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2nd SESSION, 63rd GENERAL ASSEMBLY  
Province of Prince Edward Island  
57 ELIZABETH II, 2008

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**CHAPTER 17**

**(Bill No. 20)**

**An Act to Amend the Highway Traffic Act**

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Honourable Ron W. MacKinley  
Minister of Transportation and Public Works

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GOVERNMENT BILL

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MICHAEL D. FAGAN  
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Charlottetown, Prince Edward Island



## CHAPTER 17

### An Act to Amend the Highway Traffic Act

(Assented to May 22, 2008)

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

**1. Clause 1(a.2) of the *Highway Traffic Act R.S.P.E.I. 1988, Cap. H-5* is amended by the deletion of the words “seven passengers” and the substitution of the words “ten passengers, including the driver.”.**

**2. Subsection 229(1) of the Act is amended by the deletion of the words “eight passengers or more, inclusive of the driver,” and the substitution of the words “ten passengers or more, including the driver.”.**

**3. Section 254 of the Act is amended by the addition of the following after subsection (2):**

(3) The owner of a motor vehicle may be charged with and convicted of an offence under this Act or the regulations and be liable for and incur the fine and penalty provided for the offence for which the driver of the motor vehicle is subject to be charged unless, at the time of the offence, the motor vehicle was in the possession of some person other than the owner without the owner’s consent, and the driver of the motor vehicle, not being the owner, may be charged with and convicted of the offence and be liable for and incur the fine and penalty provided for the offence. Liability of owner, driver

(4) In any prosecution under this section, the onus of proof that the motor vehicle was, at the time of the offence, in the possession of some person other than the owner and without the owner’s knowledge or consent, either express or implied, shall be upon the owner. Onus of proof

(5) An owner of a motor vehicle convicted of an offence under subsection (3) is not liable to imprisonment as a result of the conviction or as a result of default in payment of the fine resulting from the conviction. No imprisonment

**4. Section 285 of the Act is repealed.**

**5. Section 301 of the Act is amended by the deletion of the words “is liable” and the substitution of the words “is liable, on summary conviction.”.**

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	April 30, 2008
<i>2nd Reading:</i>	May 1, 2008
<i>To Committee:</i>	May 1, 2008
<i>Reported:</i>	May 1, 2008
<i>3rd Reading and Pass:</i>	May 22, 2008
<i>Assent:</i>	May 22, 2008

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Honourable Ron W. MacKinley  
Minister of Transportation and Public Works

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GOVERNMENT BILL