



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

OFF-HIGHWAY VEHICLE ACT REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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OFF-HIGHWAY VEHICLE ACT

Chapter O-3

REGULATIONS

Pursuant to clause 12(2)(c) and section 22 of the *Off-Highway Vehicle Act* R.S.P.E.I. 1988, Cap. O-3, Council made the following regulations:

1. Definitions

- (1) In these regulations
- (a) “**Act**” means the *Off-Highway Vehicle Act* R.S.P.E.I. 1988, Cap. O-3;
 - (b) “**licence plate**” means a licence plate issued by the Registrar under section 5 or 7 of the Act;
 - (c) “**restricted certificate of registration**” means a certificate of registration referred to in subsection 2(1);
 - (d) “**snowmobile**” means a snow vehicle as defined in the Act;
 - (e) “**trail vehicle**” means an off-highway vehicle that is
 - (i) an all terrain vehicle, or
 - (ii) a dirt bike.

Exempt off-highway vehicles

- (2) The following classes or types of off-highway vehicles are exempt from the Act and these regulations:
- (a) miniature motor vehicles;
 - (b) minibikes. (*EC96/88; 70/07; 916/24*)

2. Restricted certificate of registration

- (1) The Registrar may issue a certificate of registration under section 5 or 7 of the Act that authorizes the owner or operator of an off-highway vehicle to operate, and permit another person to operate, the off-highway vehicle only on property
- (a) owned or leased by the owner or operator of the off-highway vehicle; or
 - (b) on which the owner or operator of the off-highway vehicle resides.

Particulars on certificate of registration

- (2) A certificate of registration shall contain the following information:
- (a) the date the certificate of registration is issued;

- (b) the name and address of the registered owner the certificate of registration is issued to;
- (c) whether the certificate of registration is a restricted certificate of registration;
- (d) the registration number assigned to the off-highway vehicle the certificate of registration is issued in respect of;
- (e) a full description of the off-highway vehicle;
- (f) on the reverse side of the certificate of registration, a form for endorsement of notice to the Registrar on the transfer of ownership of the off-highway vehicle;
- (g) the applicable date of expiry under subsection (4);
- (h) any other information required by the Registrar.

Notice - change of name or address

- (3) The registered owner of an off-highway vehicle for which a certificate of registration has been issued shall notify the Registrar of any change in the registered owner's name or address within 30 days of the change.

Date of expiry - certificate of registration

- (4) For the purposes of subsection 5(2) of the Act,
 - (a) a certificate of registration, other than a restricted certificate of registration, expires,
 - (i) for a snowmobile, on November 30 each year, unless the certificate of registration specifies otherwise,
 - (ii) for a trail vehicle, on the owner's next birthday after the certificate of registration is issued or renewed, unless the certificate of registration specifies otherwise,
 - (iii) for an off-highway vehicle that is not a snowmobile or a trail vehicle, on the date specified on the certificate of registration, if any; and
 - (b) a restricted certificate of registration expires on the date specified on the certificate of registration, if any.

Renewal of certificate of registration

- (5) The registered owner of an off-highway vehicle may apply to renew a certificate of registration.

Renewal fee

- (6) An application to renew a certificate of registration made under subsection (5) shall, subject to subsection (7), be accompanied by the fee specified in clause 2.2(d).

Registrar may waive renewal fee

- (7) The Registrar may, in the Registrar's discretion, waive the fee referred to in subsection (6).

Re-validation sticker

- (8) On receipt of an application for renewal of a certificate of registration under subsection (5), and of the required fee under subsection (6), unless the fee is waived under subsection (7), the Registrar may
 - (a) renew the certificate of registration for the applicable period specified in subsection (4); and
 - (b) issue a re-validation sticker in the form approved by the Registrar as proof that the certificate of registration has been renewed.

