed at all times in a conspicuous position inside the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.202; 1978, c.10, s.8; 1997,c.24,s.8.

Maximum height of vehicles

218. Where one vehicle is towing or drawing another vehicle on the highway, the drawbar, pole or connection between the two vehicles

Length of drawbar

(a) where a still pole trailer is employed, shall not exceed 6 m in length and shall be marked with highly visible strips of material 10 cm wide and a minimum of 10 cm in height, alternating black and orange along the length of the pole and with an amber light every 1.5 m that is visible from both sides of the vehicle, or both;

(b) in any other case, shall not exceed 3.66 m in length. R.S.P.E.I. 1974, Cap. H-6, s.203; 1978, c.10, s.8; 1994, c.25, s.15.

219. (1) Subject to section 219.1, no motor vehicle, including any load thereon, exclusive of the bumpers, shall be more than 12.5 m in length, and except in the case of a pole trailer, no combination of vehicles coupled together shall be more than 25 m in length.

Maximum length of vehicle or combination of vehicles

(2) The limitations as to length of vehicles and loads set out in subsection (1) shall not apply to a pole trailer that is being used to transport poles, pipes or structural material that cannot be dismembered, but no pole, pipe or other material exceeding 24.4 m in length shall be

Restrictions on length on load of pole, pipe or other material; permit

transported unless a permit authorizing its transportation has first been obtained from the Registrar.

Special permits

(3) Notwithstanding subsection (1), the Registrar may, with the approval of the Minister and subject to the weight and load restrictions imposed under the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, issue special permits empowering persons to operate a combination of motor vehicles having a length of more than 25 m; a special permit may establish restrictions as to

(a) the effective period of the permit;

(b) the highways on which the motor vehicles may be operated;

(c) nature of load or vehicle; and

(d) the maximum weight permitted. R.S.P.E.I. 1974, Cap. H-6, s.204; 1975, c.71, s.5; 1980, c.2, s.3; 1978, c.10, s.8; 1985, c.19, s.13; 1988, c.30, s.2; 1994, c.25, s.16; 1996,c.19,s.6.

Maximum bus length

219.1 The maximum length of a bus is 14 m. 1994, c.25, s.17.

Projections from front of vehicles

220. No train of vehicles or vehicle operated alone shall carry any load extending more than 1 m beyond the front thereof. R.S.P.E.I. 1974, Cap. H-6, s.205; 1978, c.10, s.8.

Projections from sides of passenger vehicles

221. No passenger vehicle shall carry any load extending beyond the line of the mud-guards or fenders on the left side of the vehicle, nor extending more than 150 mm beyond the line of the fenders or mud-guards on the right side thereof. R.S.P.E.I. 1974, Cap. H-6, s.206; 1978, c.10, s.8.

Dropping or leaking loads prohibited; exception

222. (1) No person shall drive or move or assist in moving a vehicle on a highway unless the vehicle is so constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle, except that sand may be dropped for the purpose of securing traction and water or other substances may be sprinkled on a roadway in cleaning and maintaining the roadway.

Load to be fastened

(2) No person shall operate a vehicle with a load on a highway unless the load and any covering thereon are so securely fastened as to prevent the covering or the load from becoming loose or detached or in any manner a hazard to other users of the highway. R.S.P.E.I. 1974, Cap. H-6, s.207.

Persons obstructing traffic

223. Persons shall not congregate in any place on or near a highway in such a way that they obstruct traffic or interfere with the movement of traffic. R.S.P.E.I. 1974, Cap. H-6, s.208.

224. When travelling down grade, no driver of a vehicle shall cause the vehicle to coast with the gears of the vehicle in neutral or the clutch disengaged. R.S.P.E.I. 1974, Cap. H-6, s.209.

Coasting down grade

225. (1) No driver of a vehicle, other than an emergency vehicle, shall follow an emergency vehicle closer than 150 m or drive or park within 150 m of the place on the same highway on which fire apparatus has stopped in answer to a fire alarm.

Following emergency vehicle

(2) Unless he has received consent of the fire department official in command, no person shall drive a vehicle over an unprotected hose of a fire department when laid down on a highway or private driveway at a fire or an alarm of fire. R.S.P.E.I. 1974, Cap. H-6, s.210; 1978, c.10, s.8.

Driving over fire hose

226. (1) In this section "litter" means throw, drop or deposit or cause to be thrown, dropped or deposited any rubbish, refuse or waste including glass, bottles, nails, tacks, cans, or scraps of metal.

Litter, defined

(2) No person shall litter a highway.

Prohibition

(3) Any person who litters a highway shall immediately remove the littered material from the highway.

Removal of litter

(4) Every person who removes a wrecked or damaged vehicle from a highway shall remove from the highway all such things that littered the highway by reason of the wreck.

Wrecked vehicle, removal of litter

(5) Every person who fails to comply with subsections (2) and (4) is guilty of an offence.

Offence

(6) Where a person disposes of litter on the highway from a motor vehicle and it cannot be determined which of the two or more occupants of the motor vehicle is responsible, the driver of the motor vehicle shall be deemed to be the person who disposed of the litter on the highway. R.S.P.E.I. 1974, Cap. H-6, s.211; 1975, c.45, s.13.1; 1976, c.2, s.4.

Idem

227. Except when entering or leaving a private road or driveway or a lane or when entering upon or leaving land adjacent to a highway, no driver shall drive a vehicle upon a sidewalk. R.S.P.E.I. 1974, Cap. H-6, s.212.

Driving on sidewalk

228. No person shall

(a) open the door of a vehicle upon a highway without first taking due precaution to ensure that his act will not interfere with the movement of or endanger any other person or vehicle;

(b) leave a door of a vehicle upon a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers;

Ingress & egress from vehicles, on highway

(c) knowingly permit any person to alight from or to enter upon a vehicle while it is in motion; or

(d) alight from or board any vehicle while the vehicle is in motion. R.S.P.E.I. 1974, Cap. H-6, s.213.

Warning devices required on certain vehicles in case of breakdown

229. (1) No person shall operate upon a highway a passenger vehicle that has a seating capacity ten passengers or more, including the driver, or a vehicle having a capacity in excess of 500 kg of freight or goods, unless that vehicle is equipped with warning devices of a type approved by the Minister and consisting of at least two flares, reflectors, fusees, or red lanterns, for the purpose of warning the travelling public of an emergency breakdown during darkness, and at least two red flags, of a minimum size of 300 mm by 300 mm, for a like warning during daylight.

Emergency breakdown during daylight or darkness, procedure *re* warning devices

(2) Every operator of a vehicle of a type referred to in subsection (1) shall, when an emergency breakdown takes place upon a highway during daylight, place two red flags upon the highway, one at a distance of approximately 30 m in front of the vehicle and one at a distance of approximately 30 m behind the vehicle, and during darkness shall place two approved warning devices appropriate for use during darkness, as provided in subsection (1), upon the highway at the same distance in front and behind the vehicle. R.S.P.E.I. 1974, Cap. H-6, s.214; 1978, c.10, s.8; 2008,c.17,s.2.

Winter tires

230. The Lieutenant Governor in Council may make regulations prohibiting vehicles from being driven or operated on a highway if the vehicles are not equipped with winter tires, and any person who fails to comply with the regulations is guilty of an offence. R.S.P.E.I. 1974, Cap. H-6, s.215.

Racing, stunt

231. (1) No person shall drive a motor vehicle on a highway

(a) in a race with another motor vehicle; or

(b) while performing a stunt.

Regulations

(2) The Lieutenant Governor in Council may make regulations

(a) exempting any class of persons or class or type of motor vehicles from this section, prescribing conditions for any such exemptions and prescribing different requirements for different classes of persons or different classes or types of motor vehicles;

(b) defining the terms “race” and “stunt” for the purposes of this section.. R.S.P.E.I. 1974, Cap. H-6, s.216; 2010,c.33,s.3.

Nitrous oxide fuel systems

231.1 (1) No person shall drive or permit to be driven on a highway a motor vehicle manufactured, or modified after its manufacture, such that nitrous oxide may be delivered into the fuel mixture in the fuel system of the motor vehicle unless

(a) where the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is located outside of the passenger compartment,

(i) that part of the fuel system can be clearly seen by looking at the interior or exterior of the motor vehicle, and

(ii) there is no canister, bottle, tank or pressure vessel connected to that part of the fuel system; and

(b) where that part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is located inside the passenger compartment, either

(i) there is no canister, bottle, tank or pressure vessel capable of containing nitrous oxide in the passenger compartment, or

(ii) that part of the fuel system is completely disconnected from the part of the fuel system that connects to the engine, and

(A) the disconnection can be clearly seen by looking at the interior or exterior of the motor vehicle, and

(B) the disconnected part of the fuel system cannot, from inside the passenger compartment, be reconnected to the part of the fuel system that connects to the engine.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than $500 and not more than $2,000. 2010,c.34,s.2.

Accident procedure

232. (1) The driver of any vehicle directly or indirectly involved in an accident on a highway shall immediately stop the vehicle at the scene of the accident.

Injury or death results from accident, procedure

(2) If the accident results in injury or death to any person, or in damage to property, any driver involved shall give his name, address and the registration number of his vehicle and exhibit his driver's license to the person struck, or to the driver or occupants of any vehicle collided with, or to a witness, and shall render any person injured in the accident reasonable assistance, including the conveying of the person to a hospital or to a physician or surgeon for medical treatment if such treatment appears to be necessary or is requested by the injured person.

Reporting accident

(3) If an accident occurs on a highway, and as a result,

(a) any person is injured;

(b) property damage to an apparent extent of $2,000 or more is caused; or

(c) any vehicle involved in the accident remains stationary on the highway,

every person in charge of any vehicle who is directly or indirectly a party to the accident shall,

(d) if the accident occurs outside a municipality or within a municipality that does not employ the services of a police force, forthwith report it to the nearest detachment of the Royal Canadian Mounted Police; and

(e) if the accident occurs within a municipality that employs the services of a police force, forthwith report it to a member of the police force of the municipality in which the accident occurred,

and additionally within twenty-four hours thereafter, or as soon as physically capable of doing so, shall furnish a report in writing on the forms prescribed by the Registrar to such police force, setting forth all the material facts including the number of his driver's license and the registration number of all vehicles involved, if they are known.

Where person in charge of vehicle unable to report

(4) When a person in charge of a vehicle involved in an accident referred to in subsection (3) is physically incapable of making such a report and there is another occupant of his vehicle, the occupant shall make the report; otherwise, the person in charge shall report in person as soon as he is physically able to do so.

Copy of report for Registrar

(5) A copy of any written report made to the Royal Canadian Mounted Police or to the police force of a municipality shall be transmitted to the Registrar within forty-eight hours of the time of receipt of the report.

Reporting accident involving unattended vehicle

(6) If an accident occurs on a highway and as a result thereof, damage is caused to an unattended vehicle to an apparent extent of less than $2,000, each person in charge of a vehicle who is directly or indirectly a party to the accident shall forthwith

(a) locate and notify the owner, lessee or person having apparent responsibility for the unattended vehicle, and shall give to the owner, lessee or other person his name and address, and all other material facts of the accident including the number of his driver's license and the registration number of his vehicle; or

(b) if the owner, lessee or a person having apparent responsibility for the unattended vehicle cannot be located within a reasonable time, forthwith report the accident to the nearest detachment of the Royal Canadian Mounted Police or to a member of the police force of a municipality in which the accident occurred, and shall give to the police his name and address, and all other material facts of the accident including the number of his driver's license and the registration number of his vehicle.

Report to police

(7) The Registrar may also require any person having knowledge of an accident on a highway to furnish information regarding it to a chief officer of a police service.

(8) Any report made under this section shall be without prejudice, shall be for the information of the police and of the department, and shall not be open to public inspection except to the person making the report or his attorney.

Report is without prejudice

(9) The fact that a report has been made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof, or any statement contained therein, shall be admissible in any trial, arising out of such accident except to prove falsity in a prosecution for making a false statement in the report or statement.

Fact report made, admissible

(10) In any prosecution under this section, the onus of proof that the report was furnished shall be upon the accused. R.S.P.E.I. 1974, Cap. H-6, s.217; 1980, c.25, s.2; 1987, c.31, s.4; 1990, c.21, s.6; 2006,c.16,s.63(5)(e); 2012,c.18,s.4.

Onus of proof

233. (1) Every legally qualified medical practitioner shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon the medical practitioner for medical services, who in the opinion of the medical practitioner is suffering from a condition that may make it dangerous for that person to operate a motor vehicle.

Doctor's report *re* medical condition

(2) No action shall be brought against a qualified medical practitioner for complying with subsection (1).

Limitation of action

(3) The report referred to in subsection (1) is privileged for the information of the Registrar only and shall not be open for public inspection, and the report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (1).

Report privileged & inadmissible

(4) Every optometrist legally qualified to practise in the province shall report to the Registrar the name, address and clinical condition of every person sixteen years of age and over attending upon the optometrist for optometric services who, in the opinion of the optometrist, is suffering from an eye condition that may make it dangerous for that person to operate a motor vehicle.

Optometrist's report *re* eye condition

(5) No action shall be brought against a qualified optometrist for complying with subsection (4).

Limitation of action

(6) The report referred to in subsection (4) is privileged for the information of the Registrar only, and shall not be open for public inspection and the report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (4). R.S.P.E.I. 1974, Cap. H-6, s.218.

Report privileged

Garageman must report damaged cars

234. (1) The person in charge of any garage, parking lot, used car lot or repair shop to which is brought any motor vehicle that shows evidence of having been involved in a serious accident or struck by any bullet shall report the facts to the nearest police station or peace officer within twenty-four hours after the motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or driver of the vehicle and of the person who brought it to, or left it in, the garage.

Onus of proof

(2) In any prosecution under this section the onus of proof that the report was furnished shall be upon the accused. R.S.P.E.I. 1974, Cap. H-6, s.219.

Definitions

234.1 (1) In this section

flood damaged vehicle

(a) "flood damaged vehicle" means a vehicle

(i) that has been immersed in a liquid to the bottom of the dashboard or to a level affecting any of the major electrical system components of the vehicle, or

(ii) that has been contaminated with any toxic fluid that renders the vehicle unsafe;

non-repairable vehicle

(a.01) "non-repairable vehicle" means

(i) a vehicle which is incapable of operation or use on the highway and which has no resale value except as a source of parts or scrap, and

(ii) a flood damaged vehicle;

rebuilt air bag

(a.1) "rebuilt air bag" means an inflatable, automatic, occupant protection system that has been deployed and rebuilt;

rebuilt vehicle

(b) "rebuilt vehicle" means any salvage vehicle which has been rebuilt and has been inspected for the purpose of registration;

salvage vehicle

(c) "salvage vehicle" means any vehicle which is damaged by collision, fire, accident, trespass or other occurrence to the extent that the cost of repairing the vehicle for legal operation on the highway exceeds its fair market value immediately prior to damage;

Damaged vehicle designation as "salvage" or "non-repairable"

(2) Where

(a) an insurer has paid a claim in respect of damage to a vehicle; and

(b) the insurance adjuster who examined the vehicle has certified that it is a salvage vehicle or a non-repairable vehicle,

the insurer shall enter on the registration permit for the vehicle the designation "salvage" or "non-repairable" and, within five days of the date of payment of the claim, shall report the particulars thereof to the Registrar in such form as the Registrar may determine.

(3) Where the owner of a self-insured fleet of vehicles declares a vehicle to be a salvage vehicle or a non-repairable vehicle, the owner shall report the particulars thereof to the Registrar within five days in such form as the Registrar may determine.

Self-insured fleets

Private owner

(4) Where a vehicle suffers such serious damage as to render the vehicle a salvage vehicle or a non-repairable vehicle, the owner shall report the particulars thereof to the Registrar within five days of the damage being suffered.

Rebuilt vehicle, amendment of permit

(5) Where a salvage vehicle has been rebuilt and has passed the inspection required by this Act for registration as a rebuilt vehicle, the Registrar shall, on payment of the prescribed fee, enter the designation "rebuilt" on the registration permit for that vehicle.

Prohibition - rebuilt air bags

(6) No person shall install a rebuilt airbag in a motor vehicle. 1996,c.19,s.6; 2003,c.8,s.7; 2007,c.7,s.3.

Reports by insurers, etc.

235. Repealed by 1994, c.25, s.18. R.S.P.E.I. 1974, Cap. H-6, s.220; 1980, c.25, s.3; 1987, c.31, s.4; 1990, c.21, s.6; 1994, c.25, s.18.

Information that may be released and to whom

236. (1) Where a person or an insurance company has paid or may be liable to pay for damages resulting from an accident in which a motor vehicle is involved, the person and insurance company and any solicitor, agent or other representative of the person or company is entitled to such information as may appear in any report made under section 232, 233, or 234 in respect of

(a) the date, time and place of the accident;
(b) the identification of vehicles involved in the accident;
(c) the names and addresses of any parties to or involved in the accident;
(d) the names and addresses of witnesses to the accident;
(e) the names and addresses of persons to whom the report was made;
(f) the name and address of any peace officer who investigated the accident;
(g) the weather and highway conditions at the time of the accident; and
(h) an estimate of damage sustained by any person involved in the accident.

False statements

(2) No person shall make a false statement in a report made or purporting to be made under section 232, 233, or 234.

Registrar's certificate that report not filed

(3) In a prosecution for violation of any provision of section 232, 233, or 234 a certificate purporting to be signed by the Registrar that any report therein required to be made has or has not been made is *prima*

facie proof of the facts stated in the certificate without proof of the signature of the Registrar.

Place of offence

(4) In a prosecution for failure to make a report required by section 232, 233, or 234 in respect of an accident the place of the offence shall be deemed to be the place where the accident occurred. R.S.P.E.I. 1974, Cap. H-6, s.221; 1994, c.25, s.19; 2006,c.16,s.63(5)(f).

Privileges of emergency vehicles

237. (1) Notwithstanding any other provision of this Act, the driver of an emergency vehicle when responding to, but not when returning from, an emergency call or alarm, or when in pursuit of an actual or suspected violator of the law, may

(a) subject to subsections (2) and (3), exceed the speed limit; and

(b) stop, stand or park.

Emergency vehicles to sound audible signal

(2) The driver of an emergency vehicle shall not exceed the speed limit unless the driver is sounding an audible signal by means of a siren, horn, whistle or bell that the emergency vehicle is required to be equipped with under subsection 127(4) and is showing a flashing red light if the vehicle is so equipped.

Proceeding past red light

(2.1) The driver of an emergency vehicle may, after stopping the vehicle immediately before entering an intersection, proceed past a red light alone that is shown at the intersection by a traffic-control signal, but only after yielding the right of way to any vehicle or pedestrian in the intersection.

Emergency vehicle to proceed with regard for safety

(3) The driver of an emergency vehicle who is exceeding the speed limit shall drive with due regard for safety having regard to all the circumstances of the case, including

(a) the nature, condition and use of the highway;

(b) the amount of traffic that is on or might reasonably be expected to be on the highway; and

(c) the nature of the use being made of the emergency vehicle at the time.

When ambulance responding to call

(4) The driver of an ambulance is deemed to be responding to an emergency call from the time he receives the call until he arrives at the destination of the patient.

Use of siren or flashing red light restricted

(5) No driver of a vehicle, other than the driver of an emergency vehicle when responding to an emergency call or alarm, shall sound a siren or show a flashing red light. R.S.P.E.I. 1974, Cap. H-6, s.222; 2010,c.18,s.5.

Traffic officer may direct traffic

238. Where a traffic officer reasonably considers it necessary

(a) to ensure orderly movement of traffic;

(b) to prevent injury or damage to persons or property; or

(c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding anything in this Act, and every person shall obey his instructions. R.S.P.E.I. 1974, Cap. H-6, s.223.

Employing etc. another to drive contrary to Act

239. No person shall knowingly employ, cause or permit another person to drive a vehicle contrary to this Act. R.S.P.E.I. 1974, Cap. H-6, s.225.

PART VIII
TRAFFIC SIGNS AND DIRECTIONS

Highways to which signs apply

240. (1) A highway or portion of a highway to which a traffic sign applies may be defined by the sign or by the erection of a sign at each end of the highway or portion thereof, but where a sign is intended to prohibit the passage of vehicles on a highway, signs shall be erected at each end of the highway or portion of the highway to which the prohibition is to apply and at such other points as the Minister may determine.

Signs general unless otherwise specified

(2) A traffic sign may refer to specific classes of traffic or specific types of vehicles but shall be deemed to refer to vehicular traffic generally in the absence of any special indication in the sign or provisions of this Act or in a regulation with reference to the sign.

Signs of special application

(3) A traffic sign may refer to particular periods of the day or of the year or to any limited period but, in the absence of any special indication in the sign or provisions in this Act or in a regulation with reference to the sign, shall be deemed to apply at all times until lawfully removed. R.S.P.E.I. 1974, Cap. H-6, s.227; 1988, c.30, s.3.

