

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*.

If you find any errors or omissions in this consolidation, please contact:

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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 Notice of Highway Traffic Act R.S.P.E.I. 1988, Cap. H-5 shall contain the impoundment information set out in Schedule 1. (EC161/00)

2. The statutory declarations prescribed by subsection 255.1(4) and Statutory 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)

3. The notice of driving prohibition referred to in section 277.2 of the Notice of driving Act shall be in the prescribed form set out in Form 1 of Schedule 4. prohibition (EC161/00; 436/07)

3.1 A written statement referred to in subsection 277.1(7) of the Act in Written statement respect of the suspension of a person's driver's license for a period of 24 hours under subsection 277.1(6) of the Act shall be in the prescribed form set out in Form 1 of Schedule 4. (EC436/07)

- **3.2** A written statement referred to in subsection 277.1(7) of the Act in *Idem* respect of the suspension of a person's driver's license for a period of either 30 days or 90 days, under subsection 277.1(6.2) or (6.4) of the Act, respectively, shall be in the prescribed form set out in Form 2 of Schedule 4. (EC436/07)
- **3.3** A written statement referred to in subsection 277.9(9) of the Act in *Idem* respect of the suspension of a Stage 1 driver's or a newly licensed driver's driver's license for a period of 24 hours under subsection 277.9(5) of the Act shall be in the prescribed form set out in Form 3 of Schedule 4. (EC436/07)

3.4 The notice of driving prohibition prescribed for the purposes of Notice of driving subsection 277.1(13) and section 277.2 of the Act in respect of the suspension of a person's driver's license who is under the age of nineteen years or who has held a valid driver's license for less than two years is that set out in Form 3 of Schedule 4. (EC436/07)

prohibition

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Statutory declaration prescribed by clause 277.5(1)(c) of the Highway Traffic Act shall be in the form set out in Schedule 5.

(EC161/00; 436/07)

Certificate of service prescribed by clause 277.4(c) of the *Highway Traffic Act* shall be in the form set out in Schedule 6. (EC161/00; 436/07)

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)

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SCHEDULE 1

NOTICE OF IMPOUNDMENT

(s.255.3 of the Highway Traffic Act)

NAME				
(Last)		(First)		(Other)
	(Number & Street) (Municipal		
DIG VERVING	(License No.)		(D.O.B.)	(Sex)
NSC No				
VEHICLE INFO				
OWNER INFO	(Plate No.)			
	(Name) l		(Address) TIME	
		dd n	nm yy	
		OF IMPOUN he <i>Highway T</i>		
period of 30 days 6	fication that the above <u>DR</u> 60 days - *(SEE E of section 255.1 of the	BELOW) fron	ı	
vehicle was the ow date of impoundme	npoundment is 30 day wher of a motor vehice ent provided for in the cof the <i>Highway Traf</i>	le that was in is notice, in v	npounded within	two years before the

REASON:

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

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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*.

Act.	
Vehicle stored at:	
DE LOS OFFICERIOS NALVE (DDINE)	
PEACE OFFICER'S NAME (PRINT)	
PEACE OFFICER'S SIGNATURE	
PIN/BADGE NUMBER	POLICE AGENCY
(EC161/00; 360/03)	

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SCHEDULE 2

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

I (We)		of	
	Name		Address
declare that my/our Year has been stolen.		Make VIN	
		Company Providence of	
this		County, Province of	Prince Lawara Isiana
dd	mm	уу	
Commissioner of Oa	nths		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)

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SCHEDULE 3

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

	Address	
Year	Make	Vin
exce	eds the lienholder's	estimate of the
of the moto lien is not pa	r vehicle, by ordinar iid.	y mail, a notice
Country	Duaning of Duings F	denond Internal
County, I	Frovince of Frince E	awara Isiana
	Year exce	at I have, at least 14 days before of the motor vehicle, by ordinar lien is not paid. County, Province of Prince E

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 ${\it Highway\ Traffic\ Act}$, 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)

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SCHEDULE 4

FORM 1

NOTICE OF DRIVING PROHIBITION (section 277.2 of the *Highway Traffic Act*)

