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CONSULTATION DRAFT

AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT

BILL NO.

2026

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

1. (1) Clause 176(1)(c) of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, is amended

- (a) by the deletion of the word “he” and the substitution of the words “the person”;**
- (b) by the addition of the words “, or is in a state of drowsiness or fatigue,” after the words “physical or mental disability”; and**
- (c) by the deletion of the word “his” and the substitution of the words “the person’s”.**

(2) Section 176 of the Act is amended by the addition of the following after subsection (1):

Causes bodily harm or death

- (1.1) Every person who, while contravening subsection (1), causes bodily harm to or the death of another person is guilty of an offence and liable on summary conviction to a fine of not less than \$2,000 and not more than \$5,000.**

2. Section 274 of the Act is amended

- (a) by renumbering it as subsection 274(1); and**
- (b) by the addition of the following after subsection (1):**

Suspension, etc. for offence under subsection 176(1.1)

- (2) Notwithstanding subsection (1), when a person is convicted of an offence under subsection 176(1.1), the court may, in addition to any other sentence, order that the license of the person is suspended and the person is disqualified from holding or obtaining a license, in the case of a first offence, for a period not exceeding two years and, in the case of any subsequent offence, for a period not exceeding five years.**

3. The Schedule to the Act is amended by the addition of the following immediately after the entry for clause 176(1)(c):

176(1.1)	Causing bodily harm or death to another person while contravening subsection 176(1)	2000	5000
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EXPLANATORY NOTES

SECTION 1 amends clause 176(1)(c) of the *Highway Traffic Act* by replacing gendered language and adding being in a state of drowsiness or fatigue as something that might cause a person's driving of a vehicle to be a danger to others. It also adds a new subsection 176(1.1) to the Act, which makes it an offence to cause bodily harm or death to another person while contravening subsection 176(1) of the Act.

SECTION 2 renumbers section 274 of the Act as subsection 274(1) and adds a new subsection 274(2) to the Act, which provides for a court to suspend a person's license and disqualify a person from holding or obtaining a license for up to two years for a first offence of contravening subsection 176(1.1) and up to five years for repeating the offence.

SECTION 3 amends the Schedule to the Act to add an entry setting out the minimum and maximum fines for a contravention of the new subsection 176(1.1) of the Act.