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1st SESSION, 67th GENERAL ASSEMBLY  
Province of Prince Edward Island  
3 CHARLES III, 2024

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**(Bill No. 74)**

**An Act to Amend the Highway Traffic Act (No. 2)**

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Hon. Ernie Hudson  
Minister of Transportation and Infrastructure

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GOVERNMENT BILL

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Andrea MacRae  
Acting King's Printer  
Charlottetown, Prince Edward Island

**For House  
Use Only**

**Prince Edward Island  
Legislative Assembly**

**AMENDMENTS**

**ASSEMBLY / SESSION / YEAR**  
67th General Assembly / 1st / 2024

**BILL NUMBER: 74** PAGE No. 2 of 8 PAGES

**TITLE: An Act to Amend the Highway Traffic Act (No. 2)**

#	SECTION	AMENDMENT	DATE

NOTED:  
  
\_\_\_\_\_ **COMMITTEE CLERK**

CERTIFIED CORRECT:  
  
\_\_\_\_\_ **CHAIR, IN COMMITTEE**



## AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (NO. 2)

BILL NO. 74

2024

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BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, is amended
  - (a) in clause (h.3),
    - (i) in subclause (ii), by the addition of the word “or” after the comma,
    - (ii) in subclause (iii), by the deletion of the words “, or” and the substitution of a semicolon, and
    - (iii) by the repeal of subclause (iv);
  - (b) in clause (j), by the deletion of the words “driver’s license” and the substitution of the words “driver’s license, except where otherwise specified”; and
  - (c) in subclause (m.3)(i), by the deletion of the words “or a security police officer”.
2. Section 6 of the Act is repealed.
3. Subsection 19(2) of the Act is amended by the deletion of the words “clause 10(1)(d)” and the substitution of the words “clause 10(1)(d.1)”.
4. Clause 115(1)(a) of the Act is amended by the deletion of the words “red flashing lamps” and the substitution of the words “red, blue or white flashing lamps, or any combination of them.”.
5. Clause 255.1(1)(b) of the Act is amended by the deletion of the words “two years” and the substitution of the words “five years”.

**6.(1) Subsection 255.2(1) of the Act is amended by the deletion of the words “A motor vehicle impounded under subsection 255.1(1) is to” and the substitution of the words “Subject to subsection (2), a motor vehicle impounded under subsection 255.1(1) shall”.**

**(2) Subsection 255.2(2) of the Act is repealed and the following substituted:**

**Previous impoundment**

(2) A motor vehicle impounded under subsection 255.1(1) shall remain impounded for a period of 60 days from the date it is impounded where

- (a) the person operating or having care and control of the motor vehicle at the time of impoundment was responsible for a previous impoundment under subsection 255.1(1) in the preceding two years; and
- (b) that previous impoundment was not revoked under section 255.7.

**7. Subsection 261(1) of the Act is amended**

- (a) **in the words preceding clause (a), by the deletion of the words “license of any person who” and the substitution of the words “driver’s license of a person who, anywhere in Canada,”; and**
- (b) **in the words preceding clause (c), by the deletion of the words “he shall be disqualified” and the substitution of the words “the person shall be disqualified”.**

**8. Section 293 of the Act is repealed and the following substituted:**

**293. Prohibition – riding in a manner unsafe or dangerous or on exterior part of a motor vehicle**

(1) Unless otherwise permitted by this Act, no operator of a motor vehicle shall permit a person to, and no person shall, ride in a manner that is unsafe or dangerous on any exterior part of a motor vehicle being operated on a highway.

**Exception**

(2) A person may ride on the exterior part of a motor vehicle being operated on a highway where

- (a) the person is employed by a waste collection and disposal service or recyclable materials collection service;
- (b) the motor vehicle
  - (i) is part of a waste collection and disposal service or recyclable materials collection service, and
  - (ii) is being used to collect and dispose of waste or recyclable materials;
- (c) a special seat, running board, stand or holding bar designed by the manufacturer of the motor vehicle has been permanently placed at the rear of the vehicle to provide for the safety of the person riding on the exterior part of the motor vehicle; and
- (d) the motor vehicle is being operated on a highway at a speed that does not exceed 20 kilometres per hour.