NAME					
(Last)	(First)		(Other)		
	(Number & Street) (Mu	ınicipality) (Province) (Telephone)		
		(D.O.B.)	(Sex)		
		, , ,			
VEHICLE INFO .					
	(Plate No.) (Year)	(Make)	(Province)		
LOCATION	DATE	dd mm yy	TIME		
	24 - HOUR SI (subsection 277.1(6) of the				
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 subsection 277.1(6) of the <i>Highway Traffic Act</i> 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:					
milligrams or more	☐ 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;				
	FAIL" or indicated that the of alcohol in 100 millilitres		of alcohol in your blood is 100 r		
upon demand of a peace officer.					
	NOTICE OF DRIVI				
	from		m operating a motor vehicle for a authority of section 277.2 of the		
REASON: The undersigned on motor vehicle and:	you operated		grounds to believe that hicle or had care or control of a		

Administrative Driving Promotion and Venicle impoundment Regulations
□ 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 (clause 277.2(1)(a) of the <i>Highway Traffic Act</i>); □ you failed or refused, without a reasonable excuse, to comply with a demand made on you to supply a sample of your breath or blood under section 254 of the <i>Criminal Code</i> (clause 277.2(1)(b) of the <i>Highway Traffic Act</i>); or □ by reason of an analysis of your breath or blood, that you, being a person under the age of nineteen years or having held a valid driver's license for less than two years, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded zero milligrams of alcohol in 100 millilitres of blood (subsection 277.1(13) of the <i>Highway Traffic Act</i>).
This notice serves as your temporary driver's license which is effective from
REVIEW INSTRUCTIONS: You have the right to have the driving prohibition reviewed by the Registrar under section 277.5 of the <i>Highway Traffic Act</i> . 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 the Highway Safety Division, 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 <i>Highway Traffic Act</i> was not taken by the peace officer or sent to the Registrar under section 277.2 of the <i>Highway Traffic Act</i> , 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 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 <i>Highway Traffic Act</i> 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
PEACE OFFICER'S NAME (PRINT)

{Reverse sid	de of Form 1}		
	(c)		ATE OF SERVICE f the Highway Traffic Act)
I,			, a peace officer, certify that on
		I pe	ersonally served
dd	mm	уу	with a notice of driving
		me of driver)	with a notice of driving
prohibition, Act.	a copy of whi	ch is attached, p	ursuant to section 277.2 of the Highway Traffic
			(Signature of Peace Officer)
			RIVING PROHIBITION f the Highway Traffic Act)
Name			
Address			
Driver Infor	rmation	License Number	Province Province
			egistrar of Motor Vehicles that the above-named prohibition (section 277.2 of the <i>Highway Traffic</i>
	County,		of Prince Edward Island this day of
	ner of Oaths		Signature of Peace Officer
			Peace Officer's Name (please print)
			Police Detachment

(EC161/00; 436/07)

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FORM 2

NOTICE OF SUSPENSION

(section 277.1(6) of the Highway Traffic Act)

30 DAY SUSPENSION

(subsection 277.1(6.2) of the Highway Traffic Act)

90 DAY SUSPENSION (subsection 277.1(6.4) of the *Highway Traffic Act*)

NAME				
(Last)		(First)		(Other)
ADDRESS				
DDIVED INFO				Province) (Telephone)
	(License No.)			
NSC No			(2.0.2.)	(30.1)
VEHICLE INFO				
	(Plate No.)	(Year)	(Make)	(Province)
LOCATION		DATI	E dd mm yy	
			SUSPENSIO ne Highway T	
	,	RO DAV SI	SPENSION	
	(subsection 2			Traffic Act)
	(00000000000000000000000000000000000000)R	
			SPENSION	
	(subsection 2	277.1(6.4) o	f the Highwa	y Traffic Act
Vour driver's licen	se is suspended	and invalid	1 for any pur	oose for a period of :
_	-			under the authority of subsection
_ 20 44)	the <i>Highway T</i>			under the authority of subsection
_ ` ′	0 .			under the authority of subsection
	the Highway T			·
	a sample of y	our breath,		with the care or control of a motor ole, on analysis by an approved
	e of alcohol in	100 millili		n of alcohol in your blood is 50 but less than 100 milligrams of
period of:	•	•		m operating a motor vehicle for a
30 days	from		under the a	authority of section 277.1(6.2) of

the Highway Traffic Act;

