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For more information concerning the history of these regulations, please see the ***Table of Regulations***.

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CHAPTER O-3

OFF-HIGHWAY VEHICLE ACT

REGULATIONS

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

1. (1) In these regulations — Definitions

(a) "Act" means the *Off-Highway Vehicle Act* R.S.P.E.I. 1988, Cap. O-3; — Act

(b) "snowmobile" means a snow vehicle as defined in the Act. — snowmobile

(2) The following classes or types of off-highway vehicles are exempt from the Act and these regulations: — Exempt off-highway vehicles

(a) miniature motor vehicles;
(b) minibikes. (EC96/88; 70/07)

2. (1) Off-highway vehicles shall be registered at an office of the Highway Safety Division. — Registration

(2) The fee for — Fees

(a) the registration of a snowmobile is $50;
(b) the registration of an off-highway vehicle, other than a snowmobile, is $50;
(c) the issue of a replacement plate is $5; and
(d) the transfer of the registration of an off-highway vehicle to a new owner is $20.

(3) Revoked by EC600/93. — Fee, transfer

(4) The registration of — Period of validity

(a) a snowmobile remains good and valid until November 30 of each year;
(b) an off-highway vehicle other than a snowmobile remains good and valid until the transfer or sale of the vehicle;

unless the registration is earlier suspended, revoked or cancelled by the Registrar.

(5) The registered owner of an off-highway vehicle shall forthwith notify the Highway Safety Division of any change of his name or address in writing or in person. (EC96/88; 600/93; 209/12) — Notice

Affixing license plates

3. (1) License 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 license plates.

Snowmobile plates

(2) License 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 license plates.

Replacement of defective plates

(3) Where the license 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 license plates therefor from the Registrar. (EC96/88)

Registration by new owner

4. (1) Where the off-highway vehicle is sold or transferred, the new owner must register the vehicle in his name within 14 days thereof.

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)

Standards

5. 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)

Helmet requirements

6. 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)

Engine size

6.1 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)

Powers of Registrar to suspend, etc.

7. (1) The Registrar may suspend, cancel or revoke the registration certificate or number plates, or any non-resident operating privilege or other permit, in any of the following events:

(a) when he is satisfied that such registration certificate, plate or non-resident operating privilege was erroneously issued or granted;

(b) when he determines that an off-highway vehicle owned or operated by a resident or non-resident is mechanically unfit or unsafe to be operated;

(c) when an off-highway vehicle has been dismantled or wrecked;

(d) when he determines that the required fee or revenue tax has not been paid;

(e) when a registration certificate, number plate or other permit is knowingly displayed upon an off-highway vehicle other than the one for which it was issued;

(f) when he determines that the owner has committed any offence under the Act or regulations involving such registration certificate, plate or other permit; or

(g) when the owner of an off-highway vehicle has been convicted of an offence under the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46, the Act or these regulations. (EC96/88)

Operation in proximity to highway

8. (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 valid 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)

Obligations of operator

9. 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 his driver's license when required to do so by any peace officer. (EC96/88)

Crossing highway

10. 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 valid 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)

Visibility at highway crossing

11. 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)

Age requirements

12. (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 valid 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 valid 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 valid 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 valid 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 valid 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)

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

12.1 (1) 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

(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 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)

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

12.2 (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)

Disclosure

13. 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)

Equipment

14. 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)

Lights

15. (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, operators should have lamps and taillamps illuminated any time the off-highway vehicle is in motion. (EC96/88)

Speeding and other offences

16. 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, main 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)

Impairment

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

Possession, etc. of firearms on vehicle

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

(a) be in possession of a firearm unless such firearm is inserted in a closed holster;

(b) have in his possession, or transport, a loaded firearm; or

(c) discharge a firearm from an off-highway vehicle. (EC96/88)

Trespass

19. (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 permitee of the owner of that land.

Offence

(3) Every person who contravenes subsection (2) is guilty of an offence and on summary conviction is liable to a fine of $225. (EC96/88; 1/06)

Noise

20. No person shall drive an off-highway vehicle at a speed exceeding 8 kilometers per hour within 30 meters of a dwelling or place where a person is taking shelter or is practising an outdoor sport. (EC96/88)

Securing vehicle

21. 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)

Clothing

22. 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)

"trail", defined

23. (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 he has made sure that he 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 he may do so without danger and after having given warning of his 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 his 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 he 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 his 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 his vehicle on such trail;

(l) shall, when he 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 he 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; this provision does not apply to a vehicle parked by reason of absolute necessity;

(o) shall not place his off-highway vehicle on a trail while being fueled. (EC96/88)