



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER H-5

HIGHWAY TRAFFIC ACT

ADMINISTRATIVE DRIVING PROHIBITION AND VEHICLE IMPOUNDMENT REGULATIONS

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

- 1.** The notice of impoundment prescribed by section 255.3 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5 shall contain the information set out in Schedule 1. (EC161/00)

Notice of impoundment
- 2.** The statutory declarations prescribed by subsection 255.1(4) and clause 255.4(6)(b) of the *Highway Traffic Act* shall be in the form set out in Schedule 2 and Schedule 3 respectively. (EC161/00)

Statutory declaration
- 3.** The notice of driving prohibition prescribed by subsection 277.2 of the *Highway Traffic Act* shall contain the information set out in Schedule 4. (EC161/00)

Notice of driving prohibition
- 4.** The statutory declaration prescribed by subsection 277.5(1)(c) of the *Highway Traffic Act* shall be in the form set out in Schedule 5. (EC161/00)

Statutory declaration
- 5.** The certificate of service prescribed by subsection 277.4(c) of the *Highway Traffic Act* shall be in the form set out in Schedule 6. (EC161/00)

Certificate of service
- 6.** The reports of the peace officer prescribed by clause 255.3(1)(c) and clause 277.4(d) of the *Highway Traffic Act* shall be in the form set out in Schedule 7 and Schedule 8 respectively. (EC161/00)

Report of peace officer

SCHEDULE 1

NOTICE OF IMPOUNDMENT
 (s.255.3 of the *Highway Traffic Act*)

NAME	(Last)	(First)	(Other)
ADDRESS	(Number & Street)	(Municipality)	(Province) (Telephone)
DRIVER INFO	(License No.)	(Prov.)	(D.O.B.) (Sex)
NSC No.			
VEHICLE INFO	(Plate No.)	(Year)	(Make) (Province)
OWNER INFO	(Name)	(Address)	
LOCATION	DATE	TIME	
	dd	mm	yy

NOTICE OF IMPOUNDMENT
 (s.255.3 of the *Highway Traffic Act*)

This is official notification that the above-noted motor vehicle is being impounded for a period of 30 days **OR** 60 days - *(SEE BELOW) from under the authority of section 255.1 of the *Highway Traffic Act*.

**The period of impoundment is 30 days, except where the registered owner of the motor vehicle was the owner of a motor vehicle that was impounded within two years before the date of impoundment provided for in this notice, in which case the period of impoundment is 60 days (s. 255.2 of the *Highway Traffic Act*).

REASON:

The undersigned peace officer is satisfied that, on or about, you operated a motor vehicle or had care or control of a motor vehicle while you were prohibited from doing so, by reason of the suspension or cancellation of your driver's license, and that you have been convicted, in the past two years, of an offence under subsection 271(1) of the *Highway Traffic Act* or under subsection 259(4) of the *Criminal Code* (Canada).

REVIEW INSTRUCTIONS:

The owner of a motor vehicle has the right to have the impoundment reviewed by the Registrar under section 255.5 of the *Highway Traffic Act*. You may, within 30 days of becoming aware of the impoundment, apply to the Registrar for a review of the impoundment by filing an application for review with the Registrar of Motor Vehicles at Highway Safety Operations, 33 Riverside Drive, Charlottetown or Access PEI, 120 Harbour Drive, Summerside and paying to the Registrar the prescribed fee(s). An application for review must be in the form, contain the information and be completed in the manner required by the Registrar. You may attach to the application for review any sworn statements or other evidence that you wish the Registrar to consider. To ensure all written evidence will be considered by the Registrar, it must be attached at the time of the filing the

Administrative Driving Prohibition and Vehicle Impoundment Regulations

application for review. The Registrar is not required to hold an oral hearing unless you request an oral hearing at the time of filing the application for review and pay the prescribed oral hearing fee. If you request an oral hearing and fail to appear on the date and at the time and place arranged for the hearing, without prior notice to the Registrar, your right to an oral hearing is deemed to have been waived. The filing of an application for a review under section 255.5 of the Highway Traffic Act does not stay the impoundment of the motor vehicle. If you do not apply for a review of the impoundment within 30 days, or if the review is unsuccessful, the motor vehicle will be impounded for the period authorized by section 255.2 of the Highway Traffic Act.

The owner of the motor vehicle shall be responsible to pay all costs and charges in relation to the impoundment and storage of the motor vehicle permitted by subsection 255.4(2) of the Highway Traffic Act, which costs and charges shall constitute a lien on the motor vehicle. Failure to pay such costs and charges may result in the disposal of the motor vehicle under the Garage Keepers' Lien Act or subsection 255.4(6) of the Highway Traffic Act.

Vehicle stored at:

PEACE OFFICER'S NAME (PRINT)

PEACE OFFICER'S SIGNATURE

PIN/BADGE NUMBER POLICE AGENCY

(EC161/00; 360/03)

SCHEDULE 2

**STATUTORY DECLARATION
(Section 255.1(4) of the Highway Traffic Act)**

I (We) of
Name Address

declare that my/our
Year Make VIN

has been stolen.