Display of re-validation sticker

- (9) A re-validation sticker shall be displayed on an off-highway vehicle in a manner and location approved by the Registrar. *(EC96/88; 600/93; 209/12; 916/24)*

2.1 Particulars on licence plate

A licence plate shall display

- (a) the name of the province, which may be abbreviated; and
 (b) any other information required by the Registrar. *(EC916/24)*

2.2 Prescribed fees

- (1) The fees payable to the Registrar in respect of off-highway vehicles are as follows:

(a) certificate of registration	\$50
(b) licence plate	\$5
(c) transfer of certificate of registration to new owner	\$20
(d) registration renewal application fee	\$50
(e) duplicate or replacement certificate of registration	\$10
(f) administrative costs for processing a cheque that is not honoured	\$25

Government-owned off-highway vehicle

- (2) The fees set out in subsection (1) do not apply to an off-highway vehicle owned by the Government. *(EC916/24)*

3. Affixing licence plates

- (1) Licence plates issued by the Registrar for all off-highway vehicles, except snowmobiles, shall be firmly attached to the rear of the off-highway vehicle in accordance with subsection 8(1) of the Act and the instructions issued with the licence plates.

Snowmobile plates

- (2) Licence plates issued by the Registrar for snowmobiles shall be affixed in accordance with subsection 8(2) of the Act and the instructions issued with the licence plates.

Replacement of defective plates

- (3) Where the licence plates issued by the Registrar are damaged or in any way become unreadable or not clearly visible, the owner of the off-highway vehicle shall forthwith purchase replacement licence plates therefor from the Registrar. *(EC96/88; 916/24)*

4. Registration by new owner

- (1) Where the off-highway vehicle is sold or transferred, the new owner shall register the off-highway vehicle in the new owner's name within 14 days.

Transfer to dealer

- (2) Where the off-highway vehicle is traded to a dealer, the off-highway vehicle is to be registered in the dealer's name.

Use of dealer plates

- (3) Dealer plates may be used in accordance with section 9 of the Act on an off-highway vehicle which is being demonstrated for sale or resale, service tested or operated for the purpose of the dealer's business. (EC96/88; 916/24)

5. Standards

Off-highway vehicles shall conform to the standards prescribed under the *Motor Vehicle Safety Act* (Canada) R.S.C. 1985, Chap. M-10. (EC96/88)

6. Helmet requirements

No person shall operate or be a passenger on an off-highway vehicle unless the person is wearing

- (a) a helmet that complies with the requirements of one of the following standards:
 - (i) the British Standards Institution Standard 1869 (1960),
 - (ii) the British Standards Institution Standard 2001 (1956),
 - (iii) the Standards for Protective Headgear-1970, Snell Memorial Foundation (Order in Council 71-1265, December 21, 1971),
 - (iv) the United States of America Federal Motor Vehicle Safety Standard 218 (Order in Council 79-1578, December 4, 1979);
- (b) goggles which wrap around and enclose the eyes; and
- (c) gloves, footwear and sturdy clothing which covers the entire body, including the ankles, legs and arms to the wrists. (EC96/88; 70/07)

6.1 Engine size

No person shall operate an off-highway vehicle which has an engine size which exceeds the manufacturer's recommendation for an operator of the age and weight of the person. (EC70/07)

7. Powers of Registrar to suspend, etc.

- (1) The Registrar may suspend, cancel or revoke a certificate of registration or a licence plate issued to a person in respect of an off-highway vehicle where the Registrar is satisfied that
- (a) the certificate of registration or licence plate was erroneously issued or granted;
 - (b) the certificate of registration is a restricted certificate of registration, and the off-highway vehicle was operated other than on property
 - (i) owned or leased by the owner or operator of the off-highway vehicle, or
 - (ii) on which the owner or operator of the off-highway vehicle resides;
 - (c) the off-highway vehicle
 - (i) is mechanically unfit or unsafe to be operated, or
 - (ii) has been dismantled or wrecked;
 - (d) the person failed to pay the required fee or revenue tax;
 - (e) the certificate of registration or licence plate was placed or displayed on an off-highway vehicle other than the off-highway vehicle the certificate of registration or licence plate was issued in respect of;
 - (f) the person has committed an offence under the Act or the regulations; or
 - (g) the person has been convicted of an offence under the *Criminal Code* (Canada).

