



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **OFF-HIGHWAY VEHICLE ACT**

## PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## OFF-HIGHWAY VEHICLE ACT

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## OFF-HIGHWAY VEHICLE ACT

### CHAPTER O-3

#### 1. Definitions

In this Act

- (a) “**all terrain vehicle**” means a wheeled or tracked motorized vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;
- (a.1) “**auxiliary peace officer**” means an auxiliary peace officer designated under subsection 1.1(1);
- (a.2) “**certificate of registration**” means a certificate of registration issued under subsection 5(1);
- (a.3) “**division**” means the Highway Safety Division;
- (b) “**highway**” means a highway as defined in the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
- (c) “**miniature motor vehicle**” means a motor vehicle other than a motor cycle, having specifications prescribed by the regulations;
- (d) “**minibike**” means a motor cycle having specifications as prescribed by the regulations;
- (e) “**Minister**” means the Minister of government designated by the Lieutenant Governor in Council to have the administration of this Act;
- (f) “**night time**” means that period commencing one hour after sunset and ending one hour before the following sunrise;
- (g) “**off-highway vehicle**” means any motorized vehicle designed for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when designed for such travel,
  - (i) four-wheel drive or low pressure tire vehicles,
  - (ii) power motor cycles and related two-wheel vehicles,
  - (iii) amphibious machines,
  - (iv) all terrain vehicles,
  - (v) repealed by 2006, c.14, s.1,
  - (vi) snow vehicles, and
  - (vii) minibikes,
  - (viii) repealed by 2006, c.14, s.1,but does not include
  - (ix) motor boats, or

- (x) any other vehicle exempted from all of the provisions of this Act by the regulations;
- (h) “**operator**” means a person who drives or is in actual physical control of a vehicle;
- (i) “**owner**” includes any person renting an off-highway vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than 30 days;
- (j) “**peace officer**” means a peace officer as defined in the *Highway Traffic Act*;
- (j.1) “**permit**” means a permit issued under subsection 1.2(4);
- (k) “**power motor cycle**” means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as scooters and power bicycles, but does not include motor cycles;
- (l) “**Registrar**” means the Registrar of Motor Vehicles referred to in section 4 of the *Highway Traffic Act*;
- (m) “**roadway**” means a roadway as defined in the *Highway Traffic Act*;
- (n) “**snow vehicle**” means a motorized vehicle designed or intended to be driven exclusively or chiefly upon snow or ice or both, and includes motorized vehicles known to the trade as snowmobiles. *R.S.P.E.I. 1974, Cap. O-1, s.1; 1995, c.27, s.1; 2004, c.11, s.1; 2006, c.14, s.1; 2019, c.28, s.1.*

### 1.1 Auxiliary peace officer

- (1) The Minister may designate, by notice published in the Gazette, any authorized officer of a snowmobile club to be an auxiliary peace officer.

#### Function

- (2) The function of an auxiliary peace officer is to enforce such requirements of this Act and the regulations as the Minister may authorize with respect to the operation of off-highway vehicles on trails leased from the government or any other person by any snowmobile association or club.

#### Powers

- (3) An auxiliary peace officer designated under subsection (1) has all the powers of a peace officer except the powers of search and arrest.

#### Powers of auxiliary peace officer or peace officer

- (4) For greater certainty, an auxiliary peace officer or a peace officer in the lawful execution of his or her duties and responsibilities may
  - (a) require the operator of an off-highway vehicle to stop;
  - (b) require the operator of an off-highway vehicle, on request, to produce for inspection his or her permit and certificate of registration for the off-highway vehicle; and
  - (c) issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations.

#### Operator to stop

- (5) The operator of an off-highway vehicle when signalled or requested to stop by an auxiliary peace officer or a peace officer shall immediately come to a safe stop.

#### Operator to produce

- (6) The operator of an off-highway vehicle, on request by an auxiliary peace officer or a peace officer, shall forthwith produce for inspection his or her permit and certificate of registration. *1995, c.27, s.2; 2004, c.11, s.2.*

**1.2 Confederation Trail**

- (1) In this section, “Confederation Trail” means the trail designated as the Confederation Trail under the *Trails Act* R.S.P.E.I. 1988, Cap. T-4.1.