Declared before me at
in County, Province of Prince Edward Island
this
dd mm yy

.....
Commissioner of Oaths Owner(s)

TO BE COMPLETED BY THE OWNER(S) OF A MOTOR VEHICLE UNDER
IMPOUNDMENT IF THE VEHICLE HAS BEEN STOLEN. IF AT ANY TIME BEFORE
A REVIEW IS CONDUCTED, THE REGISTRAR IS SATISFIED THAT THE MOTOR
VEHICLE IMPOUNDED IS STOLEN PROPERTY, THE REGISTRAR SHALL THEN
DIRECT THAT A PEACE OFFICER ORDER THE PERSON WHO HAS CUSTODY OF
THE MOTOR VEHICLE TO RELEASE THE MOTOR VEHICLE TO THE OWNER(S)
OR A PERSON AUTHORIZED BY THE OWNER(S).
(EC161/00)

SCHEDULE 3

STATUTORY DECLARATION (Section 255.4(6)(b) of the *Highway Traffic Act*)

I, of
Lienholder Address

declare that the amount of the lien on the
Year Make Vin
registered to exceeds the lienholder's estimate of the
Owner's Name
value of the vehicle, and I also declare that I have, at least 14 days before the date of this
declaration, sent to the registered owner(s) of the motor vehicle, by ordinary mail, a notice
that I intend to dispose of the vehicle if the lien is not paid.

Declared before me at
in County, Province of Prince Edward Island
this.....
dd mm yy

.....
Commissioner of Oaths Lienholder

If a motor vehicle impounded under section 255.1 of the *Highway Traffic Act* remains impounded for at least 90 days after the expiration of the impoundment period, the person who has custody of the motor vehicle shall not dispose of the motor vehicle by sale or otherwise without the approval of the Registrar.

The Registrar will require the Lienholder of the impounded motor vehicle to

1. Surrender to the Registrar any number plate, issued under the *Highway Traffic Act*, from the motor vehicle.
2. File with the Registrar the above statutory declaration.
3. Send by ordinary mail to the registered owner of the motor vehicle, at least 14 days before filing the statutory declaration, a notice that he intends to dispose of the vehicle if the lien is not paid.
4. Provide the Registrar with a certificate showing that no security interest is registered against the motor vehicle under the statutes governing security interests.

If the Registrar approves the disposal of a motor vehicle, the Registrar shall

- (a) cancel the registration issued under the *Highway Traffic Act* with respect to the motor vehicle;
- (b) transfer the registration of the motor vehicle to the lienholder 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.

(EC161/00)

SCHEDULE 4

NOTICE OF DRIVING PROHIBITION

(s.277.2 of the *Highway Traffic Act*)

24 - HOUR SUSPENSION

(s. 277.1 of the *Highway Traffic Act*)

NAME
 (Last) (First) (Other)
 ADDRESS
 (Number & Street) (Municipality) (Province) (Telephone)
 DRIVER INFO
 (License No.) (Prov.) (D.O.B.) (Sex)
 NSC No.
 VEHICLE INFO
 (Plate No.) (Year) (Make) (Province)
 LOCATION DATE TIME
 dd mm yy

24 - HOUR SUSPENSION

(s.277.1 of the *Highway Traffic Act*)

Your driver’s license is suspended and invalid for any purpose for a period of 24 hours from the date and time written above under the authority of section 277.1 of the *Highway Traffic Act* because you, as the driver of a motor vehicle or a person with the care or control of a motor vehicle, provided a sample of your breath, which sample, on analysis by an approved screening device or approved instrument:

__ registered a “WARN” or indicated that the proportion of alcohol in your blood is 50 milligrams or more of alcohol in 100 millilitres of blood but less than 100 milligrams of alcohol in 100 millilitres of blood; or

__ registered a “FAIL” or indicated that the proportion of alcohol in your blood is 100 milligrams or more of alcohol in 100 millilitres of blood.

NOTICE OF DRIVING PROHIBITION

(s.277.2 of the *Highway Traffic Act*)

This is official notification that you will be prohibited from operating a motor vehicle for a period of 90 days fromunder the authority of section 277.2 of the *Highway Traffic Act*.

REASON:

The undersigned peace officer has reasonable and probable grounds to believe that on..... you operated a motor vehicle or had care or control of a motor vehicle and:

__ by reason of an analysis of your breath or blood, you consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded 80 milligrams of alcohol in 100 millilitres of blood (s. 277.2(1)(a) of the *Highway Traffic Act*);

__ you failed or refused, without a reasonable excuse, to comply with demand on you to supply a sample of your breath or blood under section 254 of the *Criminal Code* (s. 277.2(1)(b) of the *Highway Traffic Act*); or

___ by reason of an analysis of your breath or blood, that you, being a person under the age of nineteen years, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded 50 milligrams of alcohol in 100 millilitres of blood (s. 277.1(13) of the *Highway Traffic Act*).