Placing of signs

241. The Minister may cause or permit traffic signs to be placed on or near any highway. R.S.P.E.I. 1974, Cap. H-6, s.228.

Minister may prescribe additional traffic signs

242. (1) The Minister may by regulations prescribe traffic signs in addition to but not in conflict or inconsistent with those referred to in this Act:

(a) to regulate the movement of traffic;

(b) to indicate the route to be followed by traffic;

(c) to restrict or prohibit the use of any part of any highway by traffic generally, specific classes of traffic or specific types of vehicles or for purposes specified on the signs;

(d) to prohibit the driving of a vehicle on any highway otherwise than in a certain direction;

(e) to indicate the maximum speed in any area or on any part of any highway at which motor vehicles may be driven in such area, or on such highway and indicating by words, symbols, figures or letters

(i) the portion, or the beginning and the end of the portion of the area or highway on which, and

(ii) the period within which or the hours or days during which such maximum speed limit is in force;

(f) to restrict or prohibit the parking of vehicles in any area or on any part of a highway;

(g) to restrict or prohibit temporarily the use of a highway or any part of a highway by vehicles whenever it appears to the Minister to be necessary;

(h) to limit loads that may be carried on a highway or part of a highway;

(i) to warn users of a highway of the need for special caution;

(j) to give notice of dangerous places;

(k) to notify users of a highway of any prohibition or restrictions that have been imposed by this Act or the regulations; or

(l) to convey information to users of a highway.

Regulations may interpret signs, etc.

(2) Regulations made under subsection (1) may

(a) prescribe that any word, figure, sign, symbol, design, coloured light or other feature of a sign shall be interpreted as giving a particular direction to traffic and may prescribe and explain the action required to comply with the directions;

(b) provide for the exemption of any class of vehicles specified in the regulations from the obligation of complying with the direction given by a traffic sign and the conditions, if any, under which the exemption may be enjoyed; and

(c) prescribe offences and penalties for failure to comply with the regulations.

Design, location & manufacture of signs

(3) The Minister may make regulations prescribing the designing, manufacture and location of traffic control signs and determining the instructions or directions given thereby. R.S.P.E.I. 1974, Cap. H-6, s.229; 1988, c.30, s.4.

Identification of signs

243. The Minister may by regulation prescribe for traffic signs or any class thereof a special means of identification that may consist of a characteristic design, shape, colour, mark or other means of identification. R.S.P.E.I. 1974, Cap. H-6, s.230.

Existence of sign *prima facie* evidence

244. The existence on or near a highway of a traffic sign referred to in this Act or prescribed by the regulations is *prima facie* evidence that the sign was duly erected and is maintained by a traffic authority in

accordance with this Act if the sign purports to regulate the use of the highway. R.S.P.E.I. 1974, Cap. H-6, s.231.

Unauthorized signs etc. prohibited

245. (1) Subject to this Act, no person shall place or maintain or display upon or in view of a highway any sign, signal or device or marking that purports to be or is an imitation of or resembles a traffic sign.

Removal of unauthorized signs etc.

(2) A traffic officer, or an authorized employee of a traffic authority may enter on any land and exercise such other powers as may be necessary for the purpose of removing any unauthorized traffic sign, signal, device or marking. R.S.P.E.I. 1974, Cap. H-6, s.232.

Interference with signs

246. No person shall alter, injure, deface, obliterate, remove or in any manner interfere with any traffic sign or any notice or obstruction lawfully placed on any highway under this Act. R.S.P.E.I. 1974, Cap. H-6, s.233.

PART IX
ENFORCEMENT

Powers of police officers, etc.

247. Every member of the Royal Canadian Mounted Police, and every member of a police department, within their respective jurisdictions shall be, and have all the powers of peace officers, constables, inspectors and traffic officers for the purpose of enforcing this Act and the regulations and any other law regulating the operation of vehicles on the highways or the use of the highways. R.S.P.E.I. 1974, Cap. H-6, s.234; 1983,c.33,s.66; 2003,c.39,s.3; 2006,c.16,s.63(5)(g).

Arrest without warrant

248. Any peace officer may arrest without warrant any person found committing a breach of this Act or the regulations or who he has reason to believe has recently committed an offence under this Act or any regulations made thereunder. R.S.P.E.I. 1974, Cap. H-6, s.235.

May detain motor vehicle

249. A peace officer making an arrest without warrant may detain the motor vehicle, if any, with which the offence was committed, until the final disposition of any prosecution under this Act, but the motor vehicle may be released on security for its production being given to the satisfaction of the court, judge or magistrate. R.S.P.E.I. 1974, Cap. H-6, s.236.

Prompt investigation

250. A peace officer making an arrest without warrant shall, with reasonable diligence, take the person arrested before a magistrate to be dealt with according to law. R.S.P.E.I. 1974, Cap. H-6, s.237.

Non-resident alleged to have committed offence; cash bail bond

251. (1) Notwithstanding section 250, where a person is alleged to have committed a violation of this Act, a regulation made thereunder or a bylaw of a municipality involving the use of a vehicle, and that person is

not a resident of the province, the peace officer may accept from the person, a sum of money in accord with the penalty and costs provided for the violation as a cash bail bond conditioned for his appearance before a magistrate having jurisdiction over the violation, at the place and on the date determined by the peace officer.

Setting date for hearing

(2) In determining the date referred to in subsection (1) the peace officer shall be guided by the sittings of the magistrate and the wishes of the person, but shall in any event set a date for the hearing of the alleged violation within one month thereof.

Peace officer as agent of non-resident

(3) Where a person gives any sum to a peace officer pursuant to subsection (1) he thereby appoints the peace officer his agent to appear in the event of his absence at the place and time provided and plead guilty to the alleged violation and pay over to the magistrate, the sum of money deposited with him. R.S.P.E.I. 1974, Cap. H-6, s.238.

Non-resident violator agreement

252. (1) Notwithstanding any other provision of this Part, the Minister may enter into an agreement with any other province, state or territory for the reciprocal enforcement of penalties for traffic violations by non-resident drivers.

Regulations

(2) The Lieutenant Governor in Council may make regulations to give effect to an agreement under subsection (1) and the regulations may

(a) define traffic violations to which the procedure set out in the agreement applies;

(b) provide for notification to the appropriate authority in another province, state or territory, of traffic violations committed in this province by a resident of that province state or territory;

(c) empower the Registrar to suspend the driver's license of a resident until he satisfies any penalty imposed for a traffic violation in any other province, state or territory;

(d) authorize a peace officer issuing a citation to a non-resident for a traffic violation to accept a personal recognizance that the non-resident will comply with the terms of the citation. 1981, c.17, s.12.

Powers of peace officer

253. (1) A peace officer, in the lawful execution of his or her duties and responsibilities,

(a) may require the driver of a motor vehicle to stop;

(b) may direct traffic in accordance with this Act and the regulations in the event of a fire or other emergency or to expedite the movement of traffic or to ensure safety on a highway;

(c) may require the driver of a motor vehicle, on request, to produce for inspection his or her driver's license and the registration permit for the vehicle; and

(d) may require an accompanying driver in a motor vehicle driven by a newly licensed driver, on request, to identify himself or herself and produce for inspection his or her driver's license, and the accompanying driver of whom the request is made shall give the peace officer his or her correct name, address and driver's license for inspection.

Driver to stop

(2) The driver of a motor vehicle when signalled or requested to stop by a peace officer shall immediately come to a safe stop.

Driver to produce

(3) The driver of a motor vehicle, on request by a peace officer, shall produce for inspection his or her driver's license and the registration permit for the vehicle. 2003,c.39,s.4; 2006,c.8,s.4.

Owner to furnish information; offence not to comply

254. (1) Where a motor vehicle is in possession of a person other than the owner thereof with the owner's consent either express or implied, and such person is alleged to have committed an offence under this Act or to have been in a collision while operating the motor vehicle, the owner on request of the Registrar or of the peace officer shall furnish within twenty-four hours the name and address of such person and on failure so to do the owner is guilty of an offence.

Prima facie evidence

(2) Proof that any person is the registered owner of a motor vehicle that has been operated in violation of this Act or has been in a collision is *prima facie* evidence that such person was operating the motor vehicle at the time of the violation or collision.

Liability of owner, driver

(3) The owner of a motor vehicle may be charged with and convicted of an offence under this Act or the regulations and be liable for and incur the fine and penalty provided for the offence for which the driver of the motor vehicle is subject to be charged unless, at the time of the offence, the motor vehicle was in the possession of some person other than the owner without the owner's consent, and the driver of the motor vehicle, not being the owner, may be charged with and convicted of the offence and be liable for and incur the fine and penalty provided for the offence.

Onus of proof

(4) In any prosecution under this section, the onus of proof that the motor vehicle was, at the time of the offence, in the possession of some person other than the owner and without the owner's knowledge or consent, either express or implied, shall be upon the owner.

No imprisonment

(5) An owner of a motor vehicle convicted of an offence under subsection (3) is not liable to imprisonment as a result of the conviction or as a result of default in payment of the fine resulting from the conviction. R.S.P.E.I. 1974, Cap. H-6, s.240; 1999,c.28,s.3; 2008,c.17,s.3.

IMPOUNDING MOTOR VEHICLES

Vehicle may be impounded

255. (1) In the event of a conviction for a violation of section 68 of this Act or of section 253 or subsection 254(5) of the *Criminal Code*, if the convicted person was driving or had the care or control of a motor vehicle at the time of the offence, or in the event of a third or subsequent conviction for a violation of any of the provisions of section 56, subsection 57(1), sections 60, 61 and 62, section 126, section 176, section 231, subsection 232(1) or section 294 the convicting court may order that the motor vehicle with or in respect of which the offence was committed be seized, impounded and taken into custody of the law for a period of three weeks, unless it appears to the satisfaction of the convicting court that the person convicted is not the owner thereof.

Care of impounded vehicles

(2) A motor vehicle seized, impounded or taken under this section shall be stored where the convicting court shall direct, and all costs and charges for the care or storage thereof are a lien upon the motor vehicle, and the motor vehicle may, in the discretion of the convicting court, be delivered to any person having the right as unpaid vendor under a conditional sale or other agreement to the possession of the motor vehicle on the condition that the motor vehicle shall not be driven upon a highway except once upon the highway leading from the place of conviction to the garage of the unpaid vendor until such time as all the right, title and interest of the person convicted and to such motor vehicle has been foreclosed and has been vested in such unpaid vendor.

Seizing & impounding motor vehicle again

(3) If the motor vehicle referred to in subsection (2) is, except as herein provided, driven upon a highway during the period referred to in subsection (1), or if the motor vehicle comes into the possession or control of the person convicted before the expiration of the period for which it was originally impounded, it may be again seized and impounded for a period of three months from the date of such seizure.

Unpaid vendor, rights during impounding

(4) Where the motor vehicle is seized and impounded under subsection (3) the unpaid vendor is not entitled to again obtain possession of the motor vehicle until the period for which the motor vehicle was again impounded has elapsed.

Impounded vehicle, how restored

(5) A motor vehicle seized, impounded or taken under this section, may be delivered to the person convicted upon such person giving security to the convicting court by bond or otherwise that the motor vehicle will not be driven upon a highway during the period for which the vehicle was impounded, and if the motor vehicle is driven upon a highway during such period, the said bond or other security shall be forfeited to the Crown and the motor vehicle may be again seized, and impounded for a period of three months from the date of the seizure; but

if the motor vehicle seized, impounded or taken under this section is the motor vehicle of a non-resident it may be driven once during such period upon such day and upon such highway leading from the place of conviction to the boundary of the province as shall be designated by the court in a written permit to be signed by it and delivered with the motor vehicle. R.S.P.E.I. 1974, Cap. H-6, s.241; 1985,c.19,s.14; 1987,c.31,s.7; 2009,c.74,s.4(2).

Impoundment of motor vehicle by peace officer

255.1 (1) If a peace officer is satisfied that a person

(a) has operated a motor vehicle, or had care and control of a motor vehicle, while his or her driver's license has been suspended or cancelled; and

(b) has been convicted, in the past two years, of an offence under

(i) subsection 271(1), or

(ii) subsection 259(4) of the Criminal Code,

the peace officer may cause the motor vehicle to be taken to and impounded at a place directed by the peace officer.

Impoundment for specific offences

(1.1) A peace officer may cause a motor vehicle to be taken to and impounded at a place directed by the peace officer if the peace officer is satisfied that by means of or in relation to the person's operation of the motor vehicle

(a) an offence under one of the following provisions of the *Criminal Code* has been committed:

(i) section 220 (criminal negligence causing death),

(ii) section 221 (criminal negligence causing bodily harm),

(iii) section 236 (manslaughter),

(iv) subsection 249(3) (dangerous operation of a motor vehicle causing bodily harm),

(v) subsection 249(4) (dangerous operation of a motor vehicle causing death),

(vi) paragraph 249.1(4)(a) (flight from police causing bodily harm),

(vii) paragraph 249.1(4)(b) (flight from police causing death),

(viii) section 249.2 (criminal negligence causing death while street racing),

(ix) section 249.3 (criminal negligence causing bodily harm while street racing),

(x) subsection 249.4(3) (dangerous operation of a motor vehicle causing bodily harm while street racing),

(xi) subsection 249.4(4) (dangerous operation of a motor vehicle causing death while street racing),

(xii) subsection 255(2) (impaired driving causing bodily harm),

(xiii) subsection 255(2.1) (blood alcohol over .08 — causing bodily harm),

(xiv) subsection 255(2.2) (refusal to supply sample — causing bodily harm),
(xv) subsection 255(3) (impaired driving causing death),
(xvi) subsection 255(3.1) (blood alcohol over .08 — causing death),
(xvii) subsection 255(3.2) (refusal to supply sample — causing death);

(b) an offence under one of the following provisions of the *Criminal Code* has been committed and within 10 years before the commission of the offence the person has been convicted of one of the offences listed in clause (a) or two or more of the offences listed in subclauses (i) to (viii):
(i) subsection 249(2) (dangerous operation of a motor vehicle),
(ii) subsection 249.1(2) (flight from police),
(iii) subsection 249.4(1) (dangerous operation of a motor vehicle while street racing),
(iv) section 252 (failure to stop at accident),
(v) paragraph 253(1)(a) (impaired driving),
(vi) paragraph 253(1)(b) (blood alcohol over .08),
(vii) subsection 254(5) (refusal to supply sample),
(viii) subsection 259(4) (driving while disqualified).

Separate incidents

(1.2) All of the offences giving rise to liability to impoundment for the purposes of clause (1.1)(b) must arise out of separate incidents.

Release of motor vehicle, safety, etc.

(2) If a peace officer is satisfied that the impoundment of a motor vehicle under subsection (1) or (1.1) would
(a) jeopardize the safety of the occupants of the motor vehicle; or
(b) leave the occupants stranded,
the peace officer shall arrange for transportation of the occupants of the motor vehicle to the nearest safe area where they can summon an alternative form of transportation.

Personal property in vehicle

(3) Personal property present in a motor vehicle that has been impounded under subsection (1) or (1.1), other than personal property attached to or used in connection with the operation of the motor vehicle, shall be returned to the owner on request.

Stolen property

(4) Despite subsection (1), if at any time before a review is conducted under section 255.5, the Registrar is satisfied that a motor vehicle impounded under subsection (1) or (1.1) is stolen property, the Registrar shall direct that a peace officer order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the owner or to a person authorized by the owner if the owner completes a statutory declaration in the prescribed form. 1996,c.19,s.8; 2002,c.13,s.8; 2003,c.39,s.5; 2012(2nd),c.12,s.3.

255.2 (1) A motor vehicle impounded under subsection 255.1(1) is to remain impounded for a period of 30 days from the date it is impounded.

Period of impoundment

Idem, previous impoundment

(2) Despite subsection (1), if a motor vehicle impounded under subsection 255.1(1) is owned by a person who, within 2 years before the day of the impoundment, was the owner of a motor vehicle that was impounded under subsection 255.1(1) and that impoundment was not revoked under section 255.7, the motor vehicle is to remain impounded for a period of 60 days from the date it is impounded**.**

Period of impoundment

(2.1) A motor vehicle impounded under section 255.1(1.1) is to remain impounded for a period of six months from the date it is impounded.

Notice

(3) If a motor vehicle is subject to the period of impoundment authorized under subsection (2) or (2.1), the Registrar shall give notice to

(a) the registered owner of the motor vehicle;

(b) the person who has custody of the motor vehicle under the impoundment; and

(c) the peace officer who impounded the motor vehicle,

that, subject to the Registrar revoking the impoundment under section 255.7 or reducing the period under section 255.8, the motor vehicle will not be released until the expiry of the period of impoundment authorized under subsection (2).

Idem

(4) The notice required by clause (3)(a) shall be sent by registered or certified mail to the last known address of the registered owner as shown in the records maintained by the Registrar. 1996,c.19,s.8 2012(2nd),c.12,s.4.

Duties of peace officer

255.3 (1) A peace officer who impounds a motor vehicle under section 255.1 shall

(a) complete a notice of impoundment;

(b) give a copy of the notice of impoundment to the driver and the person who has custody of the motor vehicle under the impoundment;

(c) forward to the Registrar

(i) a report, in the prescribed form, sworn or solemnly affirmed by the peace officer, and

(ii) a copy of the notice of impoundment; and

(d) retain a copy of the notice of impoundment.

Notice of impoundment to owner

(2) If the peace officer forwards a copy of a notice of impoundment to the Registrar under subclause (1)(c)(ii), the Registrar shall promptly send a copy of that notice by registered or certified mail to the last known

address of the registered owner of the motor vehicle as shown in the records maintained by the Registrar.

Form and content of notice

(3) The notice of impoundment shall be in the prescribed form and contain

(a) a statement of the right to have the impoundment reviewed by the Registrar under section 255.5:

(b) prescribed instructions describing how to apply for that review;

(c) a statement that if the owner of the motor vehicle does not apply for a review under section 255.5, the vehicle will be impounded for the period authorized under section 255.2; and

(d) a statement that if the owner of the motor vehicle does not pay the costs and charges referred to in subsection 255.4(2), the motor vehicle may be disposed of under the *Garage Keepers' Lien Act* R.S.P.E.I. 1988, Cap. G-1 or under subsection 255.4(6). 1996,c.19,s.8.

Storage

255.4 (1) A motor vehicle impounded under section 255.1 is to be stored at the place directed by the peace officer.

Costs and charges

(2) The following costs and charges constitute a lien on the motor vehicle:

(a) all costs and charges for the transportation, towing, care and storage, respecting the impoundment of the motor vehicle;

(b) all charges for searches and registrations under the statutes governing security interests that are reasonably necessary to fulfil the obligations of the person who has custody of the motor vehicle under the impoundment.

Enforcement

(3) The lien described in subsection (2) may be enforced under the *Garage Keepers' Lien Act*.

Notice to Registrar

(4) The person who has custody of a motor vehicle impounded under section 255.1 shall notify the Registrar of the sale of that motor vehicle under the *Garage Keepers' Lien Act*.

Termination of impoundment

(5) A motor vehicle that is subject to a lien described in subsection (2) is to remain impounded until

(a) the lien is paid; or

(b) the vehicle is dealt with

(i) under the *Garage Keepers' Lien Act*, or

(ii) under subsection (6).

Disposal of vehicle

(6) If a motor vehicle impounded under section 255.1 remains impounded for at least 90 days after the expiration of the impoundment period referred to in section 255.2, the person who has custody of the

motor vehicle under the impoundment may, with the approval of the Registrar, dispose of the motor vehicle by sale or otherwise, if the person

(a) surrenders to the Registrar any number plate, issued under this Act, from the motor vehicle; and

(b) files with the Registrar

(i) a statutory declaration in the prescribed form declaring that

(A) the amount of the person's lien on the motor vehicle exceeds the person's estimate of the value of the motor vehicle, and

(B) the person, at least 14 days before making the statutory declaration, sent to the registered owner of the motor vehicle, by ordinary mail, a notice that the person intends to dispose of the vehicle if the lien is not paid, and

(ii) a certificate showing that no security interest is registered against the motor vehicle under the statutes governing security interests.

Transfer of ownership to garage keeper

(7) If the Registrar approves the disposal of a motor vehicle under subsection (6), the Registrar shall

(a) cancel the registration issued under this Act with respect to the motor vehicle;

(b) transfer the registration of the motor vehicle to the person who has custody of the motor vehicle under the impoundment; and

(c) forward any refund from the cancellation of the registration to the previous registered owner of the motor vehicle. 1996,c.19,s.8.

Review of impoundment

255.5 (1) The owner of a motor vehicle impounded under section 255.1 may, within 30 days of becoming aware of the impoundment, apply to the Registrar for a review of the impoundment by

(a) filing an application for review with the Registrar; and

(b) paying to the Registrar

(i) the prescribed application fee, and

(ii) the prescribed hearing fee.

Application

(2) The application for review must be in the form, contain the information and be completed in the manner, required by the Registrar.