**Offence**

- (2) No person shall operate an off-highway vehicle on the Confederation Trail unless
- (a) the person holds a permit; and
  - (b) the permit is affixed to the off-highway vehicle
    - (i) on the upper left (as determined from the seated position of the operator) of the centre of the outside of the windshield, or
    - (ii) on the top and to the left (as determined from the seated position of the operator) of the centre of the engine cowling.

**Offence and penalty**

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

**Permit issued**

- (4) A snowmobile association or club which has leased the Confederation Trail may, during the term of the lease and on application, issue a permit authorizing the holder to operate an off-highway vehicle on the Confederation Trail if the applicant pays such fee as may be required by the snowmobile association or club.

**Application**

- (5) For greater certainty, the seizure and impoundment provisions authorized by sections 16.1 and 16.2 apply to this section. *1995, c.27, s.2; 2003, 12, s.1; 2004, c.11, s.3; 2012, c.29, s.18, s.1; 2015, c.38, s.1; 2019, c.28, s.2.*

**2. Registration**

- (1) No person who is the owner or operator of an off-highway vehicle
- (a) shall operate or permit any other person to operate the off-highway vehicle; or
  - (b) shall possess, except on the property of the owner, the off-highway vehicle,
- unless the person holds a certificate of registration issued pursuant to this Act in respect of that vehicle.

**Non-resident, *re* registration**

- (2) The owner of an off-highway vehicle who is not a resident of Prince Edward Island is not in contravention of this section if
- (a) the off-highway vehicle is registered in some other jurisdiction in accordance with the laws thereof; and
  - (b) the off-highway vehicle while it is in Prince Edward Island has attached thereto the identification plate, licence plate or other similar plate issued in the other jurisdiction in connection with the registration of the off-highway vehicle.

**Offences and penalties**

- (3) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$75 and not more than \$100.

**Owner to furnish information; offence not to comply**

- (4) Where
- (a) the operator of an off-highway vehicle is a person other than the owner thereof and the off-highway vehicle is being operated with the owner's consent, either express or implied; and
  - (b) the operator of the off-highway vehicle is alleged to have committed an offence under this Act or the regulations or is alleged to have been in a collision while operating the off-highway vehicle,

the owner, on request by the Registrar or an auxiliary peace officer or a peace officer, shall furnish within 24 hours the name and address of the operator.

**Proof**

- (5) Proof that any person is the registered owner of an off-highway vehicle that
- (a) has been operated in contravention of this Act or the regulations; or
  - (b) has been in a collision,

is proof, in the absence of evidence to the contrary, that such person was operating the off-highway vehicle at the time of the contravention or collision. *R.S.P.E.I. 1974, Cap. O-1, s.2; 1975, c.19, s.1; 1987, c.51, s.1; 1994, c.58, s.6; 1995, c.27, s.3; 2001, c.45, s.1; 2003,c.12,s.2; 2004,c.11,s.4; 2019,c.28,s.3.*

**3. Production of registration upon demand**

- (1) Every operator of an off-highway vehicle required to be registered under this Act shall produce the certificate of registration of the off-highway vehicle upon demand by any peace officer or auxiliary peace officer.

**Time to produce**

- (2) A peace officer or an auxiliary peace officer shall give a person a reasonable time to produce a certificate of registration.

**Change of particulars, notification of Registrar**

- (3) Upon every change of address or change of name or both the person to whom the certificate of registration is issued shall in the manner prescribed by regulation forthwith in writing notify the Registrar of the change.

**Offence and penalty**

- (4) A person who contravenes subsection (1) or (3) is guilty of an offence and liable on summary conviction to a fine of not less than \$50 and not more than \$100. *R.S.P.E.I. 1974, Cap. O-1, s.3; 1994, c.58, s.6; 1995, c.27, s.4; 2004,c.11,s.5; 2019,c.28,s.4.*

**4. Application for registration**

- (1) An application for the registration of an off-highway vehicle shall be made to the Registrar in such form and giving such particulars as the Registrar requires.



