

“0” BAC for New Drivers

All new drivers under 19 years of age or new drivers who have held their driver’s licence for less than two years (regardless of age) must have a “0” blood alcohol content (BAC) when driving. An offence will result in a 24-hour roadside suspension in addition to a 90-day administrative prohibition.

24-Hour Roadside Suspension

Any person who is the driver of a motor vehicle where, upon demand of a peace officer, provides a sample of his/her breath which, on an analysis by an approved screening device, registers “WARN” or “FAIL” is guilty of an offence and a peace officer shall request the driver to surrender his/her licence and his/her driving privileges will be suspended for a period of 24 hours from the time the request is made.

Driving While Disqualified

A conviction for driving while disqualified will result in a six month cancellation to be applied consecutively to the period of the existing suspension, cancellation or disqualification.

Vehicle Impoundment

A person who is prohibited from driving as a result of an impaired driving conviction and is apprehended again for drinking and driving or refusal of a blood/alcohol test will immediately have the vehicle impounded. Impoundment will be for 30 days for a first offence and up to 60 days for a subsequent offence.

| <i>Demerit Points</i> | <i>Description of Offence</i> |
|-----------------------|--|
| 12 | Criminal negligence involving the use of a motor vehicle |
| 12 | Motor manslaughter |
| 12 | Failing to stop at the scene of an accident |
| 12 | Dangerous Driving |
| 12 | Obtaining licence by misrepresentation |
| 8 | Failing to stop for a school bus receiving or discharging school children |
| 6 | Driving while registration or licence is under suspension or while disqualified |
| 6 | Speeding—30 or more kilometres per hour over the legal speed limit |
| 5 | Racing |
| 5 | Driving imprudently or without due care and attention or if disabled |
| 3 | Any infraction of a bylaw involving the use of vehicle in motion |
| 3 | Failing to report an accident |
| 3 | Speeding—under 30 kilometres per hour over the legal speed limit |
| 3 | Improper passing |
| 3 | Any offence under the <i>Highway Traffic Act</i> involving the use of a vehicle in motion, improperly parked or being operated with unsafe or insufficient equipment |

This brochure is a summary—exact wording may be found in the Criminal Code of Canada, the *Highway Traffic Act*, and the Demerit Point System Regulations.

Printed by: Document Publishing Centre



Your driver's licence is a privilege authorizing you to drive a motor vehicle on public highways as long as you do not endanger your own safety and the safety of others by disregarding rules of the road.

Convictions for violations of the driver-related sections of the *Criminal Code of Canada* and the *Highway Traffic Act* may result in suspension or cancellation of your driver's licence. For example, a conviction for an impaired driving offence is cause for cancellation.

Suspensions under the *Highway Traffic Act* should not be confused with any punishment (such as fines or imprisonment) awarded by the courts upon conviction for a driving offence. The *Highway Traffic Act* provides for suspension so that unsafe drivers may evaluate their driving habits and undertake to improve them.

The causes for suspension are set out in the *Highway Traffic Act* and the Demerit Point System Regulations. This brochure summarizes the Demerit Point System Regulations and the most frequent causes for driver's licence suspensions. Knowing this information will help you keep the privilege of your driver's licence.

The Demerit Point System

The Demerit Point System provides for a graduated number of demerit points for traffic convictions. The system identifies drivers whose records show them to consistently disregard the rules of the road, thereby endangering their own and others safety. When a driver accumulates a specified number of demerit points, his/her driver's licence will be suspended for at least three months.

If a driver accumulates not more than 11 demerit points, upon successful completion of a Canada Safety Council Defensive Driving Course, three demerit points will be deducted from his/her driving record—this applies once every 24 months.

Newly Licensed Drivers

Newly licensed drivers undergo a probationary period of two years, and passenger restrictions. During the first year of probation a newly licensed driver is warned at three, four or five demerit points, and suspended for one month at the six point level. During the second year of probation, a warning will occur at five, six, seven or eight demerit points and a suspension for one month when nine demerit points are accumulated. Corrective action is taken by safety specialists during or shortly after the suspension.

Graduated Licensing Approach

Recent changes to the Prince Edward Island *Highway Traffic Act* regarding a Graduated Drivers' Licensing System for new drivers went into effect on December 20, 2000. Following are these important changes:

- All drivers who received their Instruction Permit on or after December 20, 2000, must wait 180 days before taking their road test.

- Drivers providing instruction, to a beginner driver with an Instruction Permit, must have held a valid driver's licence for at least four years.

Effective December 20, 2000, all newly licensed drivers (one who has held a licence less than two years) will be subject to the following passenger restrictions:

- During year one, a newly licensed driver, regardless of age, will be restricted to three passengers. Any additional passengers must be the newly licensed driver's immediate family. All passengers in the vehicle shall be restricted to the number of seat belts.
- During year two, a newly licensed driver, regardless of age, will require all passengers in the vehicle to be restricted to the number of seat belts.

Suspensions under the Demerit Point System

Upon the accumulation of nine to eleven demerit points within 24 months, a driver must show cause why his/her licence should not be suspended. When such cause is not shown, the driver's licence can be suspended for up to three months. Upon the accumulation of 12 or more demerit points, the driver's licence will be suspended for three months.

Following suspension, a driver will be placed on probation for a period of one year. Conviction for an offence involving the use of a motor vehicle in motion or improper parking while on probation will result in another three month suspension.

Offences Respecting Voluntary Identifications/Drivers' Licences

Voluntary Identification Offences

Any person who

- (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/her possession a photographic identification that has been defaced or altered

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500;

Driver's Licence Offences

Any person who

- (a) defaces or alters a driver's licence or displays or causes or permits to be displayed or has in his/her possession a driver's licence 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 licence issued to the person thereby lending or permitting the use thereof;

- (c) displays or represents as one's own, any driver's licence not issued to him/her;
- (b) fails or refuses to surrender to the Registrar or to a peace officer or inspector, upon notice or demand, a driver's licence that has been suspended or cancelled; or
- (e) gives a false or fictitious name or gives a false address in any application for a driver's licence 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 the *Highway Traffic Act*

is guilty of an offence.

Criminal Code Offences

Criminal negligence, motor manslaughter, failing to stop at the scene of an accident, and dangerous driving are Criminal Code offences. Conviction for any of these offences results in a 12 month suspension under the Demerit Point System Regulations.

Impaired driving, failure or refusal to provide a blood sample, refusing the breathalyser demand or any approved roadside screening device, and failing the breathalyser (a reading of more than .08) are Criminal Code offences. Conviction for any of these offences results in the following cancellations under the *Highway Traffic Act*:

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|---------------------|---------------------|
| First Offence | 1-year cancellation |
| Second Offence | 3-year cancellation |
| Subsequent Offences | 5-year cancellation |