Written evidence

(3) The applicant may attach to the application for review any sworn statements or other evidence that the applicant wishes the Registrar to consider.

Stay

(4) The filing of an application for review does not stay the impoundment of the motor vehicle.

Hearing not required

(5) The Registrar is not required to hold an oral hearing unless the applicant

(a) requests an oral hearing at the time of filing the application for review; and

(b) pays the prescribed oral hearing fees.

Waiver, failure to appear

(6) If a person requests an oral hearing and fails to appear on the date and at the time and place arranged for the hearing without prior notice to the Registrar, the right to an oral hearing is deemed to have been waived by the person. 1996,c.19,s.8.

Review by Registrar

255.6 In a review of a motor vehicle impoundment under section 255.5, the Registrar

(a) shall consider the report of the peace officer forwarded under subclause 255.3(1)(c)(i); and

(b) may consider the driving record of

(i) the person named as the driver of the motor vehicle in a copy of the notice of impoundment completed under section 255.3, or

(ii) the person named as the driver of the motor vehicle by the owner who applies for a review under section 255.5, if that person is not the same person as the person referred to in subclause (i). 1996,c.19,s.8.

Decision of the Registrar

255.7 (1) If, after considering an application for review under section 255.5 by an owner who was not the driver of the motor vehicle at the time the motor vehicle was impounded, the Registrar is satisfied that

(a) the driver was in possession of the motor vehicle without the knowledge or consent of the owner; or

(b) the driver was not prohibited from driving under any of the provisions referred to in subsection 255.1(1) at the time the motor vehicle was impounded;

the Registrar shall

(d) revoke the impoundment;

(e) direct that a peace officer order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the owner or a person authorized by the owner;

(f) pay to the person having custody of the motor vehicle under the impoundment the costs and charges referred to in subsection 255.4(1); and

(g) direct that the application fee paid be refunded to the applicant.

Action where evidence does not support impoundment

(2) If, after considering an application for review under section 255.5 by an owner who was the driver of the motor vehicle at the time the motor vehicle was impounded, the Registrar is satisfied that

(a) the owner was not prohibited from driving under any of the provisions referred to in subsection 255.1(1) at the time the motor vehicle was impounded; or

(b) the owner, before he or she drove the motor vehicle, had no reason to believe that he or she was prohibited from driving a motor vehicle under any of the provisions referred to in subsection 255.1(1)

the Registrar shall

(c) revoke the impoundment;

(d) direct that a peace officer order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the owner or a person authorized by the owner;

(e) pay to the person having custody of the motor vehicle under the impoundment the costs and charges referred to in subsection 255.4(2);

(f) direct that the application fee be refunded to the applicant.

Decision in writing, copy to applicant

(3) The decision of the Registrar under subsection (1) or (2), and the reasons for the decision, must be in writing and a copy must be sent to the applicant within 7 days of the date the application was considered or the oral hearing held.

Address

(4) The copy referred to in subsection (3) must be sent to the applicant

(a) at the last known address of the applicant as shown in the records maintained by the Registrar; or

(b) at the address shown in the application for review, if that address is different from the address in the Registrar's records. 1996,c.19,s.8.

Application of subsection 255.2(2)

255.8 (1) The owner of a motor vehicle impounded under section 255.1 who wishes to contest the application of subsection 255.2(2) to the motor vehicle may

(a) file an application with the Registrar; and

(b) pay to the Registrar

(i) the prescribed application fee, and

(ii) the prescribed hearing fee.

Idem

(2) The application must be in the form, contain the information and be completed in the manner required by the Registrar.

Written evidence

(3) The applicant may attach to the application any sworn statements or other evidence that the applicant wishes the Registrar to consider.

Stay

(4) The filing of an application under this section does not stay the impoundment of the motor vehicle.

Hearing not required

(5) The Registrar is not required to hold an oral hearing unless the applicant

(a) requests an oral hearing at the time of filing the application; and

(b) pays the prescribed oral hearing fees.

Waiver, failure to appear

(6) If a person requests an oral hearing and fails to appear on the date and at the time and place arranged for the hearing, without prior notice to the Registrar, the right to an oral hearing is deemed to have been waived by the person.

Record of previous impoundment

(7) If an application is made under this section, the Registrar shall consider a record maintained by the Registrar respecting any previous impoundment under section 255.1 of a motor vehicle that was, at the time of that impoundment, owned by the applicant.

Reduction of period impoundment

(8) If, after considering an application under this section, the Registrar is satisfied that subsection 255.2(2) does not apply to the motor vehicle, the Registrar shall

(a) if the motor vehicle has been impounded for 60 days, reduce the impoundment period to 30 days; and

(b) if the motor vehicle has been impounded for 30 days

(i) direct that a peace officer order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the owner or a person authorized by the owner,

(ii) pay to the person having custody of the motor vehicle under the impoundment, that portion of the costs and charges referred to in subsection 255.4(2) that applies to any period of impoundment in excess of 30 days, and

(iii) direct that the application fee paid be refunded to the applicant. 1996,c.19,s.8.

Application

255.9 (1) Any person who

(a) holds a valid license or permit issued under this Act or in another jurisdiction to operate a motor vehicle;

(b) is not prohibited from driving a motor vehicle under this Act, or the *Criminal Code*; and

(c) is cohabiting with the owner of the motor vehicle at the time the vehicle is impounded under section 255.1

is eligible to apply for the release of the motor vehicle under subsection (2).

Idem

(2) An eligible person, within 30 days of the impoundment of the motor vehicle under section 255.1, may apply to the Registrar for the release of the vehicle on the grounds that

(a) the impoundment of the motor vehicle

(i) will cause the eligible person to suffer a loss or curtailment of employment or educational opportunities,

(ii) will prevent the eligible person, or someone under the care of the eligible person, from obtaining medical treatment; and

(b) the eligible person has no reasonable alternative form of transportation, including public transportation, that would

(i) prevent the loss or curtailment referred to in subclause (a)(i), or

(ii) allow the medical treatment referred to in subclause (a)(ii) to be obtained,

or on proof to the satisfaction of the Registrar that the person who was the driver at the time of impoundment is participating in an alcohol rehabilitation and curative treatment program approved by the Registrar.

Content of application

(3) The applicant must

(a) apply in a form acceptable to the Registrar;

(b) provide the Registrar with any information the Registrar may reasonably require; and

(c) pay to the Registrar the prescribed application fee.

Release on compassionate grounds

(4) If the Registrar is satisfied, with respect to an application, that the grounds set out in subsection (2) have been established, the Registrar may,

(a) with the consent of the owner of the motor vehicle; and

(b) on receiving payment of the prescribed vehicle release fee,

subject to the lien described in subsection 255.4(2), direct that a peace officer order the person who has custody of the motor vehicle under the impoundment to release the motor vehicle to the applicant.

One application only during period of prohibition

(5) If a motor vehicle has been released under this section during the course of an impoundment that applies to a particular period of prohibition under a provision referred to in subsection 255.1(1), no further application for the release of a motor vehicle may be made under this section with respect to an impoundment that applies to that same period of prohibition. 1996,c.19,s.8.

.Release of motor vehicle after impoundment period

255.10 (1) When the impoundment period referred to in section 255.2 has elapsed, the owner or a person authorized by the owner may request that the motor vehicle be released by

(a) completing a request for release of the motor vehicle; and

(b) delivering the request to the peace officer who completed the notice of impoundment under section 255.3 or any other peace officer who is employed by the same employer as that peace officer.

Order

(2) Subject to the lien described in subsection 255.4(2), a peace officer may, on receiving a request under subsection (1), order that the motor vehicle be released to the owner or a person authorized by the owner.

Request

(3) The request for release of the motor vehicle must be in the form, contain the information and be completed in the manner, required by the Registrar.

Offence to remove impounded vehicle

(4) Unless ordered by a peace officer under section 255.7, 255.8 or 255.9 or subsection (2) of this section, a person shall not remove or release, or permit the removal or release of, a motor vehicle impounded under section 255.1 from the place of impoundment until the period of impoundment referred to in section 255.2 has expired. 1996,c.19,s.8.

Owner's right against driver

255.11 The owner of a motor vehicle impounded under section 255.1 may recover from the person who was the driver at the time the motor vehicle was impounded as a debt in any court of competent jurisdiction, the costs and charges under subsection 255.4(2) that the owner has paid with respect to the impoundment. 1996,c.19,s.8.

Registrar may indemnify for wrongful impoundment

255.12 If the Registrar is satisfied that a motor vehicle has been wrongfully impounded under section 255.1, the Registrar may

(a) authorize the release of the motor vehicle from impoundment; and

(b) waive any fee, cost or charge payable to the Registrar. 1996,c.19,s.8.

Vehicle abandoned, or without proper number plates

256. A peace officer upon the discovery of a motor vehicle apparently abandoned on or near a highway, or of a motor vehicle without proper number plates, shall take the motor vehicle into his custody and may cause the same to be taken to and stored in a suitable place, and all costs and charges for removal, care or storage are a lien upon the motor vehicle. R.S.P.E.I. 1974, Cap. H-6, s.242.

Police to require detention of vehicle

256.1 (1) Where a peace officer is satisfied that a person is guilty of an offence under subsection 176(3) or (3.1) of this Act and is driving, or has driven, a motor vehicle on a highway over and above the posted maximum speed limit at a rate of speed that was sixty kilometres per hour or more over the maximum posted speed limit, the peace officer shall impound the motor vehicle that was being driven by the person, in accordance with subsection (2).

Administrative 24-hour impoundment

(2) Upon a motor vehicle being first impounded under subsection (1), the motor vehicle shall, at the cost of and risk to its owner,

(a) be removed to a place and to the custody of a person as directed by a peace officer; and

(b) be impounded for twenty-four hours from the time it was first impounded under subsection (1).

Release of vehicle

(3) Subject to subsection (10), the motor vehicle shall be released to its owner from the person who has custody of the motor vehicle impounded

under subsection (2) upon the expiry of the period of impoundment required under that subsection.

Early release of vehicle

(4) Notwithstanding the impoundment of a motor vehicle under this section, a peace officer may release the motor vehicle to its owner before it is impounded under subsection (2) or, subject to subsection (10), may direct the person who has custody of the motor vehicle impounded under subsection (2) to release the motor vehicle to its owner before the expiry of the twenty-four hours if the officer is satisfied that the motor vehicle was stolen at the time that it was driven on a highway in the circumstances referred to under subsection (1).

Duty of officer re impoundment

(5) Every peace officer who impounds a motor vehicle under this section shall prepare a notice identifying the motor vehicle that is to be impounded under subsection (1), the name and address of the driver and the date and time of the impoundment and shall, as soon as practicable after the impoundment of the motor vehicle, provide the driver with a copy of the notice showing the time from which the impoundment takes effect, the period of time for which the motor vehicle is impounded and the place where the vehicle may be recovered.

Idem

(6) A peace officer shall provide a copy of the notice prepared under subsection (5) to the Registrar.

Notice to owner

(7) The Registrar shall provide a copy of the notice prepared by a peace officer under subsection (5) to the owner of the motor vehicle by mail to the address of the owner shown on the registration permit for the motor vehicle or to the latest address for the owner appearing on the records of the Registrar.

No appeal or hearing

(8) There is no appeal from, or right to be heard before, a vehicle impoundment under this section, but this subsection does not affect the taking of any proceeding in court.

Lien for storage costs

(9) The costs incurred by the person who has custody of the motor vehicle impounded under subsection (2) are a lien on the motor vehicle that may be enforced under the *Garage Keepers' Lien Act* R.S.P.E.I. 1988, Cap. G-1.

Costs to be paid before release of vehicle

(10) The person who has custody of the motor vehicle impounded under subsection (2) is not required to release the motor vehicle until the removal and impound costs in respect of the vehicle have been paid.

Owner may recover losses from driver

(11) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the vehicle was first impounded under subsection (1) to recover any costs or other losses incurred by the owner in connection with the impoundment.

Impoundment concurrent with other administrative impoundments

(12) The impoundment of a motor vehicle under this section runs concurrently with an impoundment, if any, of the same motor vehicle under section 255.1. 2010,c.33,s.4.

Serial number obliterated

257. Any employee of the department or any peace officer may, upon discovery of any motor vehicle the serial number or other identifying mark of which has been obliterated or defaced or is not readily recognizable, take the vehicle into his custody in the name of the department, and shall forward a complete report of the matter to the Registrar without delay. R.S.P.E.I. 1974, Cap. H-6, s.243.

Stolen vehicle

258. The Registrar may authorize the seizure of any motor vehicle that he has reason to believe has been stolen, and may authorize its detention until such time as its ownership has been established. R.S.P.E.I. 1974, Cap. H-6, s.244.

Costs a lien

259. All costs and charges for the care and storage of any motor vehicle taken or seized under sections 257 and 258 are a lien upon the motor vehicle. R.S.P.E.I. 1974, Cap. H-6, s.245.

Motor vehicle may be sold to satisfy judgment

260. (1) When a judgment is recovered in any court within the province against the owner or driver of a vehicle for damages arising out of the operation of the vehicle, the Prothonotary shall upon application of the judgment creditor issue an order directing the sheriff of one or more counties in the province to seize the vehicle if it is found within such sheriff's bailiwick and to sell or dispose of it to answer the damages and costs recovered by the said judgment.

Execution of order by sheriff

(2) An order made under subsection (1) shall be executed by the sheriff in the manner prescribed for execution orders issued out of the Supreme Court and rank as an attachment upon the vehicle in priority to all other executions, chattel mortgages, liens or other attachments or other claims whatsoever.

Recovery of costs and expenses

(3) The costs and expenses incurred in the seizure may upon order of a judge of the court in which the judgment is recovered, be recovered as costs in the cause.

Motor vehicle causing damage may be impounded

(4) Upon the written complaint of any person who alleges that his person or property has been injured by reason of a collision or impact caused by the negligent operation of a vehicle upon a highway, the vehicle may be taken into custody by the sheriff of the county in which it is found or by any peace officer.

Recovery of vehicle

(5) Upon the undertaking of the complainant to provide indemnity for expenses of custody, the vehicle shall remain in such custody as the officer so seizing it prescribes until the owner or driver thereof deposits

security in an amount not exceeding $1,000, in the form of an insurance policy or otherwise, to the satisfaction of a judge of the Supreme Court or of the complainant to answer the alleged damages or satisfies the judge, upon a summary application after notice to the complainant, that the operation of the vehicle was in no wise responsible for the damages or that proceedings to recover the alleged damages are not being taken or prosecuted with due expedition.

Limited effect of findings & order

(6) No finding or order made under this subsection shall be pleaded or set up in any action or other proceedings to recover damages arising from the said collision or impact.

Exception to ss (4) & (5)

(7) Subsection (4) and (5) do not apply while the vehicle is in the custody of an officer of the law nor where the vehicle has been repossessed under a lien or chattel mortgage. R.S.P.E.I. 1974, Cap. H-6, s.246; 1975, c.27, s.5; 2008,c.20,s.72(40).

Unlicensed driver, prohibition

260.1 The power to cancel or suspend a driver's license pursuant to sections 261, 264, 271(3) and 316 includes, in relation to a driver who is not licensed, the power to prohibit that person from operating a motor vehicle in this province. 1994,c.25,s.20; 2012(2nd),c.11,s.3.

REVOCATION AND SUSPENSION

Automatic cancellation

261. (1) The license of any person who

(a) is convicted of an offence under section 253 or subsection 254(5) of the *Criminal Code* involving the operation or care and control of a motor vehicle;

(b) pleads guilty to or is found guilty of an offence under section 253 of the *Criminal Code* involving the operation or care and control of a motor vehicle and is conditionally discharged pursuant to subsection 255(5) thereof; or

(b.1) repealed by 2001,c.40,s.2;

shall, forthwith and automatically upon such conviction or conditional discharge, be cancelled and he shall be disqualified from holding or obtaining a license for a period

(c) of one year for a first offence;

(d) of three years for a second offence;

(e) of five years for a third or subsequent offence

but in determining the period of cancellation and disqualification under clause (c), (d) or (e) any period during which an administrative driving prohibition is imposed under section 277.3 shall be deducted.

Exception

(1.1) The Registrar may issue a subsequent license to a person who is disqualified under subsection (1) from holding or obtaining a licence if

(a) the person has been disqualified

(i) for a period of at least three months, in the case of a first offence,

(ii) for a period of at least six months, in the case of a second offence, and

(iii) for a period of at least 12 months, in the case of a third or for each subsequent offence; and

(b) the Registrar sets out in the license

(i) a condition restricting the person to the use of a motor vehicle equipped with an alcohol ignition interlock device of a type specified in the license, and

(ii) a condition requiring the person to be registered during the term of the license in an alcohol ignition interlock device program approved by the Registrar.

License revoked

(1.2) A license issued to a person under subsection (1.1) is revoked on the failure of the person to comply with a condition of the license imposed by the Registrar under that subsection.

Idem

(2) The license of any person who is convicted of an offence under sections 333.1, 334 or 354 of the *Criminal Code* (Canada) and at the time of the offence had care and control of, or was a passenger in, a motor vehicle knowing the vehicle to have been obtained without the consent of the owner, shall, forthwith and automatically upon such conviction or conditional discharge, be cancelled and the person shall be disqualified from holding or obtaining a license for a period

(a) of one year for a first offence;

(b) of two years for a second offence;

(c) of three years for a third or subsequent offence.

Disqualification for joyriding

(3) The license of any person convicted of an offence under section 335 of the *Criminal Code* (Canada) shall forthwith and automatically upon such conviction or conditional discharge be cancelled and the person shall be disqualified from holding or obtaining a license for a period

(a) of one year for a first offence;

(b) of two years for a second offence; and

(c) of three years for a third or subsequent offence.

First, second, third or subsequent offences

(4) For the purposes of subsection 261(1), the words “first offence”, “second offence” or “third or subsequent offence” shall relate only to the offences referred to in that subsection that are committed within any 10-year period. 1990,c.21,s.7; 1996,c.19,s.9; 1997,c.64,s.1; 2001,c.40,s.2; 2001,c.8,s.5.; 2003,c.40,s.1; 2006,c.32,s.3; 2009,c.74,s.4(2),(3); 2010,c.7,s.2.

262. (1) Subject to subsection (2), when any person has been convicted of any offence under the *Criminal Code* involving the use of a motor vehicle, the judge presiding at the trial if the case is tried with a jury, or the judge making the conviction, as the case may be, may suspend or cancel the license and the registration of the motor vehicle, if owned by the convicted person, and may disqualify such person from holding or obtaining a license and from registering a motor vehicle for any period not exceeding five years.

Suspension etc., by court

(2) When the conviction referred to in subsection (1) is for an offence under section 253 or subsection 254(5) of the *Criminal Code*, the periods for which the license may be suspended or cancelled and during which the person so convicted shall be disqualified from holding or obtaining a license, are not less than those provided in section 261. R.S.P.E.I. 1974, Cap. H-6, s.248; 1977, c.16, s.10; 1987, c.31, s.7; 2009,c.74,s.4(2).

Minimum periods of suspension, etc.

262.1 Upon receipt of a request from the director of Maintenance Enforcement pursuant to the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap. M-1, to suspend or revoke a driver's license, privilege of obtaining a driver's license, right to operate a motor vehicle or any permit, the Registrar shall suspend or revoke the driver's license, privilege of obtaining a driver's license, right to operate a motor vehicle in the province or any other license, registration of vehicle or any permit, as the case may be, and the provisions of this Act apply, with the necessary changes, to the suspension or revocation, and in addition, the Registrar may refuse to permit any transfer of a vehicle owned by the person in respect of whom the request was made. 1996,c.27,s.4.

Suspension etc., of driver's license etc., for default *re* maintenance

263. The license and registration of every person whose license or registration has been suspended or cancelled under any provision of this Act shall remain suspended or cancelled and he shall be disqualified from holding or obtaining a driver's license or registration permit until the period of suspension, cancellation or disqualification has expired. R.S.P.E.I. 1974, Cap. H-6, s.249; 1977, c.16, s.11; 1994, c.25, s.21.

Duration of suspension, cancellation or disqualification

264. (1) Subject to subsection (2), the Registrar by order in writing may, for any violation of this Act arising out of reckless or negligent driving, or the use of intoxicants, or for any other reason that, in the opinion of the Registrar, renders any person unfit to act as a driver, upon proof to his satisfaction of the fact of such violation or unfitness, cancel or suspend the license of such driver, and disqualify him from holding or obtaining a license for such period as the Registrar may think fit, or, where in the opinion of the Registrar a more useful purpose would be served, he may place a person under probation, or having disqualified a driver from holding or obtaining a license, he may place that person under probation for such period of time as he may consider advisable.

Registrar may suspend license, etc.

Suspension, cancellation of unfit driver

(1.1) Where the Registrar believes a driver to be medically unfit to operate a motor vehicle in accordance with the most recent edition of the Medical Standards for Drivers published by the Canadian Council of Motor Transport Administrators, the Registrar may make an order under subsection (1).