**Liability of Crown for incorrect information**

- (2) No liability attaches to the Crown for any loss caused by incorrect information contained in an application for registration of an off-highway vehicle, notwithstanding that the information may have been entered on the application form by some person other than the applicant. *R.S.P.E.I. 1974, Cap. O-1, s.4.*

**5. Certificate of registration, and licence plate**

- (1) Upon receipt of an application for registration of an off-highway vehicle and upon payment of the registration fee as prescribed by the regulations, the Registrar may issue or cause to be issued
- (a) a certificate of registration in the form provided by the Registrar; and
  - (b) a licence plate or plates of such type, colour or shade as may be provided by the Registrar.

**Period of validity**

- (2) Subject to this Act, a certificate of registration issued pursuant to this section is valid for the period prescribed by the regulations.

**Registration permit to be used**

- (3) The Registrar shall not issue a certificate of registration if any revenue tax payable by the owner pursuant to the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14 with respect to the off-highway vehicle is unpaid, and where revenue tax is unpaid, the Registrar may refuse to issue a certificate of registration for the off-highway vehicle until the revenue tax is paid. *R.S.P.E.I. 1974, Cap. O-1, s.5.*

**6. Serial number, where removed**

- (1) Except as provided by subsection (2), an off-highway vehicle of which the manufacturer's serial number or similar identifying mark has been removed or obliterated shall not be registered.

**Proof of ownership**

- (2) A person who is in possession of an off-highway vehicle that is
- (a) in the condition described in subsection (1); or
  - (b) made without any serial number or similar identifying mark,
- may file with the Registrar satisfactory proof of the ownership of the off-highway vehicle and the Registrar may thereupon grant permission to cut, impress, or attach permanently to the off-highway vehicle a special identifying number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the off-highway vehicle. *R.S.P.E.I. 1974, Cap. O-1, s.6; 2019, c.28, s.5.*

**7. License plates: property of Crown**

- (1) Where the ownership of a registered off-highway vehicle passes from the registered owner to another person, whether by act of the owner or by operation of law, the licence plate or plates shall remain with the off-highway vehicle unless it is proved to the satisfaction of the Registrar that the registered off-highway vehicle has been wrecked in such a manner as to remove the possibility of its being again registered or operated.

**Transfer or assignment of title**

- (2) Subject to subsection (3), whenever the registered owner of an off-highway vehicle transfers or assigns the title, interest or possession in respect of the off-highway vehicle, the registered owner shall sign an application for transfer and shall enclose the name and address of the transferee or assignee and the date of the transfer or assignment upon the certificate of registration in the space provided, issued for the off-highway vehicle, and deliver the certificate to the transferee or assignee, who shall within 14 days have the certificate transferred into the name of the new owner in the records of the Registrar.

**Dealer, precondition to delivery**

- (3) No dealer shall deliver a registered off-highway vehicle until its certificate of registration has been transferred on the records of the Registrar to the name of the new owner.

**Application form and fee**

- (4) An application made under subsection (2) shall
- (a) be made on the form provided by the Registrar; and
  - (b) be accompanied by the fee prescribed by regulation.

**Certificate of registration**

- (5) When an off-highway vehicle is transferred as provided for in subsection (2), the Registrar shall issue a certificate of registration in respect of the off-highway vehicle so transferred.

**Offences and penalties**

- (6) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not less than \$150 and not more than \$200. *R.S.P.E.I. 1974, Cap. O-1, s.7; 2001, c.45, s.2; 2019, c.28, s.6*

**8. Display of licence plate**

- (1) No person shall operate an off-highway vehicle unless the licence plate issued in respect of that off-highway vehicle is firmly attached to the front or rear, or as may be prescribed by regulation on the front and rear, of the off-highway vehicle in such a position as to be clearly visible and readable and unobscured by any part of the off-highway vehicle or any attachment or load or other obstruction thereof.

