



PLEASE NOTE

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CHAPTER H-5

HIGHWAY TRAFFIC ACT

DEMERIT POINT SYSTEM REGULATIONS

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

1. (1) In these regulations
- (a) “Act” means the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
- (b) “driver’s license” means any class of driver’s license issued pursuant to the Act other than an instruction permit;
- (c) “suspension” includes disqualification from holding or obtaining a driver’s license for the period of suspension.
- (2) For the purposes of these regulations a person who formerly held an instruction permit and who holds a driver’s license shall be deemed to be a newly licensed driver
- (a) for a period of two years following the first issue of such license; or
- (b) until he successfully completes a Canada Safety Council driving course
- whichever first occurs. (EC1216/80; 659/87)
2. (1) When any person is convicted in this province of any offence listed in the Schedule, the Registrar shall forthwith, upon receipt of notice of the conviction, enter on the person’s driving record the number of demerit points set out in column 2 of the Schedule, which entry is to be effective as of the date of the conviction.
- (2) When any person is convicted in any other province or territory of an offence listed in the Schedule, the Registrar shall forthwith, upon receipt of notice of such conviction, enter on the person’s driving record the number of demerit points set out in column 2 of the Schedule for the offence, or the analogous offence, as the case may be, which entry is to be effective as of the date of the conviction.
- (3) The short descriptions in column 3 of the Schedule are for convenience of reference only to the general nature of offences under the provisions set out in column 1 and shall not be construed to limit the offences for which demerit points are imposed.

Definitions

Act

driver’s license

suspension

Newly licensed driver

Recording of demerit points, conviction in this province

Recording of demerit points, out-of-province conviction

Descriptions

Offences listed in the Schedule, definition	<p>(4) In these regulations a reference to “an offence listed in the Schedule” includes</p> <ul style="list-style-type: none"> (a) the <i>Criminal Code</i> and <i>Highway Traffic Act</i> offences listed therein, for which convictions are entered in this province; (b) the <i>Criminal Code</i> offences listed therein for which convictions are entered in another province or territory; and (c) the provisions of the law of another province or territory which are, in substance and effect, the same as one or more of the other offences listed in the Schedule, for which convictions are entered in that other province or territory, <p>and all other provisions of these regulations relating to convictions and suspensions apply to the offences referred to in clauses (a), (b) and (c). (EC221/93)</p>
Stay where appeal filed	<p>3. (1) Where the entry of demerit points pursuant to subsections 2(1) and (2) would result in a suspension of license pursuant to section 13 or 17, and an appeal is filed against the conviction which resulted in the demerit points, the entry of the demerit points shall be stayed by the Registrar as of the date of the filing of the appeal until such time as the appeal is abandoned, dismissed, or allowed.</p>
Abandonment or dismissal	<p>(2) Where the appeal is abandoned or dismissed, the Registrar shall enter, or re-enter, as the case may be, the demerit points, to be effective as of the date of the receipt of notice of the abandonment or dismissal of the appeal.</p>
Conviction upheld	<p>(3) Where the conviction is sustained on appeal</p> <ul style="list-style-type: none"> (a) any suspension under section 13 shall be imposed notwithstanding that the total demerit points of the driver have been reduced under section 6 after the date of the original conviction for the offence; and (b) any suspension under section 17 shall be imposed notwithstanding the expiration of the probationary period after the date of the original conviction for the offence.
Conviction quashed	<p>(4) Where the appeal of the conviction is allowed, the Registrar shall not enter the demerit points for the conviction, and shall remove any reference to the conviction from the person’s driving record. (EC221/93)</p>
Maximum points to be recorded	<p>4. Where a person is convicted of two or more offences listed in the Schedule arising out of the same circumstances, only the demerit points for the conviction for which the greatest number of points is imposed shall be recorded and, if the greatest number of points is imposed for two or more of the convictions, points shall be recorded for one conviction only. (EC1216/80; 221/93)</p>

- 5.** Where any person forfeits bail given upon a charge of an offence listed in the Schedule, the Registrar shall record the forfeiture as a conviction and shall record the demerit points imposed for the conviction in the same manner as if such person were convicted of the offence. (EC1216/80; 221/93) Forfeiture of bail
- 6.** When two years have elapsed from the date of a conviction for which demerit points were entered on a person's driving record, the Registrar shall strike from the record the number of points entered in respect of that conviction. (EC1216/80) Points removed after two years
- 7.** Upon the expiration of a period of suspension imposed under these regulations, except section 12, the Registrar shall strike all demerit points accumulated on or before the effective date of the suspension from the driving record of the person whose license was suspended. (EC1216/80) Effect of suspension on record
- 8. When** Warning letter
- (a) in the case of a newly licensed driver
- (i) a total of three or more but less than six demerit points within twelve months, or
- (ii) a total of five or more but less than nine demerit points within twenty-four months,
- of the first issue of his driver's license or, where his driver's license has been suspended under section 13, of the date on which the last suspension expires; or
- (b) in the case of any other driver (not being a driver to whom section 9 applies), a total of six or more but less than nine demerit points,
- has been accumulated on the driving record, the Registrar shall send a warning notice to that driver advising him of the total of demerit points accumulated on his record and warning him that he may be required to appear before an officer of the division. (EC1216/80)
- 9.** When in the case of a driver who does not have and has never had a driver's license, a total of three or more demerit points has been accumulated on the driving record, the Registrar may send a warning notice to that driver advising him of the total demerit points accumulated on his record and may, by notice specifying a time and place therefor, require the driver to appear before him or an office of the division designated by the Registrar for a driving record interview. (EC1216/80) Driver who does not hold license
- 10.** (1) The Registrar shall deduct three demerit points from the operating record of a person who has accumulated three but not more than eleven demerit points immediately upon that person successfully completing a Canada Safety Council driving course. Defensive driving course deduction of points

