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CHAPTER H-5

HIGHWAY TRAFFIC ACT

DRIVER'S LICENSES REGULATIONS

Pursuant to section 69 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. The following classes of driver's licenses are prescribed and, subject to the Act and these regulations, the holder of a driver's license of one of these classes is authorized to operate only the types of vehicles specified below for that class: Classes of licenses

- (a) Class 1 - authorizes a person to drive
 - (i) any motor vehicle which the holder of a Class 3, 5, 8, and 9 may operate,
 - (ii) any truck-tractor,
 - (iii) any truck-tractor towing a semi-trailer,
 - (iv) any truck-tractor towing a semi-trailer and a trailer;
- (b) Class 2 - authorizes a person to drive
 - (i) any motor vehicle which the holder of a Class 3, 4, 5, 8 and 9 may operate,
 - (ii) any bus with a capacity of more than 24 passengers, including a school bus;
- (c) Class 3 - authorizes a person to drive
 - (i) any motor vehicle which the holder of a Class 5, 8, and 9 may operate,
 - (ii) any motor vehicle exceeding 14,000 kg gross mass, but not including a truck-tractor towing a semi-trailer,
 - (iii) any truck-trailer combination exceeding 14,000 kg gross mass,
 - (iv) any truck tractor without a trailer,
 - (v) any special mobile equipment;
- (d) Class 4 - authorizes a person to drive
 - (i) any motor vehicle which the holder of a Class 5, 8 and 9 may operate,
 - (ii) any ambulance,
 - (iii) any taxi,
 - (iv) any bus with a capacity of fewer than 25 passengers;
- (e) Class 5 - authorizes a person to drive
 - (i) any motor vehicle which the holder of a Class 8 and 9 may operate,

- (ii) any motor vehicle not exceeding 14,000 kg gross mass, except an ambulance, taxi, motorcycle, bus or a truck-tractor,
- (iii) any motor vehicle not exceeding 14,000 kg gross mass towing a vehicle which does not exceed the gross mass of 4,500 kg;
- (f) Class 6 - authorizes a person to drive
 - (i) any motor vehicle which the holder of a Class 8 and 9 may operate,
 - (ii) any motorcycle;
- (g) Class 7 - authorizes a person to drive a motor vehicle requiring a Class 5, 6 or 8 driver's license without holding such a license if the person is receiving instruction in the operation of the motor vehicle and is accompanied by another person who holds a valid driver's license of the class required for the vehicle;
- (h) Class 8 - authorizes a person to drive any moped;
- (i) Class 9 - authorizes a person to drive any farm tractor.
(EC550/02)

Airbrakes

2. (1) No person shall operate on a highway a vehicle that is equipped with airbrakes and that requires a class 1, 2, 3, 4 or 5 driver's license to operate unless the person holds a valid driver's license that is endorsed with the letter "A" by the Registrar of the class required for the vehicle.

School buses

(2) No person shall operate a school bus unless the person holds a Class 2 driver's license that was issued to the person on compliance with the requirements of clause 3(1)(d).

Instruction permit

(3) A Class 7 driver's license is deemed, for the purposes of these regulations, to be an instruction permit referred to in section 82 of the Act. (EC550/02)

Age requirements

3. (1) Every applicant for a driver's license shall

- (a) be at least 18 years of age, subject to clause (d), when applying for any of the following classes of driver's license:
 - (i) Class 1,
 - (ii) Class 2,
 - (iii) Class 3,
 - (iv) Class 4,
 - (v) Class 7;
- (b) be at least 16 years of age, subject to clause 82(1)(b) of the Act, when applying for any of the following classes of driver's license:
 - (i) Class 5,
 - (ii) Class 6,
 - (iii) Class 7,
 - (iv) Class 8;

- (c) be at least 14 years of age when applying for a Class 9 driver's license; or
- (d) be at least 21 years of age when applying to operate a school bus under a Class 2 driver's license and have held a valid driver's license of any class for at least five years preceding the application.