Notification of probation

(2) When the Registrar places a person under probation he shall notify that person in writing stating the terms and length of the probationary period, and it shall be an offence for any person to fail to observe the terms of the probation.

Application of subsection (1)

(3) Subsection (1) does not apply in any case where the license of a person has been suspended or cancelled or he has been disqualified from driving by any court, judge or magistrate.

Advice and recommendations *re* suspension and cancellation

(4) The Registrar may, prior to making an order under subsection (1), submit to the persons referred to in subsection (5) for their advice and recommendation the question of the advisability of suspending or cancelling a license.

Barrister, social worker, and welfare officer to advise

(5) There shall be available to the Registrar upon his request

(a) a barrister appointed by the Department of Environment, Labour and Justice who shall in writing advise the Registrar of the legal implications of suspending or cancelling the license and of not suspending or cancelling the license;

(b) a social worker appointed by the Department of Community Services and Seniors, who shall in writing advise the Registrar of the familial, social and economic implications of suspending or cancelling the license, and of not suspending or cancelling the license; or

(c) a welfare worker appointed by the Department of Community Services and Seniors where the licencee is a beneficiary under the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, who shall advise the Registrar in writing of the familial, social and economic implications of suspending or cancelling the license, and of not suspending or cancelling the license.

Discretion unfettered

(6) The Registrar in exercising his discretion under subsection (1) is not bound by the advice and recommendations of any or all of the persons referred to in subsection (5). R.S.P.E.I. 1974, Cap. H-6, s.250; 1980, c.2, s.3; 1996,c.20,s.3; 2000,c.5,s.3; 2001,c.8,s.6; 2001, c.19, s.16; 2005,c.40,s.12; 2006,c.32,s.4; 2010,c.31,s.3; 2010,c.14,s.3; 2012,c.17,s.2.

Definition

264.1 (1) In this section and sections 264.2 to 264.5, “child” means a person under the age of sixteen years.

(2) Where a peace officer has reason to believe that a person committed an offence under section 253 or subsection 254(5) of the *Criminal Code* in relation to operating or having care and control of a motor vehicle and that a child was present in the motor vehicle at the time of the alleged offence, the peace officer shall prepare and submit to the Registrar a report of the matter. Report to Registrar

(3) A report made under subsection (2) shall include the driver's name, the circumstances of the alleged offence and, where available, the child's name and date of birth, and any other information prescribed in the regulations. 2012(2nd),c.12,s.5. Required information

264.2 (1) On receipt of a report made under subsection 264.1(2), the Registrar shall provide a copy of the report to the person named in the report together with a written notice advising the person that Notice of review

(a) the Registrar shall review the matter to determine to the Registrar's satisfaction whether a child was present in the motor vehicle at the time of the alleged offence;

(b) the person has a right to participate in the review by providing a written submission to the Registrar within 30 days of receipt of the notice;

(c) where the person fails to provide a written submission in accordance with clause (b), the Registrar shall make a determination following a review based on the report provided by the peace officer;

(d) the determination made by the Registrar cannot be appealed; and

(e) where the person is convicted, pleads guilty to or is found guilty of the alleged offence, and the Registrar is satisfied that a child was present in the motor vehicle at the time of the offence, the person is subject to an additional period of required participation in an alcohol ignition interlock program as set out in subsection 73(1.5).

(2) The notice referred to in subsection (1) shall be delivered in accordance with section 9 to the person's address on file with the Registrar. 2012(2nd),c.12,s.5. Service of notice

264.3 (1) Unless otherwise permitted by the Registrar, a review shall be conducted by consideration of written submissions. Review – written submissions

(2) A person to whom a notice has been issued under section 264.2 may participate in the review by providing a written submission to the Registrar within 30 days of receipt of the notice. Submission within 30 days

(3) The person's submission shall include Requirements for submission

(a) the prescribed fee, if any;

(b) a written statement, including any sworn or solemnly affirmed statements to be considered during the review;

(c) the person's full name, current mailing address, telephone number and fax number, if any; and

(d) contact information for the person's legal counsel or agent, if any.

Legal counsel or agent

(4) Where the submission states that the person is represented by legal counsel or an agent, the registrar shall communicate with the person through the legal counsel or agent, as the case may be.

Delivery to Registrar

(5) A submission and any related documents may be delivered to the office of the Registrar by hand, mail, courier or facsimile.

Deemed delivery

(6) A document that is received outside the Registrar's business hours is deemed to have been delivered on the next day on which the Registrar's office is open for business.

Failure to make submission

(7) Where a person fails to make a submission in accordance with this section within 30 days of receipt of the notice, the participation of that person is deemed to have been waived by that person and the Registrar may proceed to make any determination that the Registrar could make following a review. 2012(2nd),c.12,s.5.

Conduct of review

264.4 (1) In conducting a review, the registrar shall consider

(a) the report of the peace officer;

(b) the submission, if any, of the person named in the report; and

(c) where the review is conducted in person or by telephone, information delivered verbally.

Authority of Registrar on review

(2) In conducting a review under this section, the Registrar may do any or all of the following:

(a) request additional information from the person in the form and within the time period specified by the Registrar, including sworn or solemnly affirmed statements;

(b) request or permit a request to receive a submission in person or by telephone or other electronic means, if the Registrar determines that

(i) to do so would be more efficient than a review by written submissions only, or

(ii) there may be issues of credibility;

(c) allow additional time for information to be submitted;

(d) request additional information from the peace officer who prepared the report, or from any other person.

(3) In conducting a review under this section, the sole question for determination by the Registrar is whether a child was in the motor vehicle at the time of the alleged offence. 2012(2nd),c.12,s.5.

Question for determination

264.5 (1) On completion of a review, where the Registrar is satisfied that a child was present in the motor vehicle at the time of the alleged offence, the Registrar shall make a note of that determination on the record of the person with respect to whom the review was conducted.

Results of review

(2) The Registrar's determination shall
(a) be in writing; and
(b) state the reasons for making the determination.

Written reasons

(3) The Registrar's determination shall be delivered in accordance with section 9 to
(a) the person's address as indicated in the person's submission;
(b) the person's legal counsel or agent if one is designated; or
(c) where no submission was received from the person, to the last address of the person on file with the Registrar.

Delivery

(4) The Registrar's determination on review is final and is not subject to any review or appeal. 2012(2nd),c.12,s.5.

Determination final

265. The Registrar shall by order in writing suspend or cancel the driver's license of a person who has obtained the license as the result of perjury or the making of a false affidavit or statement to the Registrar, and shall disqualify such person from holding or obtaining a license, for a period of not less than
(a) three months in the case of a first offence; and
(b) six months in the case of a second or subsequent offence within a period of two years. R.S.P.E.I. 1974, Cap. H-6, s.251.

Perjury or false affidavit in obtaining license, suspension or cancellation

266. Subject to section 265, the suspension or cancellation of a driver's license, and the disqualification of a driver from holding or obtaining a license, under sections 262 to 265, are effective from the date of the respective conviction. R.S.P.E.I. 1974, Cap. H-6, s.252.

Effective date of cancellation or suspension

267. Where a driver's license has been suspended or cancelled, or where he has been disqualified from holding or obtaining a license, and during the period of suspension, cancellation or disqualification the person obtains a license as a result of perjury or the making of a false affidavit or statement to the Registrar, or is convicted of any offence under the *Criminal Code* involving the use of a motor vehicle, the period of suspension, cancellation or disqualification imposed under section 265 begins after the expiration of the previous period of suspension, cancellation or disqualification. R.S.P.E.I. 1974, Cap. H-6, s.253.

Conviction under *Criminal Code* & suspension under this Act; latter additional to former

Report of conviction by Registrar to province etc. of non-resident

268. The Registrar shall, upon the conviction of a non-resident of an offence under this Act or the regulations or under the *Criminal Code* involving the use of a motor vehicle or upon suspending or cancelling the driver's license of a non-resident, forward a report of the conviction, suspension or cancellation to the administrator of motor vehicle laws in the province, state, territory or country where the non-resident resides. R.S.P.E.I. 1974, Cap. H-6, s.254; 1977, c.16, s.13.

Registrar to notify person of suspension, etc.

269. (1) Subject to subsections (2) and (3), the Registrar shall notify the holder of a driver's license when that license is suspended or cancelled or he has been disqualified from holding or obtaining a license, and the holder shall forthwith return the license to the Registrar; and the Registrar when and as he considers fit may instruct a peace officer to take possession of the license and deliver it to the Registrar.

Exception

(2) The provision in subsection (1) requiring notice by the Registrar does not apply in any case where the license of a person has been suspended or cancelled, or he has been disqualified from holding or obtaining a license, under the provisions of section 261.

Idem

(3) The provision in subsection (1) requiring notice by the Registrar does not apply in any case where the license of a person has been suspended or cancelled or he has been disqualified from holding or obtaining a license by reason of a conviction by any court in this province.

Seizure of defaced, etc. license

(4) A peace officer may take possession of a driver's license that has been defaced or altered or that he has reason to suspect was not issued to the holder, or, although issued to the holder, was obtained by false pretenses or that is being used contrary to this Act or the regulations, and deliver it to the Registrar who shall hold it pending further investigation of the use of the license. R.S.P.E.I. 1974, Cap. H-6, s.256.

Applying for license while disqualified, offence

270. Every person whose driver's license has been suspended or cancelled or who, while prohibited from driving a motor vehicle or while disqualified from holding or obtaining a driver's license, applies for or procures the issue to him or has in his possession a driver's license is guilty of an offence. R.S.P.E.I. 1974, Cap. H-6, s.257.

Driving while license or registration suspended, etc., offence

271. (1) Any person who drives a motor vehicle while the registration of the motor vehicle is suspended or cancelled or while his license is suspended or cancelled or while he is disqualified from holding or obtaining a license or registering a motor vehicle under this Act, and any owner of a motor vehicle who permits any person to drive his motor vehicle while the registration thereof is suspended or cancelled, is guilty of an offence.

(2) Where

(a) the license of any person has been suspended or cancelled after being convicted or found guilty of

(i) an offence under section 253 or subsection 254(5) of the *Criminal Code*, or

(ii) a corresponding offence in any other province, state or territory;

(b) while his license is so suspended or cancelled that person is again charged with an offence under section 253 or subsection 254(5) of the *Criminal Code* or a corresponding offence in any other province, state or territory; and

(c) he is convicted of that offence,

the Registrar may, on receipt of a report of that conviction pursuant to subsection 283(1) or 316(1), by order in writing

(d) suspend the registration permit for any motor vehicle registered in the name of that person for a period not exceeding six months as may be specified in the order or disqualify that person from registration of a motor vehicle for that period; or

(e) where the motor vehicle in respect of which the offence was committed was registered in the name of any other person and was used with the consent of that other person in circumstances where he knew that the license of the driver had been suspended or cancelled, suspend the registration permit for any motor vehicle registered in the name of that other person for a period not exceeding six months as may be specified in the order or disqualify that other person from registration of a motor vehicle for that period.

Suspension of registration permit where second conviction for driving while disqualified, etc.

(3) Where

(a) the license of any person has been suspended or cancelled pursuant to section 261 or section 316;

(b) while his license is so suspended or cancelled, that person is charged with an offence under subsection (1) or subsection 259(4) of the *Criminal Code*; and

(c) he is convicted of that offence,

the Registrar shall, on receipt of a report of that conviction, cancel the license of such driver or extend the period of disqualification for a period of six months, to be applied consecutively to the period of the existing suspension, cancellation or disqualification. R.S.P.E.I. 1974, Cap. H-6, s.258; 1985,c.19,s.17; 1987,c.31,s.7; 1990,c.21,s.8; 1992,c.32,s.4; 1994,c.25,s.22; 2009,c.74,s.4(2).

Extension of suspension, etc. for driving while disqualified

272. Subject to this Act, any non-resident or other person whose driver's license or right or privilege to operate a motor vehicle in Prince Edward Island has been suspended or cancelled in accordance with this Act shall not drive a motor vehicle in Prince Edward Island under a license or

Suspension of non-resident's privileges, prohibition from driving

permit issued in any other province, state, territory or country or otherwise drive a motor vehicle in this province during the period of suspension, and any person who operates a motor vehicle contrary to this section is guilty of an offence. R.S.P.E.I. 1974, Cap. H-6, s.259.

Suspension etc. for liquor offences

273. (1) Notwithstanding anything contained in any other Act, a court, judge or magistrate who convicts any person of a breach of any law or regulation in respect of liquor had or kept or carried in a motor vehicle that is operated for compensation may suspend the license of the driver thereof, and the registration of the vehicle, whether registered in the name of the driver or the person convicted or not, for a period of not less than one month and not exceeding twelve months.

Offence

(2) Subsections (2) to (6) Repealed by 1996,c.19,s.10.

Suspension etc. for offence under section 176

274. When a person is convicted of an offence under section 176 in respect of a motor vehicle the convicting court may, in addition to any other sentence, order that the license of such person be suspended and that he be disqualified from holding or obtaining a license, in the case of a first offence for a period not exceeding three months, and in the case of any subsequent offence for a period not exceeding twelve months. R.S.P.E.I. 1974, Cap. H-6, s.261.

Suspension, etc. for certain offences

275. When a person is convicted of an offence against any provision of section 56, subsection 57(1), section 60, section 62, section 68, subsection 83(1), section 91, section 126, section 168, section 197, section 203, section 213, sections 232 or section 233, the convicting court may, in addition to any other sentence, order that the license of such person be suspended and that he be disqualified from holding or obtaining a license, in the case of a first offence for a period not exceeding thirty days, and in the case of any subsequent offence for a period not exceeding six months. R.S.P.E.I. 1974, Cap. H-6, s.262.

Remedies where default in payment of fine

276. (1) Upon receipt of a request by the sheriff or the clerk pursuant to subsection 6.2(2) of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, or where satisfied that a person is in default of payment of all or any part of a fine imposed on conviction for an offence under this enactment, any other enactment or any Act of Parliament, as amended from time to time, regardless of whether the fine relates to use of a motor vehicle, the Registrar shall not

(a) issue, reinstate or renew a driver's license of that person; or

(b) issue or renew the registration of a motor vehicle owned by that person

until such time as the fine has been paid.

(2) Notwithstanding subsection (1), the Sheriff or the Clerk, pursuant to subsection 6.2(2) of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 may request the Registrar to suspend the driver's license until the fine is paid and the Registrar shall, upon such direction or request, suspend the license until that time. Suspension

(2.1) Where the Registrar has suspended a person's driver's licence pursuant to subsection (2), the Registrar shall provide written notice of the suspension to the person prior to the effective date of the suspension. Notice

(2.2) The Registrar shall not issue, renew or reinstate a driver's licence or registration which has been suspended, revoked or not issued, reinstated or renewed pursuant to subsection (2), notwithstanding an order for a time extension for payment issued by the court which issued the fine. Time extension to have no effect on suspension

(3) The Registrar may receive payment of a fine that is in default. Receipt of payment

(4) Where a person who holds a driver's license issued by another jurisdiction is convicted in this province of an offence pursuant to any of the following provisions of this Act: Prohibition imposed upon driver holding extra-provincial license

section 176, 205(1)(o), 167(5), 167(6), 168, 202(1), 231, 232, 155, 159(j), 161

and does not, as required, pay the fine or otherwise serve the sentence therefor, the Registrar may

(a) issue an order prohibiting the person from operating a motor vehicle on a highway in this province until such fine is paid or sentence served; and

(b) give notice of such order to the administrator of motor vehicle laws in the province, state, territory, or country which issued the license held by the person. 1991, c.14, s.13; 1998,c.91,s.3;2001, c.55, s.3.

277. (1) Without prejudice to section 333, the Registrar may suspend the driver's license of a driver who fails to satisfy a final judgment rendered against him by a court in Canada within thirty days after the determination of all proceedings, including appeal, in an action for damages resulting from bodily injury to or the death of another, or damage to property in an amount exceeding $200, exclusive of interest and costs, occasioned by or arising out of the operation, ownership, maintenance or use of a motor vehicle by that person. Suspension for failure to pay judgment

(2) The Registrar may impose terms and conditions on a suspension imposed under subsection (1), including terms in respect of payment by instalments, and may cancel or reimpose the suspension as he considers necessary to ensure satisfaction of the judgment. 1983, c.19, s.5. Terms and conditions

ROADSIDE SUSPENSION

Request for surrender of driver's license

277.1 (1) A peace officer shall, in relation to a person's operation or care or control of a motor vehicle, request the person to surrender the person's driver's license where, upon demand of the peace officer made under section 254 of the *Criminal Code*,

(a) the person provides a sample of the person's breath which, on an analysis by an approved screening device or an approved instrument, indicates that the proportion of alcohol in the person's blood is 50 milligrams or more of alcohol in 100 millilitres of blood;

(b) the person fails or refuses to provide a sample of the person's breath;

(c) the person performs a physical coordination test and the peace officer believes, based on the person's performance on the physical coordination test, that the person is unable to safely operate or have care or control of the motor vehicle; or

(d) the person refuses to perform a physical coordination test or fails to follow the peace officer's instructions regarding the test.

Physical coordination test

(1.1) "Physical coordination test" means a physical coordination test prescribed by regulation under the *Criminal Code* for the purposes of section 254(2)(a) of the *Criminal Code*.

Surrender of driver's license

(2) Where a peace officer requests the surrender of a person's driver's license under subsection (1), the person to whom the request is made shall immediately surrender the person's driver's license to the peace officer.

Administrative driving prohibition – certain drivers

(3) Where the person whose driver's license is requested to be surrendered pursuant to clause (1)(c) or (d) is a graduated driver or a person under the age of 19 years, the peace officer who requested the surrender of the person's driver's license shall impose an administrative driving prohibition pursuant to sections 277.2 to 277.7, and those section shall apply with the necessary changes.

Concurrent suspension

(3.1) A 7 day suspension under subsection (3.2) shall be served concurrently with a prior unexpired suspension.

7 day suspension of driver's license

(3.2) Where

(a) a peace officer requests the surrender of a person's driver's license under subsection (1); and

(b) the analysis referred to in subsection (1) of a sample of the person's breath indicates that the proportion of alcohol in the person's blood is 50 milligrams or more of alcohol in 100 millilitres of blood but is less than 100 milligrams of alcohol in 100 millilitres of blood,

the person's driver's license and driving privileges are suspended and invalid for any purpose for a period of 7 days from the time the request is made, regardless of whether the person surrenders the person's driver's license.

30 day suspension of driver's license

(3.3) Where

(a) a peace officer requests the surrender of a person's driver's license under clause (1)(a) or subsection 277.2(1.1) for the second time within a two year period; and

(b) the analysis referred to in subsection (1) or subsection 277.2(1) of a sample of the person's breath indicates that the proportion of alcohol in the person's blood is 50 milligrams or more of alcohol in 100 millilitres of blood but is less than 100 milligrams of alcohol in 100 millilitres of blood,

the person's driver's license and driving privileges are suspended and invalid for any purpose for a period of 30 days from the time the request is made, regardless of whether the person surrenders the person's driver's license.

Concurrent suspension

(3.4) A 30 day suspension under subsection (3.3) shall be served concurrently with a prior unexpired suspension imposed under this section or subsection 277.2(1.1).

90 day suspension of driver's license

(3.5) Where

(a) a peace officer requests the surrender of a person's driver's license under clause (1)(a) or subsection 277.2(1.1) for the third time within a two year period; and

(b) the analysis referred to in subsection (1) or subsection 277.2(1) of a sample of the person's breath indicates that the proportion of alcohol in the person's blood is 50 milligrams or more of alcohol in 100 millilitres of blood but is less than 100 milligrams of alcohol in 100 millilitres of blood,

the person's driver's license and driving privileges are suspended and invalid for any purpose for a period of 90 days from the time the request is made, regardless of whether the person surrenders the person's driver's license.

Concurrent suspension

(3.6) A 90 day suspension under subsection (3.5) shall be served concurrently with a prior unexpired suspension imposed under this section or subsection 277.2.

Duties of peace officer

(4) Where, under this section, the driver's license of a person is suspended, the peace officer who requested the surrender of the person's driver's license under subsection (1) shall

(a) keep a written record of the license suspended with the name and address of the person and the date and time of the suspension;

(b) serve on the person a notice of driving suspension in the prescribed form which indicates the duration of the suspension, the date and time from which the suspension takes effect and the reason for the suspension;

(c) where the person surrenders his or her driver's license, give the person a receipt therefor; and

(d) notify the Registrar in writing of the suspension of the driver's license giving the name and address shown on the license and the number of the license, and forward the license to the Registrar.