Non-resident privilege

- (2) The Registrar may prohibit a person who is not a resident of the province from operating an off-highway vehicle in the province where the Registrar is satisfied that the person has contravened any provision listed in clauses (1)(a) to (g). (EC96/88; 916/24)

8. Operation in proximity to highway

- (1) An off-highway vehicle may be operated during daylight hours between the boundary line of a highway and the line of the shoulder farthest removed from the travelled portion of the highway, namely the area commonly known as the ditch, with or against the flow of vehicular traffic, but from sunset to sunrise the off-highway vehicle may only be driven in the same direction as the normal flow of the vehicular traffic on that side of the centre line of the highway.

Operating vehicle in accordance with subsection (1)

- (2) No person shall operate an off-highway vehicle in accordance with subsection (1) unless the person
- (a) holds a driver's license, of any class, issued under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5; and
 - (b) has
 - (i) held such a license for at least 24 consecutive months prior to operating the off-highway vehicle, or
 - (ii) successfully completed an off-highway vehicle safety training course approved by the Registrar. (EC96/88; 70/07; 916/24)

9. Obligations of operator

Every operator of an off-highway vehicle shall

- (a) obey the traffic signals;
- (b) obey the order or signals of a peace officer; and
- (c) produce the operator's driver's license when required to do so by any peace officer. (EC96/88; 916/24)

10. Crossing highway

The operator of an off-highway vehicle may cross any highway, including the roadway or sidewalk portion thereof, as the case may require, if, in addition to the requirements of clause 12(2)(b) of the Act

- (a) the operator
 - (i) holds a driver's license, of any class, issued under the *Highway Traffic Act*, and
 - (ii) has
 - (A) held such a license for at least 24 consecutive months prior to operating the off-highway vehicle, or
 - (B) successfully completed an off-highway vehicle safety training course approved by the Registrar; and
- (b) lamps and taillamps are illuminated. (EC96/88; 70/07; 916/24)

11. Visibility at highway crossing

The operator of an off-highway vehicle shall not cross a highway or roadway when there is traffic approaching in either direction within five hundred feet on such or any intersecting highway or when the visibility is not sufficient to render clearly discernible persons and vehicles on the highways at a distance of five hundred feet. (EC96/88)

11.1 Operation on closed seasonal or closed scenic heritage highway

- (1) A snowmobile may be operated on a closed seasonal or closed scenic heritage highway.

Driver's license required

- (2) No person shall operate a snowmobile on a closed seasonal or closed scenic heritage highway unless the person holds a driver's license, of any class, issued under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5. (EC51/17; 916/24)

12. Age requirements

- (1) No person who is the owner or operator of a snowmobile shall permit it to be operated by a person under 14 years of age, unless the person is directly supervised by an adult who holds a driver's license.

Operation of vehicle –age and licensing requirements for driver

- (2) No person shall operate an off-highway vehicle, other than a snowmobile, if
- (a) the person is less than 14 years of age;
 - (b) the person is 14 or 15 years of age, unless the person
 - (i) has successfully completed an off-highway vehicle safety training course approved by the Registrar, and
 - (ii) is directly supervised by an adult who
 - (A) holds a driver's license, of any class, issued under the *Highway Traffic Act*, and
 - (B) has
 - (I) held such a license for at least 24 consecutive months prior to supervising the operation of the off-highway vehicle, or
 - (II) successfully completed an off-highway vehicle safety training course approved by the Registrar; or
 - (c) the person is 16 years of age or older, unless the person
 - (i) holds a driver's license, of any class, issued under the *Highway Traffic Act* and has held such a license for at least 24 consecutive months prior to operating the off-highway vehicle, or
 - (ii) has successfully completed an off-highway vehicle safety training course approved by the Registrar and does not hold a driver's license, of any class, issued under the *Highway Traffic Act* that is currently suspended pursuant to the provisions of the Act.