<i>Idem</i>	(2) The Registrar shall create an operating record for a person who has not accumulated demerit points and shall deduct three demerit points within a twenty-four month period after the successful completion of a Canada Safety Council driving course if that person accumulates three but not more than eleven demerit points within that period.
Frequency and effect of deduction	(3) A deduction under subsection (1) or (2) shall be made only once in any period of twenty-four months and shall have effect in respect of the oldest conviction then entered on the record. (EC1216/80)
Driver record interview	11. (1) When in the case of any driver other than a newly licensed driver, a total of nine or more but less than twelve demerit points has been accumulated on the driving record, the Registrar shall, by notice, require that driver to appear before him or an officer of the division designated by the Registrar for a driving record interview.
Showing cause against suspension	(2) A person required to appear for a driving record interview under subsection (1) shall furnish such information and evidence as may be required to show cause why his license should not be suspended. (EC1216/80; 221/93)
Suspension for failing to appear	12. (1) Where a person fails to appear when required to do so under subsection 11(1), the Registrar may by notice suspend his driver's license until he complies with the requirement.
Failure to show cause	(2) Where the Registrar is of the opinion that a person has failed to show cause why his license should not be suspended, the Registrar may by notice suspend the license of that person for such period not exceeding three months as he deems advisable. (EC1216/80)
Periods of suspension - newly licensed driver	13. (1) The Registrar shall by notice suspend for a period of one month the driver's license of a newly licensed driver if he has accumulated on his driving record (a) a total of six or more demerit points within twelve months; or (b) a total of nine or more demerit points within twenty-four months, of the first issue of his driver's license or, where his driver's license has been suspended under this section, of the date on which the last suspension expires.
Criminal Code offences	(2) Where demerit points are assessed against a newly licensed driver for any of the offences set out in items 1 to 4 of the Schedule, the Registrar shall, by notice, suspend his driver's license for a period of twelve months.
Suspension of other driver for <i>Criminal Code</i> offence	(3) The Registrar shall by notice suspend the driver's license of a driver other than a newly licensed driver

(a) for a period of twelve months where the driver has twelve demerit points entered on his record for having been convicted of any of the offences listed in items 1 to 4 of the Schedule;

(b) for a period of three months where the driver has accumulated twelve or more demerit points for having been convicted of any of the other offences listed in the Schedule.

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

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

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

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

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

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

(a) of twelve months, where the conviction is in respect of an offence listed in items 1 to 4 of the Schedule; or

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

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

Revocation

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

SCHEDULE

	Column 1 Provisions Under Which Convicted	Column 2 Number of Demerit Points	Column 3 Short Description of Offences for Convenience of Reference Only
1.	Section 220, 221 and 249(1) of the Criminal Code	12	Criminal negligence involving the use of a motor vehicle
2.	Section 236 of the Criminal Code	12	Motor manslaughter
3.	Section 249(2) of the Criminal Code	12	Failing to stop at scene of accident
4.	Section 249(4) of the Criminal Code	12	Dangerous driving
4a	Section 249.1(1) of the Criminal Code	12	Flight from peace officer
4b	Section 249.1(3) of the Criminal Code	12	Flight from peace officer causing bodily harm
5.	Section 89(a),(b),(c) or (e) of the Highway Traffic Act	12	Obtaining license by misrepresentation
6.	Section 259(4) of the Criminal Code and section 271 of the Highway Traffic Act	6	Driving while registration or license under suspension or while disqualified
7.	Section 176(1) of the Highway Traffic Act	5	Driving imprudently or without due care and attention or if disabled
8.	Section 176(3) of the Highway Traffic Act	6	Speeding - 30 or more kilometers per hour over the legal speed limit
9.	Section 231 of the Highway Traffic Act	5	Racing
10.	Section 155(1),(2) of the Highway Traffic Act	3	Improper passing
11.	Section 176(3) of the Highway Traffic Act	3	Speeding - under 30 kilometers per hour over the legal speed limit
12.	Sections 185, 186, 187, 188 and 190 of the Highway Traffic Act	3	Failing to yield the right of way
13.	Section 202(1) of the Highway Traffic Act	8	Failing to stop for a school bus when the flashing red lights are displayed on the school bus
14.	Section 232(3) of the Highway Traffic Act	3	Failing to report an accident
15.	Section 310(2) of the Highway Traffic Act	3	Any violation of a bylaw made by a traffic authority involving the use of a motor vehicle in motion
16.	The Highway Traffic Act (General)	3	For any offence under the Highway Traffic Act involving the use of a vehicle in motion, improperly parked or being operated with unsafe or insufficient equipment

(EC359/01; 24/03)