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1	to the Registrar of Motor Vehicles that the above-named driving prohibition (section 277.2 of the <i>Highway Traffic</i>
	at, Province of Prince Edward Island this day of
Commissioner of Oaths	Signature of Peace Officer
	Peace Officer's Name (please print)
(EC436/07)	Police Detachment

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FORM 3

24 - HOUR SUSPENSION – STAGE 1 DRIVER OR NEWLY LICENSED DRIVER (subsection 277.9(5) of the *Highway Traffic Act*)

NAME..... (First) (Last) (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 - STAGE 1 DRIVER OR NEWLY LICENSED DRIVER (subsection 277.9(5) 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 subsection 277.9(5) 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, upon demand made by a peace officer under subsection 254(2) of the Criminal Code or section 277.8 of the Highway Traffic Act: provided a sample of breath that, on analysis by an approved screening device or a provincially approved screening device, produced a result indicating the presence of alcohol. NOTICE OF DRIVING PROHIBITION (section 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 subsection 277.1(13) or section 277.2 of the Highway Traffic Act. The undersigned peace officer has reasonable grounds to believe that on...... you operated a motor vehicle or had care or control of a delight by reason of an analysis of your breath or blood, that you, being a person under the age of nineteen years or having held a Stage 1 driver's license or a valid driver's license for less than two years, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded zero milligrams of alcohol in 100 millilitres of blood (subsection 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 subsection 277.9(5) of the Highway Traffic Act.

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 the Highway Safety Division, 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 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	
PEACE OFFICER'S NAME (PRINT) PEACE OFFICER'S SIGNATURE	
	POLICE AGENCY

(EC436/07)

{Reverse s	ide of Form 3}		
	(c		CATE OF SERVICE of the Highway Traffic Act)
I,			, a peace officer, certify that on
		I p	ersonally served
dd	mm	уу	with a notice of driving
		me of driver)	
prohibition Act.	n, a copy of whi	ch is attached, j	pursuant to section 277.2 of the Highway Traffic
			(Signature of Peace Officer)
	R	EPORT OF D	RIVING PROHIBITION
			of the Highway Traffic Act)
Name			
Address			
Driver Info	ormation	License Numb	Province
			Registrar of Motor Vehicles that the above-named prohibition (section 277.2 of the <i>Highway Traffic</i>
		in the Province	e of Prince Edward Island this day of
	oner of Oaths		Signature of Peace Officer
			Peace Officer's Name (please print)
			Police Detachment

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 atin	County, Province of Prince Edward Island
thisdd 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, certi-	fy that on		
(print)	dd	mm	уу
I personally served			
(name of	driver)		
with a Notice of Driving Prohibition, a copy of w Highway Traffic Act.	hich is attached, pu	rsuant to s.2	77.2 of the
	(Sign	nature of Pea	ace Officer)
(EC161/00)			

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SCHEDULE 7

REPORT OF VEHICLE IMPOUNDMENT (s.255.3(1)(c) of the *Highway Traffic Act*)

Name	
Address	
Driver Information	
License Number	
This report is official notification to the Registrar of I	Motor Vehicles that the above-name
driver has been issued a Notice of Vehicle Impoundm	nent (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 drive	er pursuant to section 255.1 of the
Highway Traffic Act.	
C /A CC' 11 C	
Sworn/Affirmed before me at,	
Province of Prince Edward Island this	C. (D. OCC.
day of, in the year	Signature of Peace Officer
Commissioner of Oaths	
(EC161/00)	

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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 driver has been issued a Notice of Driving Prohibiti <i>Act</i>)	
I, of the Peace Officer (please print)	
hereby make oath and say or affirm to the Registrar of Vehicle Impoundment on the above-named d <i>Highway Traffic Act</i> .	
Sworn/Affirmed before me at	
Province of Prince Edward Island this	
day of, in the year	Signature of Peace Officer
Commissioner of Oaths	
(EC161/00)	