Early termination of suspension

(5) Where a person's driver's license is suspended under this section and the person forthwith after the suspension

(a) requests and voluntarily submits to a test at a place designated by the peace officer and the test indicates that the proportion of alcohol in the person's blood is less than 50 milligrams in 100 millilitres of blood;

(b) obtains and produces to the peace officer a certificate from a duly qualified medical practitioner stating that the proportion of alcohol in the blood of the person as tested by the medical practitioner subsequent to the commencement of the suspension is not 50 milligrams or more in 100 millilitres of blood; or

(c) requests and voluntarily submits to a test at a place designated by the peace officer and the peace officer concludes, as the result of the test, that the person's ability to operate or have care or control of a motor vehicle is not impaired by a drug or a combination of a drug and alcohol,

the suspension and invalidity of the license is thereupon terminated and the peace officer shall return the person's license, if it has been surrendered to the peace officer, to the person.

Return of license

(6) Repealed by 2013,c.34,s.1(j).

Removal of vehicle

(7) Where, under this section, the license of a person is suspended, if the motor vehicle which the person was driving at the time is in a location from which, in the opinion of the peace officer who requested the surrender of the license, it should be removed, and there is no person with a license easily available to remove the motor vehicle with the consent of the person, the peace officer may remove the motor vehicle or cause it to be removed to a nearby area where parking is permitted and notify the person of its location.

Costs of moving and storage

(8) Where a peace officer requests assistance to remove a motor vehicle under subsection (7), the costs and charges incurred in moving or storing the vehicle, or both, are a lien on the vehicle that may be enforced under the *Garage Keepers' Lien Act* by the person who moved or stored the vehicle at the request of the peace officer.

(9) The written record kept under clause (4)(a) and the notice given to the Registrar under clause (4)(d) shall not be used and is not admissible in any prosecution for driving while the driver's license is suspended.

Use of written record

(10) This section, except for subsections (1), (2), and (3), does not apply to a person who

Application of section

(a) is a graduated driver; or

(b) is under the age of 19 years. 1992,c.32,s.5; 1996,c.19,s.10; 2000,c.11,s.6; 2004,c.5,s.2,3,4; 2006,c.8,s.5; 2009,c.74,s.5; 2010,c.35.s.2; 2013,c.34,s.1.

ADMINISTRATIVE DRIVING PROHIBITION

Notice of driving prohibition

277.2 (1) Where a peace officer has reasonable and probable grounds to believe

(a) by reason of an analysis of the breath or blood of a person, that the person operated a motor vehicle or had care or control of a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood;

(b) that the ability of a driver of a motor vehicle, or a person who has care or control of a motor vehicle, to operate the motor vehicle is impaired by a drug;

(b.1) that the ability of a driver of a motor vehicle, or a person who has care or control of a motor vehicle, to operate the motor vehicle is impaired by a combination of a drug and alcohol; or

(c) that a person failed or refused, without a reasonable excuse, to comply with a demand made on the person under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle,

the peace officer shall

(d) if the person holds a valid license or permit issued under this Act to operate a motor vehicle,

(i) take possession of the person's license or permit if the person has it in his or her possession, and

(ii) serve on the person a notice of driving prohibition; or

(e) if the person

(i) holds a valid document issued in another jurisdiction that allows the person to operate a motor vehicle, or

(ii) does not hold a valid license or permit to operate a motor vehicle,

serve on the person a notice of driving prohibition.

Immediate roadside suspension

(1.1) Where a peace officer serves on a person a notice of driving prohibition under subsection (1), the person's driver's license or permit,

if any, and driving privileges are suspended and invalid for any purpose for a period of 24 hours from the time of service of the notice of driving prohibition, regardless of whether the person surrenders the person's driver's license or permit.

Documents sent to Registrar

(2) If a person referred to in clause (1)(d) is not in possession of his or her license or permit issued under this Act to operate a motor vehicle at the time the person is served with the notice of driving prohibition, the person must promptly send the license or permit to the Registrar.

Content of notice

(3) The notice of driving prohibition must be in the prescribed form and must contain

(a) a statement of the right to have the driving prohibition reviewed by the Registrar under section 277.5;

(b) prescribed instructions describing how to apply for that review; and

(c) a statement that if the person on whom the notice of driving prohibition is served does not apply for a review under section 277.5, the person will be prohibited from operating a motor vehicle for a period of 90 days. 1996,c.19,s.11; 2013,c.34,s.2; 2015,c.7,s.3.

Effect of notice of driving prohibition

277.3 (1) If a person is served with a notice of driving prohibition under

(a) clause 277.2(1)(d),

(i) subject to subsection (2), the notice acts as a temporary driver's license that expires 7 days from the date it is served, and

(ii) despite the fact the person is or may be subject to another prohibition from driving, the person is prohibited from operating a motor vehicle for 90 days effective on the expiration of the temporary driver's license referred to in subclause (i); or

(b) clause 277.2(1)(e), despite the fact the person is or may be subject to another prohibition from driving, the person is prohibited from operating a motor vehicle for 90 days effective 7 days from the date the notice is served.

Existing roadside suspension

(2) If a person is subject to a roadside suspension under subsection (1.1) at the time the person is served with a notice of driving prohibition under section 277.2, the temporary driver's license referred to in subclause (1)(a)(i) is valid only on expiry of the roadside suspension under subsection (1.1).

Class, etc., of temporary license

(3) The temporary driver's license referred to in subclause (1)(a)(i)

(a) is of the same class; and

(b) is subject to all of the same restrictions and conditions,

as the license or permit taken by the peace officer or sent to the Registrar under section 277.2. 1996,c.19,s.11; 2013,c.34,s.3.

277.4 A peace officer who serves a notice of driving prohibition on a person under section 277.2 must promptly forward to the Registrar

Duties of peace officer

(a) the person's license or permit to operate a motor vehicle, if the peace officer took the license or permit into possession;

(b) a copy of the notice of driving prohibition;

(c) a certificate of service in the prescribed form showing that the notice of driving prohibition was personally served on the person subject to the driving prohibition;

(d) a report, in the prescribed form, sworn or solemnly affirmed by the peace officer; and

(e) a copy of any certificate of analysis under section 258 of the *Criminal Code* with respect to the person. 1996,c.19,s.11.

277.5 (1) A person may, within 7 days of being served with a notice of driving prohibition under section 277.2, apply to the Registrar for a review of the driving prohibition by

Review of driving prohibition

(a) filing an application for review with the Registrar;

(b) paying to the Registrar

(i) the prescribed application fee, and

(ii) the prescribed hearing fee; and

(c) if it has not been taken by the peace officer or sent to the Registrar under section 277.2, surrendering to the Registrar his or her license or permit to operate a motor vehicle unless the person completes and files with the Registrar a statutory declaration in the prescribed form stating that the license or permit has been lost, stolen or destroyed.

(2) An application for review must be in the form, contain the information and be completed in the manner, required by the Registrar.

Application

(3) An applicant may attach to the application for review any sworn statements or other evidence that the applicant wishes the Registrar to consider.

Written evidence

(4) The filing of an application for review does not stay the driving prohibition.

Stay

(5) The Registrar is not required to hold an oral hearing unless the applicant

Hearing not required

(a) requests an oral hearing at the time of filing the application for review; and

(b) pays the prescribed oral hearing fees.

(6) If a person requests an oral hearing and fails to appear on the date and at the time and place arranged for the hearing, without prior notice to

Waiver, failure to appear

the Registrar, the right to an oral hearing is deemed to have been waived by the person. 1996,c.19,s.11.

Considerations

277.6 (1) In a review of a driving prohibition under section 277.5, the Registrar shall consider the following information, if available to the Registrar:

(a) any relevant sworn or solemnly affirmed statements and any other relevant information;

(b) the report of the peace officer forwarded under clause 277.4(d);

(c) a copy of any certificate of analysis under section 258 of the *Criminal Code* with respect to the person served with the notice of driving prohibition;

(d) if an oral hearing is held, in addition to the matters referred to in clauses (a) to (c), any relevant evidence given or representations made at the hearing.

Copies

(2) The Registrar may consider a copy of the certificate referred to in clause (1)(c) without proof

(a) of the identity and official character of the person appearing to have signed the certificate; or

(b) that the copy is a true copy. 1996,c.19,s.11.

Decision of the Registrar

277.7 (1) If, after considering an application for review under section 277.5, the Registrar is satisfied that

(a) the person operated or had care or control of a motor vehicle

(i) having consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood,

(ii) while the ability of the person to operate the motor vehicle was impaired by a drug, or

(ii.1) while the ability of the person to operate the motor vehicle was impaired by a combination of a drug and alcohol; or

(b) the person failed or refused, without reasonable excuse, to comply with a demand made on the person under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle,

the Registrar shall confirm the driving prohibition.

Action where evidence does not support prohibition

(2) If, after considering an application for review under section 277.5, the Registrar is satisfied that

(a) the person did not operate or have care or control of a motor vehicle

(i) having consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood,

(ii) while the ability of the person to operate the motor vehicle was impaired by a drug, or

(ii.1) while the ability of the person to operate the motor vehicle was impaired by a combination of a drug and alcohol; or

(b) the person

(i) did not fail or refuse to comply with a demand made on the person under section 254 of the *Criminal Code* in respect of the operation or care or control of a motor vehicle, or

(ii) had a reasonable excuse for failing or refusing to comply with the demand referred to in subclause (i),

the Registrar shall

(c) revoke the driving prohibition;

(d) return any license or permit to operate a motor vehicle taken into possession by the peace officer or sent to the Registrar; and

(e) direct that the application fee be refunded to the applicant.

Decision in writing, copy to applicant

(3) Subject to subsection (4), the decision of the Registrar and the reasons for the decision, must be in writing and a copy must be sent to the applicant within 21 days of the date the notice of driving prohibition was served on the applicant under section 277.2.

Extension of period for decision

(4) If the Registrar is unable to send the decision to the applicant within the 21 day period set out in subsection (3) the Registrar may extend that period for a period determined by the Registrar.

Action where period extended

(5) If the Registrar extends the period for sending a decision to the applicant under subsection (4), the Registrar shall

(a) stay the driving prohibition imposed on the applicant under section 277.3 for the period of the extension determined under subsection (4); and

(b) if the applicant held a valid license or permit issued under this Act to operate a motor vehicle at the time the applicant was served with the notice of driving prohibition under section 277.2, issue to the applicant a temporary driver's license that

(i) is valid on the expiration of the temporary driver's license referred to in subclause 277.3(1)(a)(i); and

(ii) expires with the period of extension determined under subsection (4).

Class, etc., of temporary license

(6) The temporary driver's license issued under clause (5)(b)

(a) is of the same class; and

(b) is subject to all of the same restrictions and conditions,

as the license or permit taken by the peace officer or sent to the Registrar under section 277.2.

Notice of extension

(7) The Registrar shall promptly give the applicant notice of an extension made under subsection (4).

Address

(8) The copy referred to in subsection (3) and the notice referred to in subsection (7) shall be sent to the applicant

(a) at the last known address of the applicant as shown in the records maintained by the Registrar; or

(b) at the address shown in the application for review, if that address is different from the address in the Registrar's records. 1996,c.19,s.11; 2013,c.34,s.4; 2015,c.7,s.4.

CONSUMPTION OF ALCOHOL BY CERTAIN DRIVERS

qualified technician, defined

277.71 For the purposes of section 277.8, "qualified technician" means a qualified technician as defined in subsection 254(1) of the *Criminal Code*. 2009,c.74,s.6.

Consumption of alcohol by certain drivers

277.8 (1) Every person who

(a) is a graduated driver or under the age of 19 years;

(b) is operating or has care and control of a motor vehicle, whether it is in motion or not; and

(c) has consumed alcohol in such a quantity that the concentration in the person's blood exceeds zero milligrams of alcohol in 100 millilitres of blood,

is guilty of an offence.

Breath samples

(2) Where a peace officer believes on reasonable and probable grounds that a person is committing, or at any time within the preceding two hours has committed, as a result of the consumption of alcohol, an offence under subsection (1), the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable,

(a) such samples of the person's breath, as in the opinion of the peace officer, are necessary to enable a proper analysis of the person's breath to be made by means of an approved screening device; or

(b) where the peace officer has reasonable and probable grounds to believe that, by reason of any physical condition of the person,

(i) the person may be incapable of providing a sample of his or her breath, or

(ii) it would be impracticable to obtain a sample of the person's breath,

such samples of the person's blood, under the conditions referred to in subsection (3), as in the opinion of the qualified medical practitioner or qualified technician taking the samples, are necessary to enable the proper analysis to be made in order to determine the concentration, if

any, of alcohol in the person's blood, and to accompany the peace officer for the purpose of enabling such samples to be taken.

Blood samples

(3) Samples of blood may only be taken from a person pursuant to a demand made by a peace officer under subsection (2) if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person.

Offence

(4) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to that person by a peace officer under this section.

(5) Repealed by 2009,c.74,s.7(3). 2006,c.8,s.6; 2009,c.74,s.7.

Further sample of breath

277.9 (1) Subsection (2) applies and subsection (3) does not apply if a peace officer making a demand of a person who is a graduated driver or under the age of 19 years uses one approved screening device or approved instrument for the purposes of section 277.1 and another approved screening device or approved instrument for the purposes of this section, and subsection (3) applies and subsection (2) does not apply if the peace officer uses one approved screening device or approved instrument for the purposes of both section 277.1 and this section.

Application

Provincially approved screening device, etc.

(1.1) For the purposes of this section,

(a) an "approved screening device" includes a provincially approved screening device; and

(b) an "approved instrument" includes a provincially approved instrument,

as set out in the regulations.

Surrender of license

(2) A peace officer may request a person who is a graduated driver or under the age of 19 years to surrender the person's driver's license if, upon demand of the peace officer made under section 277.8, the person fails or refuses to provide a sample of breath or blood or provides a sample of breath or blood that, on an analysis by an approved screening device, or by an approved instrument, produces a result indicating the presence of alcohol.

Idem

(3) A peace officer may request a person who is a graduated driver or under the age of 19 years to surrender the person's driver's license if, upon demand made by the peace officer under subsection 254(2) of the *Criminal Code*, the person

(a) fails or refuses to provide a sample of breath; or

(b) provides a sample of breath that, on analysis, produces a result indicating the presence of alcohol.

24 hour suspension

(4) Where the driver's license of a person who is a graduated driver or under the age of 19 years has been requested for surrender under subsection (2) or (3), the person shall surrender the license to the peace officer requesting it forthwith and, whether or not the person is unable or fails to surrender the driver's license to the peace officer, the person's driver's license and driving privileges are suspended for a period of 24 hours from the time the request for surrender is made.

Further analysis

(5) Where

(a) an analysis

(i) of the breath or blood of a person who is a graduated driver or under the age of 19 years is made under section 277.8, or

(ii) of the breath of a person who is a graduated driver or under the age of 19 years is made in the circumstances referred to in subsection (3); and

(b) the analysis produces a result indicating the presence of alcohol,

the person may require a further analysis to be made by means of another approved screening device or approved instrument, in which case the result obtained on the second analysis governs and any suspension of the person's driver's license and driving privileges under subsection (4) continues or terminates accordingly.

Peace officer to advise of right to further analysis

(6) Where

(a) an analysis

(i) of the breath or blood of a person who is a graduated driver or under the age of 19 years is made under section 277.8, or

(ii) of the breath of a person who is a graduated driver or under the age of 19 years is made in the circumstances referred to in subsection (3); and

(b) the analysis produces a result indicating the presence of alcohol,

the peace officer who made the demand for the sample of breath or blood, as the case may be, shall advise the person of the right under subsection (5) to a further analysis.

Suspension separate from any other proceeding or penalty

(7) The suspension of a driver's license and the suspension of driving privileges pursuant to this section are in addition to and not in substitution for any other proceeding or penalty arising from the same circumstances.

Duties of peace officer

(8) Where, under this section a peace officer requests the surrender of a person's driver's license, the peace officer shall

(a) keep a written record of the license suspended with the name and address of the person and the date and time of the suspension;

(b) serve on the person a notice of driving suspension in the prescribed form which indicates the duration of the suspension, the

date and time from which the suspension takes effect and the reason for the suspension;

(c) where the person surrenders his or her driver's license, give the person a receipt therefor which indicates the place where the driver's license may be recovered upon the termination of the suspension;

(d) notify the Registrar in writing of the suspension of the driver's license giving the name and address shown on the driver's license and the number of the driver's license; and

(e) provide such particulars respecting the taking of the sample of breath and the conduct and results of the analysis as the Registrar may require in relation to the matter.

Removal and storage of vehicle

(9) Where the motor vehicle driven by a person who is a graduated driver or under the age of 19 years whose driver's license and driving privileges are suspended under this section is in a location from which, in the opinion of a peace officer, the motor vehicle should be removed and there is no person easily available who may lawfully remove the vehicle with the consent of the newly licensed driver, the peace officer may remove and store the vehicle or cause it to be removed and stored and shall notify the person of its location.

Costs and charges

(10) The costs and charges incurred in moving and storing a motor vehicle pursuant to subsection (9) shall be paid, before the vehicle is released, by the person to whom the vehicle is released.

Costs of moving and storage

(11) Where a peace officer requests assistance to remove a motor vehicle under subsection (9), the costs and charges incurred in moving or storing the vehicle, or both, are a lien on the vehicle that may be enforced under the *Garage Keepers' Lien Act* by the person who moved or stored the vehicle at the request of the peace officer.

Offence

(12) Every person who, without reasonable excuse, fails or refuses to comply with a demand made to the person by a peace officer under this section, is guilty of an offence.

Proof of breach of condition, offence

(13) Where an analysis of the sample of breath of a person who is a graduated driver or under the age of 19 years has been made for the purposes of section 277.1 or this section by means of any approved screening device or approved instrument and the analysis has produced a result indicating the presence of alcohol, that result shall be, in the absence of evidence to the contrary, proof that the person has breached a condition of his or her driver's license and has committed an offence under subsection 277.8(1).

Intent of suspension

(14) The suspension of a graduated driver's or a person who is under the age of 19 years license and driving privileges resulting from a

conviction of a breach of a condition of a license that has resulted in the commission of an offence under subsection 277.8(1) or by reason of the operation of this section is intended

(a) to ensure that the person acquires experience and develops or improves safe driving skills in controlled conditions; and

(b) to safeguard the holder of the driver's license and the public.

Young drivers, administrative driving prohibition

(15) Where, under this section, the driver's license of a person is suspended, then, in addition to the suspension under this section, the peace officer who requested the surrender of the driver's license of the person shall impose an administrative driving prohibition pursuant to sections 277.2 to 277.7 and those sections shall apply with the necessary changes and, in particular, references in those sections

(a) to 80 milligrams of alcohol in 100 millilitres of blood shall be construed as references to zero milligrams of alcohol in 100 millilitres of blood; and

(b) to a certificate of analysis shall be construed as including a reference to a statement of the result of the test of the sample of breath shown by the approved screening device or approved instrument. 2006,c.8,s.6; 2009,c.74,s.9; 2015,c.7,s.5.

PROCEDURE

Notice of decision of Registrar

278. (1) The Registrar shall, by notice in writing served in the manner prescribed in section 9, notify any person adversely affected by any decision made by him in the exercise of his discretion under any of the sections of this Act mentioned in section 279.

Idem

(2) The notice referred to in subsection (1) shall be delivered or mailed within five days of the date of such decision. R.S.P.E.I. 1974, Cap. H-6, s.263.

Appeal from Registrar's decision

279. (1) Any person who considers himself aggrieved by a decision of the Registrar made under any of the following sections of this Act, namely: section 7, clauses 16(a), (b) and (c), subsection 48(3), clauses 63(a), (b), (e), (f) and (g), clauses 73(1)(d), (e), (g), (i) and (l), subsection 82(5), subsection 125(2), section 258, section 264 and section 265 may within twenty days after service upon him of the notice of such decision appeal from or against such decision to a judge of the Supreme Court, by filing in the office of the Prothonotary at Charlottetown, Summerside or Georgetown, and serving on the Registrar, a notice of appeal setting out the grounds of the appeal.

Date for hearing appeal

(2) Upon filing and serving his notice of appeal, the appellant shall within five days thereafter apply to the judge to fix a date for the hearing

of the appeal, and the judge shall appoint a time for the hearing thereof that shall be not later than fifteen days from the date of such application.

Notice of date of hearing

(3) The appellant shall, not less than eight days before the day fixed for the hearing of the appeal, serve, either personally or by registered mail with postage prepaid for acknowledgement of receipt, upon the Registrar, a notice setting forth the date fixed for the hearing of the appeal.

Order of judge, effect of

(4) The judge on the appeal may make such order as he thinks fit and any order so made shall be binding on the department.

Appellant fails to appear, dismissal

(5) If the appellant fails to comply with subsections (2) or (3) or fails to appear, either in person or by attorney, on the day appointed for the hearing of the appeal, the Registrar may without notice to any other person and without notice to the appellant apply to the judge to have the appeal dismissed, and the judge shall dismiss the appeal. R.S.P.E.I. 1974, Cap. H-6, s.264; 1975, c.27, s.5; 2008,c.20,s.72(40).

Time limit for laying information

280. An information for an offence under this Act or the regulations shall be laid within six months after the offence was committed. R.S.P.E.I. 1974, Cap. H-6, s.265.

