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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

GRADUATED DRIVER LICENSING REGULATIONS

Pursuant to subsection 69(1) of the of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

1. In these regulations

	Definitions
(a) “accompanying driver” means a person who (i) is qualified, under subsection 2(4) or (5), to act as an accompanying driver, and (ii) is accompanying and supervising a Stage 1 driver or a Stage 2 driver who is operating or has care or control of a motor vehicle;	accompanying driver
(b) “Act” means the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5;	Act
(c) “decal” means a motor vehicle identification decal issued by the Registrar under section 5 in respect of a vehicle being operated by the holder of a Stage 1, Stage 2 or Stage 3 driver’s license;	decal
(d) “fully licensed driver” means a person who (i) is not subject to any newly licensed driver conditions, or (ii) is not a probationary driver;	fully licensed driver
(e) “newly licensed driver” means a person who is (i) a Stage 2 driver, or (ii) a Stage 3 driver;	newly licensed driver
(f) “newly licensed driver conditions” means the conditions set out under subsections 3(3) and 4(3);	newly licensed driver conditions
(g) “probationary driver” means a person who is subject to a probation order of the Registrar made under subsection 264(1) of the Act;	probationary driver
(h) “Stage 1 driver” means a person who holds a Stage 1 driver’s license;	Stage 1 driver
(i) “Stage 1 driver’s license” means an instruction permit issued under section 82 of the Act;	Stage 1 driver’s license
(j) “Stage 2 driver’s license” means a Stage 2 driver’s license issued under section 3;	Stage 2 driver’s license
(k) “Stage 2 driver” means a person who holds a Stage 2 driver’s license;	Stage 2 driver

- Stage 3 driver's license (l) "Stage 3 driver's license" means a Stage 3 driver's license deemed to be held under section 4;
- Stage 3 driver (m) "Stage 3 driver" means a person who holds a Stage 3 driver's license. (EC225/07)

STAGE 1 DRIVER'S LICENSE – INSTRUCTION PERMIT

- Stage 1 driver's license **2.** (1) The Registrar may issue a Stage 1 driver's license to a person under section 82 of the Act if the person
- (a) submits an application to the Registrar for a Stage 1 driver's license on the approved form;
 - (b) is 16 years of age or older;
 - (c) provides the Registrar with a written consent that is completed and signed by a parent of the person, if the person is below 18 years of age; and
 - (d) has successfully passed
 - (i) a vision test, and
 - (ii) a written driving examination or other examination, other than a practical driving examination,
 as required by the Registrar, prior to being issued the Stage 1 driver's license.
- Stage 1 driver (2) A Stage 1 driver may, without holding a class 5, 6 or 8 driver's license, operate or have care or control of any motor vehicle of such a class if
- (a) the driver
 - (i) is accompanied and supervised by a person who is qualified to act as an accompanying driver in respect of that class of motor vehicle and that person is seated beside the Stage 1 driver,
 - (ii) is operating or has care or control of the motor vehicle for the purpose of receiving instruction in the operation of the motor vehicle; and
 - (b) the Stage 1 driver's license conditions set out in subsection (3) are met.
- Stage 1 driver's license conditions (3) The following are the conditions for a Stage 1 driver's license:
- (a) the Stage 1 driver's blood alcohol concentration shall be zero while the driver is operating or has care or control of the motor vehicle;
 - (b) the accompanying driver's blood alcohol concentration shall be less than 50 milligrams of alcohol in 100 millilitres of blood while the Stage 1 driver is operating or has care or control of the motor vehicle;
 - (c) the Stage 1 driver shall ensure that no person other than the Stage 1 driver and the accompanying driver shall occupy the front seat of the motor vehicle;

- (d) the Stage 1 driver shall ensure that any passengers occupying the seats, other than the front seat, of the motor vehicle are only the immediate family members of the accompanying driver;
- (e) the Stage 1 driver shall ensure that he or she is not accompanied by more passengers than may be accommodated in a seating position that has an available seat belt;
- (f) the Stage 1 driver shall not operate or have care or control of a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m.

(4) A person is qualified to act as an accompanying driver for a Stage 1 driver who is operating or has care or control of a motor vehicle if the person

Accompanying driver

- (a) is a fully licensed driver;
- (b) has held a valid driver's license in the province or another jurisdiction for at least four years;
- (c) holds a class of driver's license that authorizes the person to operate or have care or control of a motor vehicle of the class of motor vehicle that the Stage 1 driver is operating; and
- (d) meets any conditions as required on the person's driver's license.

(5) A person who holds a license under the Act to act as a driving instructor is qualified to act as an accompanying driver for a Stage 1 driver if the license authorizes the person to instruct in the operation or care or control of a motor vehicle of the class of motor vehicle that the Stage 1 driver is operating or has care or control of.

Driving instructor

(6) No person shall act as an accompanying driver for a Stage 1 driver who is operating or has care or control of a motor vehicle unless

Restriction

- (a) the person
 - (i) is qualified under subsection (4) or (5) to do so, and
 - (ii) is seated beside the Stage 1 driver; and
- (b) the Stage 1 driver's license conditions set out in subsection (3) are met.