**Person riding on exterior part of motor vehicle to access and remain in cab of vehicle**

(3) Where a motor vehicle of the type referred to in subsection (2) is being operated on a highway at a speed that exceeds 20 kilometres per hour, any person riding on the exterior part of the

motor vehicle in accordance with subsection (2) shall enter and remain in the cab of the motor vehicle.

**Offence and penalty**

- (4) Every person who contravenes subsection (1) or (3) is guilty of an offence and liable, on summary conviction, to a fine of not less than \$500 and not more than \$2,000.

**9. The Schedule to the Act is amended**

- (a) **by the repeal of the entries relating to subsection 6.1(2) of the Act and the substitution of the following:**

6.1(17)(a)	Presenting false document to obtain photographic identification	200	1,000
6.1(17)(b)	Applying on behalf of another person for photographic identification	200	1,000
6.1(17)(c)	Permitting another person to use photographic identification issued to first person	200	1,000
6.1(17)(d)	Using photographic identification for purpose of making false representation	200	1,000
6.1(17)(e)	Defacing or altering photographic identification	200	1,000
6.1(17)(f)	Possessing defaced or altered photographic identification	200	1,000

- (b) **by the repeal of the entry relating to subsection 82(3) of the Act and the substitution of the following:**

82(3)	Holder of an instruction permit driving unaccompanied or accompanied by unauthorized person	500	2,000
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- (c) **by the repeal of the entry relating to section 293 of the Act and the substitution of the following:**

293	Riding in an unsafe manner on, or permitting a person to ride in an unsafe manner on, any exterior part of a motor vehicle being operated on a highway unless permitted by the Act.	500	2,000
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**10. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

## EXPLANATORY NOTES

**SECTION 1** amends section 1 of the *Highway Traffic Act* R.S.P.E.I 1988, Cap. H-5, to update and clarify the wording in various definitions.

**SECTION 2** repeals section 6 of the Act, which pertains to archived records maintained by the Registrar and is no longer required due to the *Archives and Records Act* R.S.P.E.I. 1988, Cap. A-19.1.

**SECTION 3** amends subsection 19(2) of the Act to replace a reference to “clause 10(1)(d)” with a reference to “clause 10(1)(d.1)”.

**SECTION 4** amends clause 115(1)(a) of the Act to permit emergency vehicles to use red, blue or white flashing lamps, or any combination of them.

**SECTIONS 5 and 6** amend clause 255.1(1)(b) and subsections 255.2(1) and (2) of the Act to expand the authority of peace officers to impound, and keep impounded, motor vehicles in specified circumstances.

**SECTION 7** amends subsection 261(1) of the Act to clarify that this subsection applies whether a person with a P.E.I. driver’s license is convicted or conditionally discharged under clauses (a) or (b) on P.E.I. or elsewhere in Canada and to implement gender-neutral wording.

**SECTION 8** repeals section 293 of the Act and substitutes new subsections 293(1), (2), (3) and (4) to the Act. Subsection (1) sets out a prohibition against a person riding in a manner that is unsafe or dangerous on any exterior part of a motor vehicle being operated on a highway. An exception to this prohibition is set out in subsection (2) for waste disposal and collection services. Subsection (3) specifies that where the motor vehicle is being operated on a highway at a speed that exceeds 20 kilometres per hour, the person riding on the exterior part of the vehicle shall enter and remain in the cab of the motor vehicle. An offence and penalty provision is added in subsection (4).

**SECTION 9** amends several items in the Schedule to the Act to update various references and increase the minimum and maximum penalties for novice drivers who drive unaccompanied or accompanied by an unauthorized person

**SECTION 10** provides for the commencement of this Act.

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(Bill No. 74)

**An Act to Amend the Highway Traffic Act (No. 2)**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 5, 2024
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

**SIGNATURES:**

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Honourable Dr. Wassim Salamoun, Lieutenant Governor

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Honourable Darlene Compton, Speaker

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Joseph Jeffrey, Clerk

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Hon. Ernie Hudson  
Minister of Transportation and Infrastructure

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GOVERNMENT BILL

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2024  
1st SESSION, 67th GENERAL ASSEMBLY