Subsequent offences

281. Where a fine or penalty is provided in this Act for the "first", "second", "third" or "subsequent offence," the words "first", "second", "third" or "subsequent" shall, subject to subsection 261(4), relate only to offences committed within any five year period. R.S.P.E.I. 1974, Cap. H-6, s.266; 1990, c.21, s.10; 2003,c.40,s.2.

Reporting conviction

282. (1) Every judge, magistrate and justice of the peace with respect to each conviction made by him for, or each conditional or absolute discharge given by him in respect of, an offence against this Act or the regulations, or the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4 or the regulations thereunder arising out of the operation of a motor vehicle, or under sections 249, 252, 253, 254(5) or 259(4) of the *Criminal Code*, shall forthwith send to the Registrar a record of the conviction.

Prima facie evidence

(2) A copy of the certificate certified by the Registrar is *prima facie* evidence of the conviction and may be given in evidence without proof of the signature of the person certifying or of the convicting judge, magistrate or justice of the peace or of his appointment to office. R.S.P.E.I. 1974, Cap. H-6, s.267; 1978, c.10, s.3; 1987, c.31, s.7; 1991, c.14, s.14; 2009,c.74,s.10.

Convictions and judgments to be certified to Registrar

283. (1) Every magistrate or justice of the peace with respect to convictions made by him under this Act or made by him under the *Criminal Code* having particular relation to motor vehicles or made by

him under a city, town or municipal bylaw involving the use of a motor vehicle in motion, shall cause to be delivered to the Registrar a certified record of the conviction in the form prescribed by the Registrar.

Effect of certificate

(2) Any certificate referred to in subsection (1) is *prima facie* evidence of the conviction and the magistrate or justice of the peace charged with the responsibility of reporting the convictions to the Registrar, is entitled to collect and receive the fee prescribed under the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001 for each certificate, for his costs of notification to the Registrar, which fee shall be paid as part of the court costs by the person convicted.

Transmit copy of order, judgment or conviction to another province etc., defendant is non-resident

(3) If the defendant is not a resident of this province but resides in another province of Canada or in the United States of America the Registrar shall transmit to the proper officer, if any, in charge of the registration of motor vehicles and the licensing of drivers in the province or state in which the defendant resides, a certificate of the order, judgment or conviction. R.S.P.E.I. 1974, Cap. H-6, s.268; 1972, c.20, s.16; 1991, c.14, s.15; 2012,c.10,s.5.

DEMERIT POINT SYSTEM

Demerit point system

284. The Lieutenant Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under the system may provide for the cancellation and suspension of licenses and may require the attendance of any driver before any official of the department to show cause why his license should not be cancelled or suspended. R.S.P.E.I. 1974, Cap. H-6, s.269.

RESPONSIBILITY FOR ACCIDENTS

Owner's and driver's responsibility

285. Repealed by 2008,c.17,s.4. R.S.P.E.I. 1974, Cap. H-6, s.270; 1981, c.17, s.13; 2008,c.17,s.4.

Onus of proof

286. (1) Subject to subsection (2), when loss or damage is sustained by any person by reason of a motor vehicle upon a highway the onus of proof that the loss or damage did not arise through the negligence or improper conduct of the owner or driver is upon the owner or driver.

Exception

(2) Subsection (1) does not apply to an owner who, in relation to the motor vehicle referred to in that subsection,

(a) is a conditional seller, lender or seller; and

(b) was not in possession of the motor vehicle when the loss or damage was sustained.

Definitions

(3) For the purposes of subsections (2) and 287(2),

(a) "conditional seller" means a person who, in the ordinary course of the person's business, enters into an agreement with another person for the conditional sale or lease of a motor vehicle with a right of purchase on the performance of the conditions set out in the agreement and an immediate right of possession in the conditional buyer or lessee, and includes a person to whom the conditional seller has assigned the agreement; conditional seller

(b) "lender" means a person who holds a security interest in a motor vehicle through a written security agreement and under that agreement has lent money to a person in respect of the motor vehicle, and includes a person to whom the lender has assigned the agreement; lender

(c) "security agreement" and "security interest" mean a security agreement and a security interest as defined in the *Personal Property Security Act* R.S.P.E.I. 1988, Cap. P-3.1, or the equivalent terms under personal property security legislation of another province; security agreement and security interest

(d) "seller" means a person who holds a security interest in a motor vehicle through a written security agreement and who sells the motor vehicle to another person under a written contract, and includes a person to whom the seller has assigned the contract. R.S.P.E.I. 1974, Cap. H-6, s.271; 2013,c.14,s.6. seller

287. (1) Subject to subsection (2), in an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway, every person driving the motor vehicle who is living with and as a member of the family of the owner thereof and every person driving the motor vehicle with the consent, expressed or implied, of the owner thereof shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this subsection relieves any person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for such damages. Members of owner's family etc. deemed agents

(2) Subsection (1) does not apply where the owner, in relation to the motor vehicle referred to in that subsection, Exception

(a) is a conditional seller, lender or seller; and

(b) was not in possession of the motor vehicle when the loss or damage was sustained. R.S.P.E.I. 1974, Cap. H-6, s.272; 2013,c.14,s.7.

288. No penalty or imprisonment shall be a bar to the recovery of damages by an injured person. R.S.P.E.I. 1974, Cap. H-6, s.273. Penalty no bar to action

Limitation of action

289. (1) Subject to the provisions of this section no action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of two years from the time when damages were sustained.

Fatal Accidents Act

(2) Where death is caused, the action may be brought within the time limited by the *Fatal Accidents Act* R.S.P.E.I. 1988, Cap. F-5.

Transitional limitation period

(3) Subject to subsection (2), where, before April 1, 2004, damages were occasioned by a motor vehicle, no action shall be brought against a person for the recovery of those damages after the earlier of

(a) the day that is the sixth anniversary of the day on which the damages were sustained; and

(b) April 1, 2006. R.S.P.E.I. 1974, Cap. H-6, s.274; 2003,c.1,s.11.

MISCELLANEOUS OFFENCES

General offence

290. It is an offence for any person to do any act forbidden or fail to perform any act required by this Act or the regulations. R.S.P.E.I. 1974, Cap. H-6, s.276.

Obstruction

290.1 No person shall obstruct or attempt to obstruct any peace officer, inspector or other person engaged in the lawful execution of his or her powers and duties under this Act or the regulations. 2003,c.39,s.6.

Glaring light

291. No person shall place or maintain any artificial light of any kind so as to project a glaring or dazzling light towards approaching traffic on any highway. R.S.P.E.I. 1974, Cap. H-6, s.277.

Hand-held devices holding or use prohibited while driving

291.1 (1) No person shall drive 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.

Hands-free mode allowed

(2) Notwithstanding subsection (1), a person may drive a motor vehicle on a highway while using a device described in that subsection in hands-free mode.

Exceptions

(3) Subsection (1) does not apply to

(a) the driver of an ambulance, fire department vehicle or police vehicle;

(b) a peace officer, other than a police officer, who is driving a motor vehicle in the discharge of his or her duties;

(c) any other prescribed persons or class of persons;

(d) a person holding or using a device prescribed for the purpose of this subsection; or

(e) a person engaged in a prescribed activity or in prescribed conditions or circumstances.

Idem

(4) Subsection (1) does not apply in respect of the use of
(a) a device to contact ambulance, police or fire department emergency services; or
(b) a device that is linked to a non-public shortwave radio communication system.

Idem

(5) Subsection (1) does not apply if
(a) the motor vehicle is off the roadway and is not in motion; or
(b) the motor vehicle is lawfully parked on the roadway.

Regulations

(6) The Lieutenant Governor in Council may make regulations,
(a) prescribing devices for the purpose of subsection (1);
(b) prescribing persons, classes of persons, devices, activities, conditions and circumstances for the purpose of subsection (3). 2009,c.9,s.2.

Funeral processions

292. (1) Whenever a person operating a motor vehicle approaches a funeral procession, he shall reduce his speed to one-half the posted speed limit.

Rates of speed for funeral processions

(2) Funeral processions on the highway other than within the limits of any city, town, community, or built up area, shall proceed at rates of speed consistent with normal traffic.

Passing prohibited

(3) In no case shall the driver of any vehicle attempt to pass through any funeral procession. R.S.P.E.I. 1974, Cap. H-6, s.278.

Riding on fenders, etc.

293. No driver of a motor vehicle shall permit a person to, and no person shall, ride on a motor vehicle in a manner that is unsafe or dangerous, or on the hood, fenders, truck bed or running boards of a motor vehicle driven on a roadway, except as otherwise provided in this Act. R.S.P.E.I. 1974, Cap. H-6, s.279; 2009,c.8,s.2.

Removing number plate

294. No person shall, without the authority of the owner, remove a number plate from a vehicle registered under this Act. R.S.P.E.I. 1974, Cap. H-6, s.280.

Driving horse or carriage while under influence of liquor

295. A person in charge of a vehicle, other than a motor vehicle, or of a horse or other animal used as a means of conveyance, travelling or being on a highway, who is, through drunkenness, unable to ride or drive the same with safety to other persons travelling or being upon a highway, is guilty of an offence. R.S.P.E.I. 1974, Cap. H-6, s.281.

Splashing pedestrians

296. No person shall while operating a vehicle upon a highway splash pedestrians or other persons with water, slush or mud. R.S.P.E.I. 1974, Cap. H-6, s.282.

Offence for refusal to take breathalyzer test

297. Repealed by 2009,c.74,s.11. R.S.P.E.I. 1974, Cap. H-6, s.283; 2009,c.74,s.11.

Vehicle purchased outside province

298. Where a person living in this province purchases or acquires any motor vehicle, trailer or semi-trailer outside this province, he shall register it with the department within ten days of bringing it into this province, and shall comply with the requirements of the department and pay the department the fees prescribed under this Act. R.S.P.E.I. 1974, Cap. H-6, s.284.

General power to make regulations

299. For the purpose of carrying into effect the provisions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations not inconsistent with this Act as may be considered necessary or advisable, which shall be published in the Gazette, and have the same force and effect as if incorporated herein. R.S.P.E.I. 1974, Cap. H-6, s.285.

Application of penalties in Schedule

300. (1) Unless otherwise provided by this Act, any person convicted of an offence against this Act shall be adjudged to pay a fine of an amount not more than the maximum nor less than the minimum amount prescribed for that offence in the Schedule and in the Schedule appearing opposite the number or letter or both of the section, subsection or clause and the statement of the offence.

Definition of terms

(2) The terms “Max.” and “Min.” wherever used in the Schedule mean “Maximum” and “Minimum” respectively. R.S.P.E.I. 1974, Cap. H-6, s.286; 1994, c.25, s.23; 1994,c.58,s.5.

Penalty where not provided for elsewhere

301. A person who violates any provision of this Act or any regulation made hereunder, if no other penalty is provided herein is liable, on summary conviction, to a fine of not less than $100 and not more than $500. R.S.P.E.I. 1974, Cap. H-6, s.287; 1985, c.19, s.19; 1994, c.25, s.24; 2008,c.17,s.5; 2009,c.8,s.3.

Imprisonment in default of payment of fine

302. Repealed by 1994,c.58,s.5. R.S.P.E.I. 1974, Cap. H-6, s.288; 1994,c.58,s.5.

Judge or magistrate’s discretion to acquit or reprimand

303. In any prosecution for an offence against this Act, if the judge or magistrate is satisfied from the evidence that the offence charged occurred through accident or under circumstances not attributed to the fault of the accused, the judge or magistrate may, notwithstanding anything in this Act contained, instead of imposing the penalty in this

Act provided for the offence, either acquit or reprimand the accused. R.S.P.E.I. 1974, Cap. H-6, s.289.

Disposition of fines

304. Any pecuniary penalty prescribed for a violation of any of the provisions of this Act shall when recovered be appropriated as follows:

(a) the penalty belongs to the city, town or incorporated community wherein the offence was committed in cases where the prosecutor is a police officer, constable or peace officer of such city, town or incorporated community; and

(b) in all other cases, the penalty belongs to the province and forms part of the revenue thereof and shall be paid over into the Operating Fund. R.S.P.E.I. 1974, Cap. H-6, s.290.; 1997,c.20,s.3

MUNICIPAL POWERS

Speed in parks

305. Subject to section 176, the authority having jurisdiction over a park or parkway may by bylaw, rule or regulation, fix and enforce the rate of speed of motor vehicles within the park or parkway; the authority shall by signs at each entrance to the park and along the parkway, conspicuously indicate the rate of speed. R.S.P.E.I. 1974, Cap. H-6, s.291.

Speed regulated by traffic authority

306. (1) Subject to section 176, a traffic authority may by bylaw or regulation fix and enforce the rate of speed of motor vehicles within its jurisdiction, but the speed limit shall be fixed at not less than thirty kilometres per hour, except at intersections, section 305 respecting traffic signs applies with the necessary changes to this section.

Posting of speed limits

(2) Traffic signs indicating speed limits fixed by a traffic authority pursuant to subsection (1) shall post the speed limit in kilometres per hour. R.S.P.E.I. 1974, Cap. H-6, s.292; 1977, c.16, s.15; 1978, c.10, s.4.

Offence

307. Any violation of a bylaw, rule or regulation made under section 305 or 306 shall be deemed to be an offence against clause 176(1)(b). R.S.P.E.I. 1974, Cap. H-6, s.293.

Speed tests, races, etc., set aside by traffic authority

308. Notwithstanding the provisions of this Act, a traffic authority may by regulation or special resolution set aside for a specified time a specified public highway within its jurisdiction or part of such highway, for speed tests, races or other special purposes to be conducted under proper restrictions and supervision. R.S.P.E.I. 1974, Cap. H-6, s.294.

Speed of heavy vehicles, regulated by traffic authority

309. Subject to the provisions of this Act, a traffic authority having jurisdiction over any paved roadway may regulate the speed at which motor vehicles, or any class of motor vehicle, the weight of which, unloaded, exceeds 2.5 t, may be driven thereon. R.S.P.E.I. 1974, Cap. H-6, s.295; 1978, c.10, s.8.

Traffic authority may make certain bylaws

310. (1) A traffic authority may make bylaws or regulations not inconsistent with this Act respecting

(a) parking of vehicles;
(b) one way streets;
(c) pedestrian traffic;
(d) safety zones;
(e) the prevention of unnecessary noise from motor vehicles;
(f) traffic on the streets in the vicinity of public schools;
(g) traffic at intersections;
(h) traffic lanes;
(i) the right of way of one vehicle over another or of a pedestrian over a vehicle, or conversely;
(j) the directions that vehicles must follow on certain streets or roadways;
(k) traffic signs;
(l) heavy trucks,

and the power to regulate shall include the power of prohibition incidental to regulation.

Penalties, may impose

(2) A traffic authority may impose penalties for violations of any bylaw or regulation made under the provisions of this section or of sections 308 or 309. R.S.P.E.I. 1974, Cap. H-6, s.296; 1990, c.21, s.11.

Uniformity of signs, procedure for attaining

311. Notwithstanding section 310, for the purpose of providing, so far as is practical, uniformity as to type and location of official signs, traffic-control devices and traffic-control signs, throughout this province, no traffic authority or other authority shall place or erect any traffic signs or signals or any markings unless they conform to specifications approved by the Minister. R.S.P.E.I. 1974, Cap. H-6, s.297; 1980, c.2, s.3.

PART X
REGULATIONS

Specific powers to make regulations

312. Without thereby limiting the generality of any of the provisions of this Act, the Lieutenant Governor in Council may make regulations

(a) prescribing the equipment for vehicles, and the inspection, testing, adjustment, display, and use of the equipment including number plates, lamps, warning bells, horns and gongs, warning signals, mechanical and other signalling devices, windshields, mirrors, brakes, fenders, exhaust pipes, mufflers, muffler cut-outs, and other devices and equipment whether of the same or of a different kind to those expressly mentioned;
(a.1) providing for the regulation of the training and testing of drivers of motor vehicles and of persons and firms engaged in the training and testing of drivers of motor vehicles;

(b) dividing vehicles into various classes, prescribing conditions governing the registration and operation of each class and providing penalties for violations of such regulations;
(b.1) regulating the repairing of motor vehicles on highways;
(c) providing for the granting of permits for the temporary operation upon the highways of vehicles with or without load by any person for the purpose only of their transportation from one place in the province to another, without being registered or licensed pursuant to this Act;
(c.1) prescribing fees for anything done or permitted to be done under the regulations including fees for the reinstatement of a driver's license that has been suspended or cancelled;
(d) providing for the keeping of a record in all motor vehicle repair shops and garages of repairs made therein to the body, hood, radiator, fenders, running-board or wheels of any motor vehicle, and for the giving of notices and the supplying of information to any police officer or a security police officer respecting the repairs so made including notices respecting any motor vehicle on which marks are found that have the appearance of or in any way resemble bullet marks or blood stains;
(d.1) regulating the construction and equipment of school buses, and the driving, operation, and use upon any highway of school buses;
(e) providing for the type and class of motor vehicle that may be let for hire, and the equipment required to be installed thereon;
(e.1) providing for the operation of a vehicle upon the highways under a temporary permit issued by the department or by a person so authorized by the department;
(f) controlling the construction, establishment and operation of drive-in theatres and requiring the owners or operators of drive-in theatres to provide and maintain such entrances and exits and facilities for the safe movement of traffic to and from a highway as he may consider advisable;
(f.1) requiring and providing for the inspection, on an annual or other basis as specified in the regulations,of every motor vehicle, trailer, semi-trailer, and pole trailer registered under this Act;
(f.2) controlling the movement on a highway of implements of husbandry and special mobile equipment;
(f.3) prescribing inspection standards for vehicles to be designated as rebuilt vehicles;
(g) providing for the issuance of certificates of inspection for all vehicles that pass such inspection;
(g.1) providing for the administration and enforcement of regulations made under clauses (f.1) to (j);
(h) setting up a number of inspection stations in the province;

(h.1) authorizing the Registrar to accept a certificate of inspection of any other province or state as evidence of proper inspection in this province;
(i) authorizing the Registrar to suspend the registration of any vehicle that is unable to pass the inspection;
(i.1) authorizing the Registrar to issue permits for inspection stations and to prepare and distribute inspection forms, and other materials for use at inspection stations;
(j) generally providing for an organized inspection of all motor vehicles operated on the highways in the province;
(j.1) prescribing the signals to be used by traffic officers engaged in regulating traffic;
(k) regulating the parking, standing or waiting of vehicles on highways, in order to facilitate snow ploughing, snow removal or street cleaning;
(l) regulating the leading or driving of horses, cattle, sheep and other animals on highways;
(m) regulating the issue of certificates to instructors;
(n) prescribing the qualifications required to be met by an instructor before a certificate is issued to him in accordance with regulations;
(o) regulating the conditions under which an instructor may instruct persons learning to drive;
(p) prescribing the equipment for dual-control training vehicles and other motor vehicles to be used by instructors in the instruction of persons learning to drive;
(q) prohibiting any person from advertising or otherwise holding himself out for gain or reward as an instructor or instructing person for gain or reward if he does not hold a certificate in accordance with regulations;
(r) prescribing the size and nature of tires used on vehicles;
(s) limiting the rate of speed of any vehicle passing over a bridge, causeway or viaduct;
(t) regulating or permitting the use or movement on a highway of a vehicle having a tire that has on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber that projects beyond the tread of the traction surface of the tire;
(u) prescribing standards for motor vehicles in conformity with the standards for automotive vehicles established by the Canadian Standards Association;
(v) prescribing standards for brake fluids for use in motor vehicles in conformity with the standards and specifications established by the Society of Automotive Engineers Incorporated;

(w) requiring persons whose driving privileges, including a driver's license, have been suspended under the demerit point system established under this Act to take a driving course prescribed by regulation approved pursuant to clause (x); and

(x) prescribing the operation, standards and procedures of a driver improvement course;

(x.1) prescribing standards and specifications for bicycle safety helmets in accordance with the standards and specifications for bicycle safety helmets established by the Canadian Standards Association or other recognized safety organization;

(x.2) providing for and requiring the identification and marking of bicycle safety helmets;

(x.3) exempting any person or class of persons from the requirements of clause 194(2)(a.1) and prescribing the conditions for exemption;

(y) prescribing the operation, standards and procedures of a rehabilitation program for drivers who are convicted of impaired driving, requiring persons who are convicted under section 253 or subsection 254(5) of the *Criminal Code* to take the rehabilitation program, and prescribing that any person required to take the rehabilitation program who fails to take the rehabilitation program may be suspended under section 264;

(y.1) providing for the recognition of driver rehabilitation programs operated in other jurisdictions for drivers convicted of impaired driving or refusal under section 253 or subsection 254(5) of the *Criminal Code* where the driver rehabilitation program is equivalent to a program approved pursuant to clause (y);

(z) prescribing and regulating the licensing of driving instructors and driving schools, and without limiting the generality thereof, prescribing and regulating the curriculum and operational procedures of driving schools, the liability and instructional qualification standards of driving instructors;

(z.1) prohibiting or regulating the use of a cellular telephone, headphones, mp3 player or any other electronic device by any person while operating a motor vehicle.

