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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)(a) 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 Test
- (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 Requirements for license
- (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 Waiver of standards
- (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; 438/07)
- 4. The holder of a Class 7 driver's license may drive** Conditions applying to Class 7 driver's license
- (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

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. (1) The holder of a valid Class 5 driver's license may drive a motor vehicle on a highway requiring a Class 1, 2, 3 or 4 driver's license if

- (a) the holder of the Class 5 driver's license is accompanied by the holder of a valid Class 1, 2, 3 or 4 driver's license while the holder of the Class 5 driver's license is operating or has care or control of a motor vehicle;
- (b) the holder of a valid Class 1, 2, 3 or 4 driver's license has held the required Class of driver's license for at least four years; and
- (c) the holder of a valid Class 1, 2, 3 or 4 driver's license is occupying the seat beside the holder of the Class 5 driver's license for the purpose of giving instruction in driving.

Exception

(2) Subsection (1) does not apply to the holder of a valid Class 5 driver's license who is a newly licensed driver. (EC550/02; 438/07)

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)

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, Transitional provision

(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)