**Exception: snowmobile**

- (2) Despite subsection (1), no person shall operate a snowmobile unless the licence plate issued in respect of that snowmobile is firmly attached to the off-highway vehicle in such a position as to be clearly visible and readable and unobscured by any part of the snowmobile or any attachment or load or other obstruction thereof. *R.S.P.E.I. 1974, Cap. O-1, s.8; 1994, c.44, s.1; 2019, c.28, s.7(a).*

**9. Dealer licence plates**

- (1) The Registrar may issue a licence plate or plates
- (a) to manufacturers of and dealers in off-highway vehicles; and
  - (b) to persons engaged in the business of servicing off-highway vehicles kept for sale by manufacturers or dealers.

**Validity of dealer licence plates**

- (2) Licence plates issued pursuant to this section are valid for only one place of business but where the person to whom any plates are issued has more than one place of business in the same municipality, all those places shall, for the purpose of this subsection, be considered one place of business.

**Use of dealer plates restricted**

- (3) No person shall attach a licence plate issued pursuant to this section to any vehicle
- (a) except an off-highway vehicle kept by a manufacturer or dealer for sale and not for hire; or
  - (b) except an off-highway vehicle that is, for the time being, in the custody and control of a person engaged in the business of servicing off-highway vehicles on behalf of a manufacturer or dealer.

**Use prohibited**

- (4) No person shall use or operate an off-highway vehicle to which a licence plate is attached contrary to subsection (3). *R.S.P.E.I. 1974, Cap. O-1, s.9.*

**10. Licence plates are Crown property**

Every licence plate issued under this Act remains the property of the Crown and the person in possession thereof shall return it to the Registrar whenever the Minister so requires. *R.S.P.E.I. 1974, Cap. O-1, s.10.*

**11. Prohibitions**

No person shall

- (a) deface or alter any certificate or licence plate issued under this Act;
- (b) use or permit the use of any defaced or altered certificate or licence plate issued under this Act; or
- (c) except as provided in this Act, use or permit the use of any licence plate upon an off-highway vehicle or class thereof other than the off-highway vehicle or class thereof for which the licence plate was issued. *R.S.P.E.I. 1974, Cap. O-1, s.11.*

**11.1 Liability**

Despite the *Occupiers' Liability Act* R.S.P.E.I. 1988, Cap. O-2, a person who is the owner or operator of, or who is a passenger on, an off-highway vehicle that is operated on land, with or without the permission of the owner or occupier of the land, is deemed to have willingly assumed all risks related to the ownership or operation of or carriage on the off-highway vehicle except a danger created by the owner or occupier of the land with the deliberate intent of doing harm or damage to the person or property of the owner, operator or passenger. *2008, c.54, s.1; 2019, c.28, s.7(b).*

**12. Operation on highway**

- (1) No person shall operate an off-highway vehicle on any portion of a highway.

**Exceptions to prohibition re operating off-highway vehicles on highway**

- (2) Despite subsection (1)
- (a) the Lieutenant Governor in Council may by regulation authorize persons to operate off-highway vehicles along any portion of any highway or class thereof under Lieutenant Governor in Council's direction, control and management, subject to such restrictions and conditions as may be prescribed;
  - (b) the operator of an off-highway vehicle may cross any highway, including the roadway or sidewalk portion thereof, as the case may require, if
    - (i) the operator stops the off-highway vehicle before entering onto the highway or portion thereof to be crossed,
    - (ii) all passengers disembark from the off-highway vehicle before the operator commences to cross,
    - (iii) the operator yields the right of way to all other vehicles and persons on the highway, and
    - (iv) the operator crosses over the highway or portion thereof to be crossed at right angles to the centre of the highway;
  - (c) the Lieutenant Governor in Council may by regulation authorize persons to operate snow vehicles on any closed seasonal or closed scenic heritage highway subject to such restrictions and conditions as the Lieutenant Governor in Council may prescribe.

**Maximum rates of speed**

- (3) A regulation made under this section may, in respect of off-highway vehicles and subject to the maximum rates of speed prescribed for such highways under the *Highway Traffic Act*, prescribe maximum and minimum rates of speed therefor.