(aa) prescribing the form and content of the notice of driving prohibition for the purpose of section 277.2;

(aa.1) prescribing the form and content of notices of driving suspension for the purposes of sections 277.1 and 277.9;

(aa.2) prescribing the form and content of combined notices of driving suspension and prohibition for the purposes of

(i) subsection 264.1(2),

(ii) subsections 277.1(3) and (4) and section 277.2, or

(iii) subsections 277.9(4) and (8) and section 277.2;

(bb) prescribing the form and content of the certificate of service for the purpose of clause 277.4(c);
(cc) prescribing the form and content of the peace officer's report for the purposes of clauses 277.4(d) and clause 255.3(1)(c);
(dd) prescribing application and hearing fees for the purposes of sections 277.5, 255.5, 255.8 and 255.9;
(ee) prescribing the form and content of a notice of impoundment for the purpose of subsection 255.3(3);
(ff) prescribing the form of statutory declarations for the purposes of subsections 277.5(1), 255.1(4) and 255.4(6);
(gg) prescribing the vehicle release fee for the purpose of subsection 255.9(4) R.S.P.E.I. 1974, Cap. H-6, s.298; 1975,c.45,s.16; 1975,c.71,s.7; 1976,c.2,s.6; 1981,c.17,s.14; 1987,c.31,s.7; 1996,c.19,s.12; 2000,c.11,s.7; 2002,c.13,s.11; 2006,c.8,s.7; 2009,c.74,s.4(2),12; 2006,c.16,s.63(5)(h); 2012(2nd),c.12,s.6.

Effect of violation of regulation

313. A violation of any regulation made under this Act shall be deemed to be a violation of this Act. R.S.P.E.I. 1974, Cap. H-6, s.299.

PART XI
COMPULSORY THIRD PARTY INSURANCE

Insured motor vehicle

314. (1) A motor vehicle is an insured motor vehicle within the meaning of this Act if the owner of the motor vehicle

(a) is insured pursuant to section 234 of the *Insurance Act*; or
(b) has deposited the bond of a guarantee insurance or surety company, duly authorized to carry on business in the province, payable to the Treasurer in a form approved by the Minister and conditioned for the payment of the amounts specified in section 234 of the *Insurance Act*.

Cancellation of bond, limitations

(2) A bond referred to in clause (1)(b) shall not be cancelled or permitted to expire except after the owner has given ten day's written notice thereof to the Minister; failure to comply with this subsection is an offence.

Registrar not to register, unless

(3) The Registrar shall not register a motor vehicle under this Act until he is satisfied that it is an insured motor vehicle. 1975, c.45, s.17; 1975, c.71, s.8; 1980, c.25, s.4; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4; 2010,c.31,s.3.

Evidence of insurance

315. Evidence that a motor vehicle is an insured motor vehicle shall be deemed to be given on the production of

(a) a motor vehicle liability insurance card as prescribed by subsection 216(8) of the *Insurance Act*; or

(b) the certificate of the Treasurer that a bond has been made pursuant to section 314. 1975, c.45, s.17; 1975, c.71, s.8; 1980, c.25, s.5; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4; 2010,c.31,s.3.

Suspension upon notice of offence in another province

316. (1) Upon receipt by the Registrar of official notice that the holder of a driver's license under this Act, has been convicted, or forfeited his bail, in any other province, territory or state in respect of an offence, which, if committed in Prince Edward Island would have been, in substance and effect, an offence under, or a violation of the following provisions of law:

(a) an accident having occurred, failing to remain at the scene of the accident in violation of section 232 of this Act;

(b) such offence against public safety on highways as may be designated by the Lieutenant Governor in Council; or

(c) sections 220, 221, 236, 249, 252, 253 and subsection 254(5) of the *Criminal Code* involving the use of a motor vehicle;

the Registrar shall suspend or cancel every driver's license of such person issued pursuant to this Act.

Duration

(2) The suspension or cancellation of a driver's license imposed by the Registrar pursuant to subsection (1) shall be for the minimum period for which it could have been suspended or cancelled if he had been convicted of the equivalent offence in the province and shall have effect from the date of conviction.

Duration of suspension

(3) Every license suspended or cancelled pursuant to this section shall remain so suspended or cancelled and shall not thereafter be renewed, nor shall any new license be thereafter issued to a person so convicted or who has forfeited his bail until

(a) he has satisfied any penalty imposed by the court in respect of that offence and the period of suspension or cancellation imposed under this section has expired; or

(b) his conviction has been quashed. 1975, c.45, s.17; 1975, c.71, s.8; 1976, c.2, s.7; 1981, c.17, s.15; 1987, c.31, s.7; 1990, c.21, s.12; 1991,c.14,s.16; 2009,c.74,s.13.

Registrar may suspend permit if insurance cancelled

317. (1) Where the policy of insurance or surety bond required by this Part has been cancelled or terminated in respect of any motor vehicle or a motor vehicle liability policy expires in respect of any motor vehicle, the Registrar may, by notice in writing to the owner thereof, suspend the registration permit and require the owner to return the permit and the number plates issued in respect of that motor vehicle.

Peace officer may secure possession

(2) Where the owner fails to return the permit and number plates, the Registrar may direct any peace officer to secure possession thereof and return them to the office of the Registrar. 1977, c.16, s.16.

Transfer of suspended permit

318. Where the registration permit issued in respect of any motor vehicle has been suspended, the permit shall not be transferred nor the motor vehicle registered in the name of any new owner until the Registrar is satisfied that the transfer or registration is proposed in good faith and not for the purpose or with the effect of defeating the purpose of this Act. 1977, c.16, s.17.

Abstract of operating record

319. (1) The Registrar shall, upon request, in person or in writing and on payment of the prescribed fee

(a) furnish to any insurer or surety a certified basic abstract of the operating record of any person who is making application for insurance or coverage or who is currently insured or covered in respect of an insured motor vehicle;

(b) furnish to any person a certified basic abstract of the operating record of that person.

Contents of basic abstract

(1.1) A certified basic abstract shall fully set out

(a) the accident records of the person to whom it relates for a period of 5 years, where the accident involved a collision;

(b) the record of any conviction of the person for a violation of the Criminal Code relating to the operation of a motor vehicle, for a period of 5 years;

(c) the record of any conviction of the person for a violation of an enactment relating to the operation of a motor vehicle, for a period of 3 years; and

(d) the record of any unsatisfied judgment against the person relating to a motor vehicle accident,

according to the records of the Registrar and, if there is no record of an accident or conviction for the period specified in clauses (a) to (c), or an unsatisfied judgment referred to in clause (d), in respect of the person in the office of the Registrar, the Registrar shall certify that fact.

Premium abstract

(1.2) The Registrar shall, upon request, in person or in writing and on payment of the prescribed fee, furnish a certified premium abstract of a person's operating record

(a) to the person to whom the operating record relates; and

(b) with the written consent of the person referred to in clause (a), to any insurer or surety to whom the person is making application for insurance or coverage or by whom the person is currently insured or covered in respect of an insured motor vehicle.

Contents of premium abstract

(1.3) A certified premium abstract shall fully set out, in accordance with the regulations,

(a) the complete record of accidents involving collisions in respect of the person to whom it relates;

(b) the complete record of any conviction of the person for a violation of any enactment relating to the operation of a motor vehicle;

(c) the complete record of any conviction of the person for a violation of the *Criminal Code* relating to the operation of a motor vehicle;

(d) the record of any unsatisfied judgment against the person relating to a motor vehicle accident;

(e) all courses successfully completed by the person that relate to the safe operation of a motor vehicle; and

(f) any other driving record of the person that is in the custody or control of the Registrar,

according to the records of the Registrar and, if there is no record of an accident, conviction or unsatisfied judgment in respect of the person, the Registrar shall certify that fact.

Request by insurer, contents

(2) A request made by an insurer, under subsection (1) or (1.2), shall specify the driver license number of the person about whom the inquiry is being made. 1975,c.45,s.17; 1975,c.71,s.8; 1978,c.10,s.5; 1994,c.25,s.25; 2000,c.11,s.8; 2015,c.7,s.6.

Commercial vehicle insurance

320. (1) In addition to the minimum level of insurance required in respect of a motor vehicle liability policy under subsection 234(1) of the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4, the Minister may require commercial vehicles specified in the regulations to be covered with any or all of the following types of insurance to the amounts specified in the regulations:

(a) public liability;

(b) property damage;

(c) cargo insurance; or

(d) passenger hazard insurance.

Regulations

(2) The Lieutenant Governor in Council may make regulations governing

(a) commercial motor vehicles to be so insured;

(b) the form and kind of insurance policies;

(b.1) prescribing the minimum amount of insurance considered necessary to safeguard claims of passengers and owners of express freight, goods and chattels in case of accident, damage or loss;

(c) any other matter or thing in connection with such insurance;

(d) the reporting by the insured, the insurer, or an agent of the insurer, of the failure of an insured to renew his motor vehicle liability policy or of any change of risk or coverage in the motor vehicle liability policy by the insured and prescribing that the policy remains in full force and effect with respect to any claimant against

the insurer until notice of the failure to renew has been received by the Registrar;

(e) the cancellation by an insurer of motor vehicle liability policies and notice to the Registrar of such cancellation and the liability of the insurer in respect of a cancelled policy;

(f) the imposition of penalties for the violation of such regulations. 1975,c.45,s.17; 1975,c.71,s.8; 1985,c.19,s.21; 1994,c.25,s.26; 2015,c.7,s.7.

Action in hit and run cases

321. Repealed by 1994,c.27,s.10.
1975,c.45,s.17; 1975,c.71,s.8; 1980,c.25,s.6.

Provisions of Common Law retained

322. Nothing herein shall be construed to take away or curtail or abridge the right of any person to prosecute a civil action for damages by reason of injury to person or property resulting from the negligence of any person. 1975,c.45,s.17; 1975,c.71,s.8 & 11; 1985,c.19,s.22.

Where driver unknown, owner to furnish name

323. (1) When a motor vehicle is operated in violation of this Act or of the regulations made under this Act by a person whose identity is unknown to the Registrar, the registered owner of the vehicle on the request of the Registrar or of any peace officer shall within forty-eight hours of the request, supply the Registrar or the peace officer with the name and address of the person in charge of the vehicle at the time of violation.

Penalty for failure to give name

(2) A registered owner, who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within forty-eight hours after being so requested, shall be liable on summary conviction to the penalty prescribed for the offence of the driver.

Supplying Registrar with name and address of driver of motor vehicle

(3) Where under this section the registered owner of a motor vehicle, at the request of the Registrar or a peace officer, supplies the name of a person who had the motor vehicle with the consent of the owner, that person on the request of the Registrar or of any peace officer shall, within forty-eight hours of the request, supply the Registrar or the peace officer with the name and address of the person in charge of the vehicle at the time of the violation.

Penalty for not supplying name

(4) A person who is requested pursuant to subsection (3) to supply the name and address of the person in charge of the vehicle and who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within forty-eight hours after being so requested is liable on summary conviction to the penalty prescribed for the offence of the driver.

Defence to prosecution

(5) In any prosecution under this section it is a defence if the registered owner or the person who had the vehicle with the consent of the

registered owner, as the case may be, can prove that the vehicle was being operated at the time of the violation without his knowledge or consent, either expressed or implied. 1975,c.45,s.17; 1975,c.71,s.8.

Prohibitions

324. (1) Any person who obtains the registration of a motor vehicle when it is not an insured motor vehicle is guilty of an offence.

Idem

(2) A registered owner of a motor vehicle that is not an insured motor vehicle who

(a) operates that motor vehicle on a highway; or

(b) permits any other person to operate that motor vehicle on a highway,

is guilty of an offence.

Idem

(3) Every person who operates a motor vehicle that is not an insured motor vehicle is guilty of an offence.

Card evidencing insurance on motor vehicle, carrying and producing

(4) Every person who operates a motor vehicle shall carry in the motor vehicle a card in a form approved by the Registrar evidencing particulars of the insurance on the motor vehicle, and such person shall forthwith deliver that card to a peace officer for the inspection of the peace officer, when the peace officer requests him to do so. 1975,c.45,s.17; 1975,c.71,s.8; 1976,c.2,s.8.

Regulations

325. The Lieutenant Governor in Council may make such regulations as he may consider advisable to implement, administer and enforce the provisions of this Part. 1975,c.45,s.17; 1975,c.71,s.8.

Judgment Recovery, settlement of claims

326. Repealed by 1994,c.27,s.10.
1975,c.45,s.17; 1975,c.71,s.8.

Offences

327. (1) Every person who fails to comply with the provisions of this Part is guilty of an offence.

Onus of proof

(2) In any proceedings under this Act or any other Act to determine whether a vehicle is an insured motor vehicle, the onus of proof lies with the registered owner of the motor vehicle. 1975,c.45,s.17; 1975,c.71,s.8.

PART XII
JUDGMENT RECOVERY

Sections **328** to **335** repealed by 1994,c.27,s.10.

PART XIII
GENERAL

Fees may be prescribed for licenses, permits etc.

336. There shall be paid to the department such fees as the Lieutenant Governor in Council may determine for any registration permit, license, certificate or other document issued under this Act or for any service performed or rendered by the Registrar or the department and the payment of the fee so determined shall be a condition precedent to the issue of any such permit, license, certificate or other document and the performing or rendering of any such service. R.S.P.E.I. 1974, Cap. H-6, s.359.

References to *Criminal Code,* updating & including

337. Where, by some or any amendment to the *Criminal Code* and the *Weights and Measures Act* (Canada)

(a) the reference to any offence in any section of either Act is changed; or

(b) an offence involving directly or indirectly motor vehicles or the operation of motor vehicles is added either as a new offence or in substitution for an offence mentioned in any section of either Act,

the Lieutenant Governor in Council may be regulation designate any offence to which clauses (a) and (b) apply to be included in any section of this Act and upon such designation the offence shall be deemed to be included in that section. 2002,c.31,s.3; 2009,c.8,s.4.

SCHEDULE
HIGHWAY TRAFFIC ACT
PENALTIES

* The fines specified in this schedule not more or less than the dollar amounts specified

H T ACT Reference	OFFENCE	PENALTY* Minimum	Maximum
6.1(2)(a)	Presenting false document to obtain photographic identification	200	1000
6.1(2)(b)	Permitting another to use photo identification issued to first person	200	1000
6.1(2)(c)	Using photo identification for purpose of making false representation	200	1000
6.1(2)(d)	Defacing or altering photo identification	200	1000
6.1(2)(e)	Possessing defaced or altered photo identification	200	1000
10(1.1)	Failing to stop when required	200	1,000
10(1.2)	Failing to produce driver's license, registration permit, and to submit to an inspection, etc.	200	1,000
11(1)(a)	Driving		
	passenger vehicle not registered	200	1,000
	special mobile equipment not registered	200	1,000
	commercial vehicle not registered	400	2,000
11(1)(b)	Driving		
	passenger vehicle while registration expired	200	1,000
	special mobile equipment while registration expired	200	1,000
	commercial vehicle while registration expired	400	2,000
11(1)(c)	Driving		
	passenger vehicle while registration suspended	200	1,000
	special mobile equipment while registration suspended	200	1,000
	commercial vehicle while registration suspended	400	2,000
19(1)	Failing to carry or display registration permit	100	500
20(5)(a)	Operating vehicle on a highway which does not display a valid number plate	100	200
20(5)(b)	Operating vehicle on a highway which does not display a valid transit permit issued pursuant to section 52 of the Act	100	200
20(5)(c)	Operating vehicle on a highway which does not display a valid temporary permit issued pursuant to regulations passed under clause 312(c) of the Act	100	200
21(1)(a)	Failing to attach a number plate as required by subsection 21(1.1) or (2)	100	500
21(1)(b)	Failing to fasten a number plate as required by subsection 21(3)	100	500
21(3.1)	Operating vehicle with all or part of number plate concealed or rendered illegible by covering, device, sticker, inscription, sign or other thing	100	500
25	Failing to notify Registrar of change of address	50	500
26	Failing to notify Registrar of change of name	50	500

27	Failing to obtain new plates when old become lost, etc.	100	500
30(1)	Registered owner failing to sign transfer application, deliver permit to transferee, etc	100	500
30(2)	Transferee or assignee failing to register vehicle within seven days of date of transfer or assignment in records of department	100	500
32(2)	repealed by 2010,c.17,s.3(a)		
33(1)	Operating non-resident commercial vehicle not registered in this Province	200	1,000
36	Acting as dealer without Dealer's Trade License Subsequent offence	500 1,000	2,000 3,000
38	Acting as wrecker without Wrecker's License	100	500
40	Using or permitting use of dealer's vehicle without registration	100	500
42(1)(a)	Operating a vehicle with dealer's plate attached	200	1,000
42(1)(b)	Dealer permitting a person to operate vehicle with dealer's plate attached	200	1,000
43	Dealer failing to furnish Registrar with list of demonstrators	100	500
44(1)	Dealer failing to have information displayed	500	2,000
44(2)	Dealer failing to include information on bill of sale	500	2,000
47	Dealer delivering registered vehicle before transfer of registration on records of Department	100	500
48(1)(a)	Dealer or wrecker failing to maintain proper records	100	500
48(1)(b)	Dealer or wrecker failing to report vehicle with serial number, etc. obliterated or defaced, etc.	100	500
48(1)(c)	Dealer or wrecker failing to forward registration permit and plates of wrecked or dismantled vehicle to Registrar	100	500
49	Dealer delivering vehicle to purchaser without proper equipment	100	500
56	Buying, selling, etc. vehicle or engine removed from a vehicle, with defaced, etc. serial number	100	500
57(1)	Defacing, etc. serial or engine number	500	2,000
58(1)	Unlawful altering of odometer reading	1,000	3,000
58(2)	Failing to adjust odometer readings when being repaired or exchanged by a garage	1,000	3,000
59	Using false or fictitious name in application for registration	100	500
60(a)	Operating vehicle not displaying valid number plates	200	1,000
60(b)	Operating vehicle not displaying current registration sticker	200	1,000
61	Lending, etc. registration permit or number plates to person not entitled	200	1,000
62(1)(a)	Altering registration permit, etc.	200	1,000
62(1)(b)	Making, etc. false registration permit or number plate	200	1,000
62(1)(c)	Using, etc. altered, etc. registration permit, etc.	200	1,000
64	Failing to return cancelled, revoked, etc. registration permit or number plates	100	500

68	Driving without being licensed to drive or with a license that is expired or invalid	100	500
69(6)	Contravening a condition or restriction prescribed by a regulation made under subsection 69(1) in respect of a newly licensed driver	200	1,000
70(7)	Applying for driver's license on behalf of another	200	1,000
70(8)	Non-disclosure by applicant of previous refusal	200	1,000
71(5)	Holding another license in addition to P.E.I. driver's license	200	1,000
76(2)	Licensee failing to produce license upon request	200	1,000
77	Licensee failing to return license to Registrar on request	200	1,000
78	Driving other than class of vehicles specified in license	300	1,500
79	Using license issued to another person	300	1,500
80	Unlawful operation under license issued elsewhere	300	1,500
81	Allowing unlicensed person to drive	300	1,500
82(3)	Holder of instruction person driving unaccompanied or accompanied by unauthorized persons	200	1,000
83(1)	Renting vehicle to person not licensed to drive	100	500
83(2)	Renting vehicle to person without inspecting license	100	500
83(3)	Failing to keep record regarding vehicles rented	100	500
84	Failing to notify Registrar of lost driver's license, etc.	100	500
85	Failure of licensee to notify Registrar of change of address	100	500
86	Failure of licensee to notify Registrar of change of name	100	500
89(a)	Display or possession of fictitious, defaced, altered, cancelled or suspended license	200	1,000
89(a)	Defacing or altering driver's license	200	1,000
89(b)	Lending driver's license	200	1,000
89(c)	Person representing as his own driver's license not issued to him	200	1,000
89(d)	Failure to surrender suspended or cancelled driver's license	200	1,000
89(e)	Giving false name or address in application for driver's license	200	1,000
89(e.1)	Failing to comply with ignition interlock imposed by the Registrar on person's driver's license	1,500	2,000
89(e.2)	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	1,500	2,000
89(e.3)	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	1,500	2,000