Permitting operation of vehicle -age and licensing requirements for driver

- (3) No person who is the owner of an off-highway vehicle, other than a snowmobile, shall permit the off-highway vehicle to be operated by
- (a) a person who is less than 14 years of age;
 - (b) a person who is 14 or 15 years of age, unless that person

- (i) has successfully completed an off-highway vehicle safety training course approved by the Registrar, and
- (ii) is directly supervised by an adult who
 - (A) holds a driver's license, of any class, issued under the *Highway Traffic Act*, and
 - (B) has
 - (I) held such a license for at least 24 consecutive months prior to supervising the operation of the off-highway vehicle, or
 - (II) successfully completed an off-highway vehicle safety training course approved by the Registrar; or
- (c) a person who is 16 years of age or older, unless that person
 - (i) holds a driver's license, of any class, issued under the *Highway Traffic Act* and has held such a license for at least 24 consecutive months prior to operating the off-highway vehicle, or
 - (ii) has successfully completed an off-highway vehicle safety training course approved by the Registrar and does not hold a driver's license, of any class, issued under the *Highway Traffic Act* that is currently suspended pursuant to the provisions of the Act.

Adult

- (4) In this section and in section 12.1, “**adult**” means a person who is 21 years of age or older. *(EC191/02; 70/07; 916/24)*

12.1 Operation of a dirt bike by persons less than 14 years of age

- (5) Notwithstanding anything to the contrary in section 12, a person who is less than 14 years of age may operate a dirt bike if the person
 - (a) is operating the dirt bike in a competition or to prepare for a competition;
 - (b) is under the supervision of an adult; and
 - (c) has successfully completed an off-highway vehicle safety training course approved by the Registrar.

Permitting operation of a dirt bike by persons less than 14 years of age

- (6) Notwithstanding anything to the contrary in section 12, a person who is the owner of a dirt bike may permit a person who is less than 14 years of age to operate the dirt bike if that person
 - (a) is operating the dirt bike in a competition or to prepare for a competition;
 - (b) is under the supervision of an adult; and
 - (c) has successfully completed an off-highway vehicle safety training course approved by the Registrar. *(EC70/07)*

12.2 Operation of a dirt bike by persons 14 years of age or older

- (1) Notwithstanding anything to the contrary in section 12, a person who is 14 years of age or older may operate a dirt bike if the person has successfully completed an off-highway vehicle safety training course approved by the Registrar.

Permitting operation of a dirt bike by persons 14 years of age or older

- (2) Notwithstanding anything to the contrary in section 12, a person who is the owner of a dirt bike may permit a person who is 14 years of age or older to operate a dirt bike if that person has successfully completed an off-highway vehicle safety training course. (EC70/07)

13. Disclosure

The registered owner of an off-highway vehicle must disclose the name of an operator when required to do so by a peace officer. (EC96/88)

14. Equipment

No person shall operate and no owner shall knowingly permit the operation of an off-highway vehicle unless all lamps and equipment with which the off-highway vehicle is equipped by the manufacturer is in good working order. (EC96/88)

15. Lights

- (1) Every operator of an off-highway vehicle driving at night, in fog, in rain or while it is snowing shall keep the lamps and taillamps of the off-highway vehicle illuminated.

Idem

- (2) In the interest of safety, every operator of an off-highway vehicle shall have lamps and taillamps illuminated any time the off-highway vehicle is in motion. (EC96/88; 916/24)

16. Speeding and other offences

No person shall, while operating an off-highway vehicle

- (a) drive at an excessive speed or in a manner which might endanger the safety of persons or property;
- (b) pursue, harass, maim or kill an animal or other wildlife; or
- (c) throw or deposit on or beside any highway, roadway, or trail any glass, bottle, tin or any other waste or refuse liable to injure a human being or animal or damage a vehicle or spoil the environment. (EC96/88; 916/24)

17. Impairment

No person shall operate or have care or control of an off-highway vehicle while the person's ability to operate the off-highway vehicle is impaired by alcohol or a drug. (EC96/88; 916/24)

18. Possession, etc. of firearms on vehicle

No operator or passenger of an off-highway vehicle, except a peace officer in the performance of the peace officer's duties, shall

- (a) be in possession of a firearm unless such firearm is inserted in a closed holster;
- (b) have in the operator's or passenger's possession, or transport, a loaded firearm; or
- (c) discharge a firearm from an off-highway vehicle. (EC96/88; 916/24)

19. Trespass

- (1) Nothing in these regulations shall be deemed to alter the law of trespass.