**Offences and penalties**

- (4) Every person who contravenes this section or a regulation made under this section is guilty of an offence and liable on summary conviction
- (a) for a first offence, to a fine of not less than \$250 and not more than \$500; and
  - (b) for a second or subsequent offence, to a fine of not less than \$500 and not more than \$1,000. *R.S.P.E.I. 1974, Cap. O-1, s.12; 1994, c.58, s.6; 1994, c.44, s.2; 1995, c.27, s.5; 2012, c.29, s.2; 2016, c.46, s.1; 2019, c.28, s.7(c), 8.*

**13. Right of way**

- (1) Despite anything in this Act, an off-highway vehicle operator shall at all times yield the right of way to the operators of vehicles of other classes.

**Traffic control devices**

- (2) Where an off-highway vehicle is on or approaching a highway, the operator shall obey all traffic control devices regulating traffic on, approaching or leaving the highway. *R.S.P.E.I. 1974, Cap. O-1, s.13; 2019, c.28, s.7(d).*

**14. Accidents, duties of operator or person in charge**

- (1) When an accident occurs the operator or other person in charge of an off-highway vehicle that was directly or indirectly involved in the accident
- (a) shall remain at or immediately return to the scene of the accident;

- (b) shall render all reasonable assistance; and
- (c) shall produce in writing to anyone sustaining loss or injury and to any peace officer and to a witness
  - (i) the name and address of the operator or person in charge of the off-highway vehicle,
  - (ii) the name and address of the registered owner of the off-highway vehicle, and
  - (iii) the registration number of the off-highway vehicle, or such of that information as is requested.

**Collision with unattended vehicle**

- (2) The driver of an off-highway vehicle that collides with an unattended vehicle, whether an off-highway vehicle or not, shall stop and
  - (a) shall locate and notify the person in charge or owner of the unattended vehicle of the name and address of the driver and the registration number of the off-highway vehicle striking the unattended vehicle; or
  - (b) shall leave in a conspicuous place in or upon the vehicle collided with a written notice giving the name and address of the operator and the registration number of the off-highway vehicle striking the unattended vehicle.

**Locating and notifying owner or person in charge**

- (3) The driver of an off-highway vehicle involved in an accident resulting in damage to any property other than that referred to in subsections (1) and (2), shall take reasonable steps to locate and notify the owner or person in charge of the property of such fact and of the name and address of the driver and owner and the registration number of the off-highway vehicle.  
*R.S.P.E.I. 1974, Cap. O-1, s.14; 2019,c.28,s.9.*

**15. Accident reports, death of person or property damage**

- (1) Subject to subsection (2), where an accident results in injury or death to a person or in property damage to an apparent extent of \$200 or more, the operator or person in charge of an off-highway vehicle involved in the accident shall forthwith make a written report in the form provided by the Registrar and containing such information as may be required thereby, to a peace officer having jurisdiction where the accident occurred.

**Occupant to make report, where**

- (2) Where the operator is incapable of making the report required by subsection (1), and there is another occupant of the off-highway vehicle capable of making the report, the occupant shall make the report required to be made by the operator.

**Owner to make report, where**

- (3) Where no report has been made under subsection (1) or (2), and neither the operator nor any passenger is the owner of the off-highway vehicle, the owner shall forthwith after learning of the accident make the report.

**Operator makes report, where**

- (4) Repealed by 2019,c.28,s.10. *R.S.P.E.I. 1974, Cap. O-1, s.15; 2019,c.28,s.10.*

**16. Report of investigation by peace officer**

A peace officer who has witnessed or has investigated an accident shall forthwith forward to the Registrar a written report in the form provided by the Registrar setting forth full

particulars of the accident, including the names and addresses of the persons involved and the extent of the personal injuries or property damage. *R.S.P.E.I. 1974, Cap. O-1, s.16.*

### 16.1 Seizure

- (1) Where a peace officer has reasonable and probable grounds to believe that an offence has been committed under this Act or the regulations, the peace officer may seize the off-highway vehicle with or in respect of which the offence was committed.