89(e.4)	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)	1,500	2,000
89(f)	Failing to comply with restriction or condition, other than one respecting ignition interlock, imposed by Registrar on driver's license of person	200	1,000
91	Driving unsafe vehicle or vehicle not properly equipped, etc.	300	1,000
92(2)	Driver failing to wear seatbelt, as required by subsection 92(4.1)	200	500
92(3)	Operating vehicle with child passenger not secured	200	500
92(4)	Passenger failing to wear seatbelt, as required by subsection 92(4.1)	200	500
92(5)	Failing to maintain seatbelt	100	500
92.1(2)	Newly licensed driver holding a valid driver's license for less than one year operating a motor vehicle on a highway while accompanied by more than one passenger who is not an immediate family member of the newly licensed driver	200	1,000
92.1(3)	Newly licensed driver holding a valid driver's license for less than two years operating a motor vehicle on a highway while accompanied by more passengers than may be accommodated in a seating position that has an available seat belt	200	1,000
92.1(4)	Newly licensed driver holding a valid driver's license for less than two years operating a motor vehicle on a highway while accompanied by a passenger who is not wearing a seat belt but is seated in a seating position that has an available seat belt	200	1,000
93(3),(4)	Failure or refusal to have vehicle inspected	100	500
96.1	Displaying white light to rear	100	500
109.1(1)(a)	Operating, during the daylight, a motor vehicle manufactured after November 30, 1989, not equipped with daytime running lights	100	500
109.1(1)(b)(i)	Operating, during the daylight, a motor vehicle manufactured after November 30, 1989, with daytime running lights not illuminated	100	500
109.1(1)(b)(ii)	Operating, during the daylight, a motor vehicle manufactured after November 30, 1989, with daytime running lights emitting a light other than amber or white in colour	100	500
109.1(2)	Operating, at any time, a motor vehicle manufactured before December 1, 1989, with no headlights or headlamps or daytime running lights illuminated	100	500
109.1(3)	Operating, at any time, a motor vehicle manufactured before December 1, 1989, with daytime running lights emitting a light other than amber or white in colour	100	500

115(2),(3)	Operating snow removal equipment or garbage truck not equipped with, or without engaging, amber lights	200	1,000
115.1(1)	Failure to reduce speed when approaching or passing stopped emergency vehicle with lights in operation	200	1,000
115.1(2)	Failure to move into another lane where movement can be made in safety when travelling in same lane as stopped emergency vehicle with lights in operation	200	1,000
119	Selling, etc. equipment not approved by inspector	100	500
120	Selling, etc. approved equipment not marked	100	500
121	Dealer selling new vehicle not conforming to standards required under the Motor Vehicle Safety Act (Canada)	500	2,000
122	Operating vehicle with bald tires	200	1,000
126	Operating or permitting operation of motor vehicle without adequate brakes	200	1,000
127(1)	Operating motor vehicle without horn, etc.	200	1,000
127(2)(a)	Operating motor vehicle with unnecessary noise or squealing tires	200	1,000
127(2)(b)	Operating motor vehicle emitting excessive smoke	200	1,000
127(4)	Emergency vehicle without siren, etc.	200	1,000
127(4.1)	Emergency vehicle using siren unnecessarily	200	1,000
127(5)	Towing vehicle, insufficient safety chain	200	1,000
128	Operating motor vehicle without muffler	200	1,000
129	Operating motor vehicle without proper rear-view mirror	100	500
131(2)	Failing to maintain windshield wiping device in good working order	100	500
132	Operating motor vehicle without proper bumpers	100	500
133	Operating motor vehicle equipped with television set, etc.	100	500
134(a)	Operating vehicle without windshield	100	500
134(b)	Operating vehicle without proper speedometer	100	500
135(2)(a)	Driving motor vehicle equipped with radar warning device	100	500
135(2)(b)	Sale by retail of radar warning device	100	500
136(1)	Operating motor vehicle with solid rubber tires of improper thickness	100	500
136(2)	Operating motor vehicle etc. with metal tires	100	500
136(3)	Operating vehicle with cleats, etc. on tire	100	500
137(1)	Selling, etc. new motor vehicle not equipped with safety glass	100	500
138(1),(2),(5)	Installing improper window glazing	200	1,000
138(6)	Operating vehicle with improper glazing	200	1,000
139(1)	Driving truck, etc. at night without flares, etc.	200	1,000
139(3)	Operating truck, etc. without red flags, etc.	200	1,000
139(4)	Operating vehicle transporting flammable liquids, etc. without carrying red electric lanterns, etc.	200	1,000
140(1)	Stopping disabled truck, etc. on highway without displaying required warning devices, etc.	200	1,000

140(2)	Stopping disabled vehicle carrying flammable liquid, etc. without displaying required warning devices	200	1,000
140(3)	Stopping disabled vehicle of type referred to in section 140 on highway in daylight without displaying required red flags	200	1,000
141	Operating vehicle transporting explosives without required equipment and markings	200	1,000
141.1(1)	Operating right-hand drive vehicle	200	1,000
141.1(3)	Operating right-hand drive vehicle not having prominently displayed on rear the words “RIGHT-HAND DRIVE VEHICLE”	200	1,000
153(1)	Failing to drive to the right	200	1,000
153(2)	Failing to give one-half the roadway	200	1,000
154(1)	Improper passing	200	1,000
154(2)	Failing to give way to passing vehicle	200	1,000
155(1),(2)	Improper overtaking and passing on right of another vehicle	200	1,000
156	Passing when width or weight of vehicle makes it difficult	200	1,000
157	Passing on left when unsafe	200	1,000
158(1)	Driving to left of centre of roadway	200	1,000
158(3)	Vehicle proceeding at less than normal speed not driving in right lane, etc.	200	1,000
158(4)	Failing to drive to right of rotary traffic island	200	1,000
159(b)	Crossing solid line	200	1,000
159(f)	Failing to signal driving from one lane to another	200	1,000
159(g)	Making improper left turn at intersection or into private road or driveway	200	1,000
159(h)	Making improper right turn at intersection	200	1,000
159(i)	Driving in centre lane of three lane roadway	200	1,000
159(j)	Improper passing on roadway with two or more lanes available to traffic heading in same direction	200	1,000
159(k)	Driving in wrong lane contrary to direction of traffic-control device	200	1,000
159(l)	Failing to allow overtaking vehicle to pass	200	1,000
160(1)(a)	Driving on the left when approaching the crest of a grade or a curve	200	1,000
160(1)(b)	Driving on the left when approaching intersection	200	1,000
160(1)(c)	Driving on the left within 30 m of a bridge, etc.	200	1,000
161	Passing in no passing zone or failing to drive to right in zone	200	1,000
162	Following vehicle too closely	200	1,000
163	Failing to leave sufficient space between vehicles in motorcade	200	1,000
164	Driving over intervening space dividing highway into two roadways	200	1,000
165(1)	Failing to enter controlled access highway at proper location	200	1,000
165(2)	Failing to leave controlled access highway at proper location	200	1,000

166	Failing to obey traffic control device	200	1,000
167(1)(a)	Failing to yield right-of-way while turning to other traffic in intersection when green or “go” signal shown	200	1,000
167(2)(a)	Failing to yield right-of-way to pedestrian on roadway or cross walk when green or “go” signal shown at place other than intersection	200	1,000
167(3)(a)	Entering intersection on yellow or amber light	200	1,000
167(3)(b)	Pedestrian crossing roadway while yellow or amber light on at intersection	200	1,000
167(4)(a)	Passing yellow or amber light at place other than intersection	200	1,000
167(4)(b)	Pedestrian crossing roadway while yellow or amber light on at place other than intersection	200	1,000
167(5)(a)	Passing red light or “stop” signal at intersection	200	1,000
167(5)(b)	Pedestrian crossing roadway when facing red light or “stop” signal at intersection	200	1,000
167(6)(a)	Passing red light or “stop” signal at place other than intersection	200	1,000
167(6)(b)	Pedestrian crossing roadway when facing red light or “stop” signal at place other than intersection	200	1,000
167(7)(a)(i)	Failing to obey green arrow at intersection	200	1,000
167(7)(a)(ii)	Entering intersection when green arrow shown and failing to yield right-of-way	200	1,000
167(7)(b)	Pedestrian illegally crossing intersection when green arrow showing	200	1,000
167(8)(a)(i)	Failing to stop when flashing red light on at intersection	200	1,000
167(8)(a)(ii)	Failing to yield right-of-way at intersection when flashing red light on	200	1,000
167(9)(a)(i)	Failing to stop when flashing red light on at place other than intersection	200	1,000
167(9)(a)(ii)	Failing to yield right-of-way to pedestrians at place other than intersection when flashing red light on	200	1,000
167(10)	Failing to yield right-of-way to traffic in intersection when yellow or amber flashing light on	200	1,000
167(11)(a)(ii)	Failing to yield right-of-way to pedestrians at place other than intersection when yellow or amber flashing light on	200	1,000
167(13)	Pedestrian crossing roadway when “wait”, “stop” or “don’t walk” signal shown	200	1,000
168(a)	Entering intersection, etc. against flag signal or other device	200	1,000
169(1)	Failing to erect signs at each end or part of closed or obstructed highway	200	1,000
169(2)	Failing to provide adequate inscription on posted signs	200	1,000
169(3)	Failing to obtain consent of Minister prior to closing or obstructing highway	200	1,000
170(1)	Parking in places reserved for commercial motor vehicles	200	1,000

173	Erecting devices resembling or interfering with traffic control device	200	1,000
174	Placing commercial advertising upon a traffic control device	200	1,000
175	Altering, injuring or removing, etc. traffic control device	200	1,000
176(1)(a)	Driving at speed greater than is reasonable and prudent, etc. Subsequent offence	100 200	500 1,000
176(1)(b)	Driving without due care and attention or without reasonable consideration for other persons	200	500
	Subsequent offence	300	1,000
176(1)(c)	Driving while suffering from disease or disability Subsequent offence	100 200	500 1,000
176(2)(g)	Speeding in municipality Subsequent offence	100 200	500 1,000
177(1)	Slow driving	100	500
177(3)	Failing to obey order to increase speed, pull into curb or remove vehicle from highway	100	500
178(1)	Failing to signal change of direction, etc.	100	500
178(2)	Failing to commence signalling stop or turn 30 m before stopping or turning and to continue signalling, etc.	100	500
180(1)	Driver of left-hand drive vehicle failing to give proper signal	100	500
181(1)	Making improper right turn at intersection	100	500
181(2)	Making improper left turn at intersection	100	500
181(3)	Making improper left turn at intersection from one-way roadway	100	500
181(4)	Making improper left turn at intersection into one-way roadway	100	500
181(5)	Making improper left turn at intersection from one-way roadway into another one-way roadway	100	500
181(6)	Failing to obey traffic-control device at intersection indicating course to be travelled	100	500
182	Making U-turn where prohibited	100	500
183	Moving vehicle when unsafe to do so	100	500
184(1)	Improper turning at intersection	100	500
184(2)	Turning or changing course when unsafe to do so	100	500
184(3)	Improper signal of intention to turn	100	500
184(4)	Stopping or decreasing speed without signalling	100	500
185	Failing to yield right-of-way at intersection	100	500
186	Failing to yield right-of-way to vehicle on the right	100	500
187	Failing to yield right-of-way when entering highway	100	500
188	Failing to yield right-of-way to emergency vehicle	100	500
189	Pedestrian failing to comply with traffic-control signal	100	500
190(1)	Failing to yield right-of-way to pedestrian in crosswalk	200	500
190(2)	Pedestrian failing to yield right-of-way to vehicle	100	500

190(3)	Overtaking and passing vehicle stopped at crosswalk	200	500
191	Pedestrian failing to yield right-of-way to driver at place other than crosswalk	100	500
192(a)	Failing to exercise due care to avoid colliding with pedestrian	100	500
192(b)	Failing to give warning by sounding horn	100	500
192(c)	Failing to observe precaution where child or incapacitated person on highway	300	1,500
193(1)	Walking on roadway when sidewalk provided	100	500
193(2)	Walking on wrong side of road	100	500
193(3)	Standing on roadway to solicit rides, etc.	100	500
194(2)(a)	Riding bicycle on sidewalk	100	500
194(2)(a.1)	Failing to wear bicycle safety helmet or fasten chin strap	100	500
194(2)(b)	Failing to ride bicycle close to edge of highway	100	500
194(2)(c)	Riding bicycle abreast of another bicycle rider	100	500
194(2)(d)	Riding bicycle without at least one hand on handlebars	100	500
194(2)(e)	Riding bicycle and not astride regular seat	100	500
194(2)(f)	Carrying more persons on bicycle than designed for	100	500
194(2)(g)	Carrying object which may interfere with operation or control of bicycle	100	500
194(2)(h)	Riding bicycle on highway where signs prohibit use of bicycles	100	200
194(2)(i)	Riding bicycle on roadway when bicycle path provided	100	200
194(2)(j)	Removing feet from pedals of bicycle	50	100
194.1	Parent or guardian authorizing or knowingly permitting a person under 16 years of age to operate a bicycle without wearing bicycle helmet required	100	200
195	Person attaching on to vehicle on highway	100	500
195	Driver permitting person to attach on to vehicle on highway	100	500
196	Driving through safety zone	100	500
201	Failing to observe yield sign at intersection	100	500
202(1)	Meeting or overtaking school bus when flashing red lights are displayed	1,000	5,000
202(2)(a)	Stopping school bus in improper place	200	1,000
202(2)(b)	School bus delaying other vehicles passing	100	500
202(3)	Failing to have school bus properly marked	100	500
202.2	Driver failing to operate corresponding lights on school bus	100	500
203	Failing to exercise caution when approaching animal on highway	100	500
204(1)	Parking on roadway	100	500
204(2)	Parking so as to obstruct traffic	100	500
205(1)(a)	Parking on sidewalk	100	500
205(1)(b)	Parking in front of driveway or authorized loading zone	100	500

205(1)(c)	Parking within an intersection	100	500
205(1)(d)	Parking too close to fire hydrant	100	500
205(1)(e)	Parking within a crosswalk	100	500
205(1)(f)	Parking within 6 m of an approach side of crosswalk	100	500
205(1)(g)	Parking within 12 m of traffic control signal on side of roadway	100	500
205(1)(h)	Parking too near entrance to or exit from hotel, school, church, etc.	100	500
205(1)(i)	Parking too near safety zone	100	500
205(1)(k)	Parking too near fire station	100	500
205(1)(l)	Parking too near street excavation or obstruction and obstructing traffic	100	500
205(1)(m)	Parking on the roadway side of a stopped or parked vehicle	100	500
205(1)(n)	Parking on a bridge or in a highway tunnel	100	500
205(1)(o)	Failing to observe traffic control device prohibiting stopping or parking	100	500
205(2)	Moving vehicle not lawfully under control into illegal parking place	100	500
206	Failing to park on right side of highway	100	500
206.1	Parking in disabled parking space without valid emblem	100	500
207	Parking so as to cause danger to persons using highway	100	500
208	Parking on highway where vehicle not visible to approaching traffic	100	500
209	Parking vending vehicle on highway	100	500
210(3)	Failing to remove vehicle from Crown lands	100	500
210(9)	Refusing or failing to remove vehicle from highway	100	500
211	Parking unattended vehicle without stopping engine and braking vehicle, etc.	100	500
212	Backing vehicle when unsafe to do so	100	500
213(1)	Driver not riding on regular seat of motorcycle	100	500
213(2)(a)	Passenger riding motorcycle not properly equipped for passengers	100	500
213(2)(b)	Passenger not riding in passenger seat on motorcycle	100	500
213(3)	Permitting passenger to ride on motorcycle illegally	100	500
213(4)	Crash helmets required for driver and passenger on motorcycle	100	500
214(a)	Driving motor vehicle with non-transparent, etc. material on windows, windshield, etc.	100	500
214(b)	Driving motor vehicle with ornaments thereon obstructing vision	100	500
214(c)	Driving motor vehicle with windshield, etc. so covered with snow, etc. as to obscure or obstruct vision	100	500

215(1)	Operating or permitting operation of vehicle with vision obscured or control obstructed by overloading or too many passengers in front seat	100	500
215(2)	Permitting more than two adult persons in front seat, etc.	100	500
215(3)	Passenger occupying position in vehicle interfering with driver's vision or control	100	500
216	Driving vehicle which is too wide	100	500
216	Failing to display permit in conspicuous place inside vehicle	100	500
217	Driving vehicle which is too high	100	500
218	Towing vehicle with drawbar greater than 3.66 m	100	500
219	Vehicle, or combination of vehicles, exceeding certain length	100	500
220	Vehicle, or train of vehicles, with load extending more than 1 m in front	100	500
221	Passenger vehicle carrying load extending beyond line of fenders on left side, or more than 150 mm beyond line of fenders on right side	100	500
222(1)	Failing to load vehicle to prevent dropping, leaking, etc.	100	500
222(2)	Load not securely fastened	100	500
223	Persons obstructing or interfering with traffic	100	500
224	Coasting down grade in neutral or with clutch disengaged	100	500
225(1)	Following emergency vehicle too closely or driving or parking too close to fire apparatus	100	500
225(2)	Driving vehicle over unprotected fire hose	100	500
226(5)	Littering highway or failing to remove litter	300	1,000
227	Driving on sidewalk	100	500
228(a)	Opening door of vehicle on highway	100	500
228(b)	Leaving door of vehicle open	100	500
228(c)	Permitting person to alight from or enter moving vehicle	100	500
228(d)	Alighting from or boarding moving vehicle	100	500
229(1)	Vehicle not equipped with warning devices	100	500
229(2)	Failing to give warning in emergency breakdown	100	500
231(1)(a)	Driving a motor vehicle on highway while racing	300	1500
231(1)(b)	Driving a motor vehicle on highway while performing a stunt	300	1500
232(1)	Failing to stop at accident scene Subsequent offence	500 1,000	2,000 3,000
232(2)	Failing to give name and address, etc. or to exhibit driver's license Subsequent offence	100 250	500 1,000
232(2)	Failing to render assistance to injured person Subsequent offence	500 1,000	2,000 3,000
232(3)-(6)	Failing to report accident Subsequent offence	100 200	500 1,000
232(7)-(9)	Failing to furnish information about accident when requested by Registrar Subsequent offence	200 400	1,000 1,200

234(1)	Garage operator, etc. failing to report vehicle involved in accident, etc.	200	1,000
234.1(6)	Installing rebuilt airbag in motor vehicle	200	1,000
236(2)	Making false statement in report	100	500
237(2)	Driver of emergency vehicle exceeding speed limit and not sounding audible signal or showing flashing red light	100	500
237(3)	Driver of emergency vehicle not proceeding with regard to safety	100	500
237(5)	Unlawfully sounding siren or showing flashing red light	100	500
238	Failing to obey directions of a traffic officer	100	500
239	Knowingly causing another to drive unlawfully	100	500
245(1)	Placing unauthorized sign on highway	200	1,000
246	Altering, defacing, etc., traffic sign	100	500
	Subsequent offence	200	1,000
253(2)	Failing to stop when required	200	1,000
253(3)	Failing to produce driver's license and registration permit	200	1,000
254(1)	Owner of vehicle failing to identify driver	200	1,000
270	Applying for, or possession of, driver's license while disqualified, etc.	100	500
	Subsequent offence	200	1,000
271(1)	Driving motor vehicle while registration suspended	200	1,000
271(1)	Driving while license suspended, etc. Subsequent offence	200 300	1,000 1,500
271(1)	Driving while disqualified Subsequent offence	200 300	1,000 1,500
271(1)	Owner permitting person to drive motor vehicle while registration suspended Subsequent offence	200 300	1,000 1,500
272	Non-resident operating motor vehicle while driver's license suspended or cancelled Subsequent offence	200 300	1,000 1,500
290	Doing any act forbidden or failing to perform any act required by this Act or the regulations	100	500
290.1	Obstructing or attempting to obstruct peace officer, etc.	200	1,000
291	Placing glaring or dazzling light toward traffic on highway	100	500
291.1(1)	Driver driving while holding or using hand-held communication device capable of receiving or transmitting phone calls, electronic data, email or text messages	500	1,200
292(1)	Funeral procession, failing to reduce speed	100	500
292(3)	Funeral procession, unlawful passing	100	500
293	Driver permitting person to ride on hood, fenders, etc. of motor vehicle	100	500
294	Removing number plates from registered vehicle	100	500
295	Driving horse, etc. on highway while drunk	200	1,000
296	Splashing pedestrians	100	500

298	Failing to register vehicle purchased, etc. outside this province within 10 days	100	500
301	Minimum where penalty not provided for elsewhere	100	500
324(4)	Failing to carry and produce valid insurance card to peace officer when requested	600	2,000
327	Failing to comply with Part XI	600	2,000

1994,c.25,s.27; 1995,c.19,s.6; 2001,c.40,s.3; 2001,c.8,s.7; 2002,c.31,s.4; 2002,c.13,s12; 2003,c.39,s.7; 2003,c.8,s.8; 2004,c.5,s.5; 2006,c.32,s.5; 2006,c.8,s.8; 2007,c.7,s.4; 2009,c.9,s.3; 2009,c.8,s.5; 2010,c.32,s.3; 2010,c.33,s.5; 2010,c.17,s.3; 2010,c.18,s.6; 2012,c.18,s.5; 2013,c.14,s.5; 2014,c.32,s.9; 2014,c.33,s.6; 2015,c.7,s.8.