(2) Every applicant for a driver's license shall be tested in a motor vehicle which

- (a) is appropriate to the class of driver's license for which an application has been made; and
- (b) has been approved by the Registrar.

(3) The Registrar shall not issue a Class 1, 2, 3, 4, 5, 6 or 8 driver's license to any applicant who holds a Class 7 license unless the driver applicant

- (a) has completed
 - (i) the Novice Driver Course, or
 - (ii) a driver education course recognized by the Registrar; and
- (b) has complied with the medical and vision reporting cycles and meets the medical standards for Class 1, 2, 3 and 4 as prescribed by the most recent edition of the manual, Medical Standards for Drivers, published by the Canadian Council of Motor Transport Administrators.

(4) The Registrar may waive any of the medical standards pertaining to a particular applicant for any class of driver's license where

- (a) immediately preceding October 1, 1985, the applicant held an operator's license or a chauffeur's license that authorized the applicant to drive a motor vehicle that now requires the class of driver's license for which the application is made;
- (b) the Registrar is satisfied that an applicant would suffer a hardship if denied a particular class of driver's license because of a failure to meet a prescribed standard; and
- (c) the applicant presents evidence satisfactory to the Registrar that the applicant can safely drive a motor vehicle that requires the class of driver's license for which the application has been made. (EC550/02)

4. The holder of a Class 7 driver's license may drive

- (a) a motor vehicle requiring a class 5 driver's license on a highway if the holder of a Class 1, 2, 3, 4, or 5 driver's license, as the case may be, is occupying a seat beside the holder of the Class 7 driver's license for the purpose of giving instruction in driving; or
- (b) a motorcycle or moped on a highway if the holder of a Class 6 driver's license is giving instruction in driving the motorcycle or

Conditions applying to Class 7 driver's license

moped and has the holder of the Class 7 driver's license under direct observation and supervision, and

- (i) the motorcycle or moped is only driven between sunrise and sunset,
 - (ii) no passenger is carried on the motorcycle or moped, and
 - (iii) the motorcycle or moped is driven only within a 30 km radius of the residence of the holder of the Class 7 driver's license.
- (EC550/02)

Conditions applying to Class 5 driver's license

5. The holder of a Class 5 driver's license may drive a motor vehicle requiring a Class 1, 2, 3 or 4 driver's license on a highway if a holder of a Class 1, 2, 3, or 4 driver's license, as the case may be, is occupying a seat beside the holder of the Class 5 driver's license for the purpose of giving instruction in driving. (EC550/02)

Out-of-province license

6. An applicant for a Class 1, 2, 3, 4, 5, 6, or 7 driver's license who holds a valid driver's license issued by another province, state, territory or country to drive a motor vehicle that requires the class of driver's license for which the application is made may be issued a license of the relevant class by the Registrar. (EC550/02)

Newly licensed driver

7. The Registrar may not issue a Class 1, 2, 3 or 4 driver's license to an applicant who is deemed to be a newly licensed driver under subsection 1(2) of the Demerit Point System Regulations made under the Act. (EC550/02)

Exemption to license restrictions

8. The following persons, if issued a Class 5 driver's license, do not require a license of a different class to operate vehicles which ordinarily may only be operated by the holder of the license of a different class:

- (a) any peace officer operating a motor vehicle in the performance of the peace officer's duty;
- (b) any examiner appointed under the Act for the purpose of examining persons;
- (c) any employee or agent of a licensed dealer operating a motor vehicle for the purpose of demonstration;
- (d) any licensed mechanic in the performance of the mechanic's duty;
- (e) any other person authorized by the Registrar. (EC550/02)

Transitional provision

9. A driver's license issued in the three years preceding the coming into force of these regulations is deemed, on the coming into force of these regulations,

- (a) to be a valid driver's license of the appropriate class prescribed by these regulations;

(b) to continue in force, subject to clause (c), unless cancelled, suspended or otherwise invalidated in accordance with the Act and these regulations; and
(c) to expire, subject to clause (b), on the date indicated on the driver's license. (EC550/02)