#### Safety of operator.

- (2) If a peace officer is satisfied that the seizure of an off-highway vehicle under subsection (1) would
- (a) jeopardize the safety of the operator or any occupants of the off-highway vehicle; or
  - (b) leave the operator or occupants stranded,

the peace officer shall arrange for transportation of the operator and any occupants of the off-highway vehicle to the nearest safe area where they can summon an alternative form of transportation.

#### Personal property in vehicle

- (3) Personal property present in an off-highway vehicle that has been seized under subsection (1), other than personal property attached to or used in connection with the operation of the off-highway vehicle, shall be returned to the owner on request.

### 16.2 Impoundment

- (1) Where a peace officer seizes an off-highway vehicle under subsection 16.1(1), the peace officer shall cause the off-highway vehicle to be taken to and impounded at a place directed by the peace officer.

#### Notice

- (2) A peace officer who seizes an off-highway vehicle and causes it to be impounded under subsection (1) shall, as soon as possible after the seizure, give the owner of the off-highway vehicle a written notice of the place where the off-highway vehicle is impounded.

#### Idem

- (3) For the purposes of subsection (2), it is sufficient for a peace officer to give a written notice of impoundment to the person who the Registrar believes, on the basis of the records of the Department or otherwise, is the owner of the off-highway vehicle.

#### Period of impoundment

- (4) An off-highway vehicle that is impounded under subsection (1) shall remain impounded for a period of 24 hours from the time it is seized and impounded.

#### Idem

- (4.1) Despite subsection (4), an off-highway vehicle that is impounded under subsection (1) in respect of an offence committed under section 1.2 shall remain impounded
- (a) for a first offence, for a period of 30 days; and
  - (b) for a second or subsequent offence, for a period of 60 days,
- from the date the off-highway vehicle is seized and impounded.

**Previous impoundment**

- (5) Despite subsection (4), where an off-highway vehicle that is impounded under subsection (1) is owned by a person who, within three years before the date of the impoundment, was the owner of an off-highway vehicle that was impounded under subsection (1), the off-highway vehicle is to remain impounded for a period of 30 days from the date it is impounded.

**Unpaid vendor's right**

- (6) For greater certainty, where an off-highway vehicle is impounded under subsection (1), the unpaid vendor of the off-highway vehicle, if any, is not entitled to again obtain possession of the off-highway vehicle until the relevant period of impoundment imposed under subsections (4), (4.1) or (5), as the case may be, has expired.

**Costs and charges**

- (7) The following costs and charges constitute a lien on an off-highway vehicle impounded under this section:
- (a) all costs and charges for the transportation, towing, care and storage, respecting the impoundment of the off-highway vehicle;
  - (b) all charges for searches and registrations under the statutes governing security interests that are reasonably necessary to fulfil the obligations of the person who has custody of the off-highway vehicle under the impoundment.

**Enforcement**

- (8) The lien described in subsection (7) may be enforced under the *Garage Keepers' Lien Act* R.S.P.E.I. 1988, Cap. G-1.

**Notice to Registrar**

- (9) The person who has custody of an off-highway vehicle that is impounded under this section shall notify the Registrar of the sale of that off-highway vehicle under the *Garage Keepers' Lien Act*.

**Termination of impoundment**

- (10) An off-highway vehicle that has been impounded for the relevant period of impoundment imposed under subsections (4), (4.1) or (5), as the case may be, shall remain impounded, if on the expiry of the relevant period, the off-highway vehicle is still subject to a lien described in subsection (7), until
- (a) the lien is paid; or
  - (b) the vehicle is dealt with
    - (i) under the *Garage Keepers' Lien Act*, or
    - (ii) under subsection (11).

**Continuation of impoundment if vehicle not registered**

- (11) The person who has custody of an off-highway vehicle that has been impounded for the relevant period of impoundment imposed under subsections (4), (4.1) or (5), as the case may be, shall keep the off-highway vehicle impounded, if on the expiry of the relevant period, the owner of off-highway vehicle is not able to produce, for the inspection of that person, a certificate of registration issued under this Act or by another jurisdiction for the off-highway vehicle.