Idem

- (2) No person shall operate an off-highway vehicle on any land without the expressed permission of the owner of that land or the tenant, licensee, or permittee of the owner of that land.

Offence

- (3) Every person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of not less than \$250 and not more than \$2,000. (EC96/88; 1/06; 916/24)

20. Noise

No person shall drive an off-highway vehicle at a speed exceeding 40 kilometres per hour within 30 metres of a dwelling or place where a person is taking shelter or is practising an outdoor sport. (EC96/88; 51/17)

21. Securing vehicle

Every person who parks an off-highway vehicle shall take every precaution to prevent a person from operating the off-highway vehicle who is not by the Act or regulations authorized to operate an off-highway vehicle. (EC96/88)

22. Clothing

No operator or passenger on an off-highway vehicle shall wear a scarf or other clothing accessory in such a manner that it may be caught by the mechanism of the off-highway vehicle, by tree branches or by other obstructions of a like nature. (EC96/88)

23. "trail", defined

- (1) In this section, "trail" means a path, road or route for the use of off-highway vehicles.

Rules

- (2) When driving an off-highway vehicle every person
- (a) shall make crossings to the right and pass on the left;
 - (b) shall not overtake and pass another off-highway vehicle on the right, except when the other vehicle is about to turn left;
 - (c) subject to clause (b), in passing another off-highway vehicle, shall not pull in front of the off-highway vehicle passed until the person has made sure that the person can do so without risk to the off-highway vehicle passed;
 - (d) when the trail is comprised of more than one lane and such lanes are in opposite directions, shall drive in the right lane and shall refrain from entering the left hand lane before having ascertained that the person may do so without danger and after having given warning of the person's intention if followed closely by another off-highway vehicle;
 - (e) shall, if following another off-highway vehicle, maintain a safe distance therefrom, taking into account the speed and density of the traffic as well as the condition of the trail;
 - (f) shall yield the right of way to any following off-highway vehicle claiming the right of way, by bearing to the person's right;
 - (g) shall not drive in reverse without having ascertained that it can be done without risk and without impeding traffic;

- (h) shall when stopping, slowing down or turning, make the following signals:
- (i) left turn: extend the left arm horizontally to the left,
 - (ii) right turn: extend the left forearm upwards,
 - (iii) stop or lessening of speed: extend the left arm downwards;
- A left turn and a right turn may also be indicated by
- (A) signals made by a mechanical device which shall be placed on each side of the off-highway vehicle and pointed in the direction of the intended turn, or
 - (B) by signals made by means of a luminous indicator operated on the left side or the right side of the off-highway vehicle with respect to its direction according to the direction of the intended turn.
- A stop or lessening of speed may also be indicated by signals made by means of lights or luminous devices adapted to such purpose at the rear of the off-highway vehicle.
- (i) when approaching an intersection where the person is preparing to turn left, shall yield the way to any off-highway vehicle coming in the opposite direction which enters the intersection or is so near thereto that it would be dangerous to turn in front of it;
 - (j) when arriving at a fork in two or more trails and at crossing of trails, shall yield the right of way to the driver of an off-highway vehicle approaching on the person's right on the other trail except when a stop sign is placed on one of such trails, in which case the driver whose vehicle must be brought to a stop shall be bound to yield the way;
 - (k) shall, when preparing to enter a trail, yield the way to any off-highway vehicle approaching the person's vehicle on such trail;
 - (l) shall, when the person wishes to turn right at an intersection of trails, inasmuch as possible, make a sharp turn and shall not encroach on the left or the centre of the trail which the person is entering;
 - (m) shall not park an off-highway vehicle so as to impede access to any property, or near an intersection of trails or in any other place where it might interfere with the traffic on the trails;
 - (n) shall, in every case when parked on a trail, leave a sufficiently clear space to permit the parked off-highway vehicle to be seen from both directions, except in the case of an emergency;
 - (o) shall not place the person's off-highway vehicle on a trail while being fueled.
(EC96/88; 916/24)

24. Transitional

Notwithstanding subclause 2(4)(a)(ii), the date of expiry for a certificate of registration issued in respect of a trail vehicle that is valid and subsisting on the date this section comes into force expires on April 30, 2025. (EC916/24)