This notice serves as your temporary driver's license which is effective from and expires at the end of 7 days. If you are served with a 24-Hour suspension, this temporary driver's license is only valid on the expiry of the 24-Hour roadside suspension under section 277.1 of the *Highway Traffic Act*

REVIEW INSTRUCTIONS:

You have the right to have the driving prohibition reviewed by the Registrar under section 277.5 of the *Highway Traffic Act*. You may, within 7 days of being served with this notice of driving prohibition, apply to the Registrar for a review of the driving prohibition by filing an application for review with the Registrar of Motor Vehicles at Highway Safety Operations, 33 Riverside Drive, Charlottetown or Access PEI, 120 Harbour Drive, Summerside and paying to the Registrar the prescribed fee(s). If your license or permit to operate a motor vehicle issued under the *Highway Traffic Act* was not taken by the peace officer or sent to the Registrar under section 277.2 of the *Highway Traffic Act*, you must surrender it to the Registrar, unless you complete and file with the Registrar a statutory declaration in the prescribed form stating that the license or permit has been lost, stolen or destroyed. An application for review must be in the form, contain the information and be completed in the manner required by the Registrar. You may attach to the application for review any sworn statements or other evidence that you wish the Registrar to consider. To ensure all written evidence will be considered by the Registrar, it must be attached at the time of the filing the application for review. The Registrar is not required to hold an oral hearing unless you request an oral hearing at the time of filing the application for review and pay the prescribed oral hearing fee. If you request an oral hearing and fail to appear on the date and at the time and place arranged for the hearing, without prior notice to the Registrar, your right to an oral hearing is deemed to have been waived. The filing of an application for a review under section 277.5 of the *Highway Traffic Act* does not stay the driving prohibition. If you do not apply for a review of the driving prohibition within 7 days, or if the review is unsuccessful, you will be prohibited from operating a motor vehicle for a period of 90 days.

License surrendered: Yes No

License May Be Claimed At.....

RETURN OF DRIVER'S LICENSE:

Date and Time of Return..... Personal Mail
Returned by Receipt of License

PEACE OFFICER'S NAME (PRINT)

PEACE OFFICER'S SIGNATURE

PIN/BADGE NUMBER POLICE AGENCY
(EC161/00)

SCHEDULE 5

STATUTORY DECLARATION
(Section 277.5(1)(c) of the Highway Traffic Act)

I of
Name Address

declare that my Driver's License/permit has been:

(Please check the appropriate response) Lost
 Stolen
 Destroyed

Declared before me at
in *County, Province of Prince Edward Island*
this.....
dd mm yy

.....
Commissioner of Oaths Licensee

TO BE COMPLETED WHEN A PERSON APPLIES TO THE REGISTRAR FOR A REVIEW OF THE DRIVING PROHIBITION AND THE LICENSE HAS NOT BEEN TAKEN BY THE PEACE OFFICER OR SURRENDERED TO THE REGISTRAR.
(EC161/00)

SCHEDULE 6

CERTIFICATE OF SERVICE

(s. 277.4(c) of the *Highway Traffic Act*)

I,....., a peace officer, certify that on
(print) *dd mm yy*

I personally served
(name of driver)

with a Notice of Driving Prohibition, a copy of which is attached, pursuant to s.277.2 of the
Highway Traffic Act.

.....
(Signature of Peace Officer)

(EC161/00)

SCHEDULE 7

REPORT OF VEHICLE IMPOUNDMENT

(s.255.3(1)(c) of the *Highway Traffic Act*)

Name

Address

Driver Information

License Number

Province

This report is official notification to the Registrar of Motor Vehicles that the above-named driver has been issued a Notice of Vehicle Impoundment (s. 255.1 of the *Highway Traffic Act*)

I, of the

Peace Officer (please print)

Police Detachment

hereby make oath and say or affirm to the Registrar of Motor Vehicles that I issued a Notice of Vehicle Impoundment on the above-named driver pursuant to section 255.1 of the *Highway Traffic Act*.

Sworn/Affirmed before me at,
..... County, in the
Province of Prince Edward Island this
day of, in the year

Signature of Peace Officer

.....
Commissioner of Oaths
(EC161/00)

SCHEDULE 8

REPORT OF DRIVING PROHIBITION

(s.277.4(d) of the *Highway Traffic Act*)

Name
Address
Driver Information
(License Number) (Province)

This report is official notification to the Registrar of Motor Vehicles that the above-named driver has been issued a Notice of Driving Prohibition (s. 277.2 of the *Highway Traffic Act*)

I, of the
Peace Officer (please print) Police Detachment
hereby make oath and say or affirm to the Registrar of Motor Vehicles that I issued a Notice of Vehicle Impoundment on the above-named driver pursuant to section 277.2 of the *Highway Traffic Act*.

Sworn/Affirmed before me at,
..... County, in the
Province of Prince Edward Island this
day of, in the year Signature of Peace Officer

.....
Commissioner of Oaths
(EC161/00)