(7) Notwithstanding clause (3)(d), where

Number of passengers

- (a) the accompanying driver for a Stage 1 driver is a driving instructor referred to in subsection (5); and
- (b) the Stage 1 driver is enrolled in a driver education course approved by the Minister,

the Stage 1 driver may be accompanied by a maximum of four passengers, not including the driving instructor.

(8) Where a Stage 1 driver is convicted of any offence under the Act or any regulations made thereunder in respect of which demerit points are required to be entered on the driver's driving record, the Registrar shall suspend the driver's Stage 1 driver's license for a period of one month.

License suspension

Idem

(9) Where the license of a Stage 1 driver is suspended under subsection (8), the minimum period of time that the driver is required to hold such a license for the purposes of subsection 3(1) shall be increased by 30 days. (EC225/07)

STAGE 2 DRIVER'S LICENSE

Stage 2 driver's
license

- 3.** (1) The Registrar may issue a Stage 2 driver's license to a person who
- (a) has, subject to subsection 2(9), held a Stage 1 driver's license for a period of either
 - (i) 365 days, or
 - (ii) 275 days, if the driver has successfully completed a driver education program in the province, pursuant to subsection 82(4.1) of the Act;
 - (b) has successfully passed a practical driving examination, as approved by the Registrar;
 - (c) submits an application to the Registrar for a Stage 2 driver's license on the approved form; and
 - (d) is 16 years of age or older.

Stage 2 driver

- (2) A Stage 2 driver may operate or have care or control of
- (a) any motor vehicle which the holder of a Class 8 and 9 driver's license may operate without holding such a license;
 - (b) any motor vehicle not exceeding 14,000 kg gross mass except an ambulance, a taxi, motorcycle, bus or truck-tractor; or
 - (c) any motor vehicle not exceeding 14,000 kg gross mass towing a vehicle which does not exceed the gross mass of 4,500 kg,
- if the Stage 2 driver's license conditions set out in subsection (3) are met.

Stage 2 driver's
license conditions

- (3) The following are the conditions for a Stage 2 driver's license:
- (a) the Stage 2 driver's blood alcohol concentration shall be zero at all times while the driver is operating or has care or control of a motor vehicle;
 - (b) the Stage 2 driver shall not be accompanied by more than one passenger who is not an immediate family member of the driver and each passenger shall be accommodated in a seating position that has an available seat belt;
 - (c) the Stage 2 driver shall not operate or have care or control of a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. unless the Stage 2 driver
 - (i) is accompanied by a fully licensed driver
 - (A) who is seated beside the driver,
 - (B) who has held a valid driver's license in the province or another jurisdiction for at least four years, and
 - (C) whose blood alcohol concentration shall be less than 50 milligrams of alcohol in 100 millilitres of blood; or

(ii) has been granted an exemption under subsection (9).

(4) A Stage 2 driver who accumulates six or more demerit points in the driver's first year of driving shall be subject to a one month license suspension of the driver's Stage 2 driver's license and the driver shall be placed on probation by the Registrar under subsection 264(1) of the Act in respect of the accumulated demerit points.

License suspension
and probation

(5) A Stage 2 driver who has been placed on probation shall be subject to an additional license suspension, as determined by the Registrar, if the driver accumulates any additional demerit points during the Stage 2 driver's period of probation.

Further license
suspension

(6) Where a Stage 2 driver is convicted of an offence under section 92 or 92.1 of the Act, the Registrar shall suspend the driver's Stage 2 driver's license

License suspension

- (a) in the case of a first offence, for one month; and
- (b) in the case of a second or subsequent offence, for three months.

(7) Where the license of a Stage 2 driver is suspended under subsection (4), (5) or (6), the minimum period of time that the driver is required to hold such a license for the purposes of subsection 4(1) shall be increased by the period of each suspension imposed on the license.

Effect of suspension

(8) A Stage 1 driver or a Stage 2 driver who is 21 years of age or older is exempt from clauses 2(3)(f) and 3(3)(c).

Exemption from
application

(9) The Registrar may grant a Stage 2 driver a written exemption from the nighttime driving restriction imposed under clause (3)(c) if

Exemption from
nighttime driving
restriction

- (a) the Stage 2 driver submits an application for the exemption on a form approved by the Registrar;
- (b) the Registrar is satisfied that the Stage 2 driver requires the exemption for the purposes of permitting the driver
 - (i) to travel to and from the driver's residence and place of employment,
 - (ii) to carry out employment-related duties, or
 - (iii) to operate or have care or control of a motor vehicle for any other reason that the Registrar considers appropriate,
 during the hours of the nighttime driving restriction;
- (c) the Stage 2 driver is under the age of 21 years; and
- (d) where the Stage 2 driver is under the age of 18 years, the driver has provided the Registrar with a written consent that is completed and signed by the Stage 2 driver's parent or legal guardian to indicate that person's consent to the application.

(10) The Registrar may impose one or more of the following conditions on an exemption granted under subsection (9):

Conditions

- (a) the Stage 2 driver shall ensure that he or she is not accompanied by any passengers while operating or having care or control of the motor vehicle;
- (b) the Stage 2 driver shall carry the written exemption when operating or having care or control of a motor vehicle during the hours of the nighttime driving restriction set out in clause 3(3)(c);
- (c) the Stage 2 driver shall produce the written exemption for inspection to a peace officer upon the demand of a peace officer;
- (d) the Stage 2 driver shall drive the most direct route between the driver's residence and place of employment.

Cancellation of exemption by Registrar

(11) The Registrar may, for any reason, cancel an exemption granted under subsection (9) to a Stage 2 driver from the nighttime driving restriction. (EC225/07)

STAGE 3 DRIVER'S LICENSE

Stage 3 driver's license

4. (1) Subject to subsection 3(7), a person who has held a Stage 2 driver's license for a period of one year shall automatically be deemed, for the purposes of the Act and these regulations, to be the holder of a Stage 3 driver's license.

Stage 3 driver

(2) A Stage 3 driver may operate or have care or control of

- (a) any motor vehicle which the holder of a Class 8 and 9 driver's license may operate without holding such a license;
- (b) any motor vehicle not exceeding 14,000 kg gross mass except an ambulance, a taxi, motorcycle, bus or truck-tractor; or
- (c) any motor vehicle not exceeding 14,000 kg gross mass towing a vehicle which does not exceed the gross mass of 4,500kg,

if the Stage 3 driver's license conditions set out in subsection (3) are met.

Stage 3 driver's license conditions

(3) The following are the conditions for a Stage 3 driver's license:

- (a) the Stage 3 driver's blood alcohol concentration shall be zero at all times while the driver is operating or has care or control of the motor vehicle;
- (b) the Stage 3 driver shall ensure that he or she is not accompanied by more passengers than may be accommodated in a seating position that has an available seat belt;
- (c) the Stage 3 driver shall ensure that he or she is not accompanied by a passenger who is not wearing a seat belt but is seated in a seating position that has an available seat belt.

License suspension and probation

(4) A Stage 3 driver who accumulates nine or more demerit points in the driver's second year of driving shall be subject to a one month license suspension of the driver's Stage 3 driver's license and the driver shall be placed on probation by the Registrar under subsection 264(1) of the Act in respect of the accumulated demerit points.

(5) A Stage 3 driver who has been placed on probation shall be subject to an additional license suspension, as determined by the Registrar, if the driver accumulates any additional demerit points during the Stage 3 driver's period of probation. Further license suspension

(6) Where a Stage 3 driver is convicted of an offence under section 92 or 92.1 of the Act, the Registrar shall suspend the driver's Stage 3 driver's license License suspension

- (a) in the case of a first offence, for one month; and
- (b) in the case of a second or subsequent offence, for three months.

(7) A Stage 3 driver is eligible to apply for a Class 1, 2, 3 or 4 driver's license after the Stage 3 driver has held a valid Stage 3 driver's license in the driver's second year of driving for a period of one year, absent any period of license suspension imposed by the Registrar. (EC225/07) Eligibility

5. (1) The Registrar may issue a decal to a Stage 1 driver and the driver shall, on receipt of the decal, display the decal on or in any motor vehicle being operated by the Stage 1 driver in a location approved by the Registrar. Decals

(2) A decal issued by the Registrar under subsection (1) shall have a yellow background with the capital letter "L" affixed in black. *Idem*

(3) The Registrar may issue a decal to a newly licensed driver and the driver shall, on receipt of the decal, display the decal on or in any motor vehicle being operated by the newly licensed driver in a location approved by the Registrar. *Idem*

(4) A decal issued by the Registrar under subsection (3) shall have a yellow background with the capital letter "G" affixed in black. *Idem*

(5) The Registrar may issue a temporary decal to a Stage 1 driver or a newly licensed driver where Temporary decal

- (a) the decals referred to in this section are lost or destroyed; or
- (b) the motor vehicle being operated by the Stage 1 driver or the newly licensed driver is a loan or rental vehicle

and the Stage 1 driver or the newly licensed driver, as the case may be, shall, on receipt of the temporary decal, display the decal on or in any motor vehicle being operated by the Stage 1 driver or the newly licensed driver in a location approved by the Registrar. (EC225/07)

6. No person who is a Stage 1 driver or a newly licensed driver shall use a hand-held cellular telephone, headphones, mp3 player or any other hand-held electronic device while operating or having care or control of a motor vehicle. (EC225/07) Offence

Transitional

7. Any person who, immediately before the day these regulations come into force,

- (a) holds an instruction permit issued under section 82 of the Act; or
- (b) has not held a driver's license of any class for 2 or more years,

is exempt from the application of these regulations. (EC225/07)