**Disposal of vehicle**

- (12) If an off-highway vehicle that is impounded under this section remains impounded for at least 90 days after the expiration of the relevant period of impoundment imposed under

subsections (4), (4.1) or (5), as the case may be, the person who has custody of the off-highway vehicle under the impoundment may, with the approval of the Registrar, dispose of the off-highway vehicle by sale or otherwise, if the person

- (a) surrenders to the Registrar any number plate, issued under this Act, from the off-highway vehicle; and
- (b) files with the Registrar
  - (i) a statutory declaration in the prescribed form declaring that
    - (A) the amount of the person's lien on the off-highway vehicle exceeds the person's estimate of the value of the off-highway vehicle, and
    - (B) the person, at least 14 days before making the statutory declaration, sent to the owner of the off-highway vehicle, by ordinary mail, a notice that the person intends to dispose of the vehicle if the lien is not paid, and
  - (ii) a certificate showing that no security interest is registered against the off-highway vehicle under the statutes governing security interests.

**Transfer of ownership to garage keeper**

- (13) If the Registrar approves the disposal of an off-highway vehicle under subsection (12), the Registrar shall
  - (a) issue a new certificate of registration for the off-highway vehicle to the person who has custody of the off-highway vehicle under the impoundment; and
  - (b) forward any refund from the cancellation of the registration to the previous registered owner of the off-highway vehicle.

**Termination of impoundment by Registrar**

- (14) On application by the owner of an off-highway vehicle that has been impounded under this section, the Registrar may if the Registrar is satisfied that the vehicle was not impounded because of any fault of the owner,
  - (a) terminate the period of impoundment imposed under subsections (4), (4.1) or (5), as the case may be; and
  - (b) direct the person who has custody of the off-highway vehicle to release the vehicle to its owner immediately on payment of the lien described in subsection (7).

**Offence and penalty**

- (15) Every person who removes or releases, or permits the removal or release of, an impounded off-highway vehicle from the place of impoundment except in accordance with this Act is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$5,000. *2006,c.14,s.2; 2019,c.28,s.11.*

**17. Careless driving, offence and penalty**

Every person who operates an off-highway vehicle

- (a) without due care and attention;
- (b) without reasonable consideration for other persons or property,

is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$5,000. *R.S.P.E.I. 1974, Cap. O-1, s.17; 1994, c.58, s.6; 2019,c.28,s.12.*



**18. False statements**

No person shall knowingly make a false statement in any application required or made under this Act or the regulations. *R.S.P.E.I. 1974, Cap. O-1, s.18.*

**19. Offences**

- (1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence.

***Idem***

- (2) Any person who permits another person to operate an off-highway vehicle in contravention of this Act or the regulations is guilty of an offence. *R.S.P.E.I. 1974, Cap. O-1, s.19.*

**20. General penalty**

Except as otherwise provided in this Act or prescribed in the regulations, a person who is guilty of an offence under this Act or the regulations for which a penalty is not otherwise provided is liable on summary conviction,

- (a) for a first offence, to a fine of not less than \$250 or more than \$2,000; and  
(b) for a second or subsequent offence, to a fine of not less than \$500 or more than \$2,000. *R.S.P.E.I. 1974, Cap. O-1, s.20; 1994, c.58, s.6; 2005, c.14, s.1; 2006, c.14, s.3.*

**21. Municipal bylaws, Act to prevail**

Except where this Act or any other Act specifically provides to a contrary effect, no municipality has any power to pass, enforce or maintain any bylaw

- (a) requiring from any owner or operator of an off-highway vehicle any tax, fee, licence or permit for the use, possession or operation of an off-highway vehicle;  
(b) that in any way affects the registration or numbering of off-highway vehicles; or  
(c) permitting the operation of off-highway vehicles in a manner contrary to or inconsistent with this Act. *R.S.P.E.I. 1974, Cap. O-1, s.21.*

**22. Regulations**

The Lieutenant Governor in Council may make regulations

- (a) requiring or prohibiting the use of any equipment in connection with off-highway vehicles or things that may be attached to off-highway vehicles;  
(a.1) prescribing the fine or range of fines that a person is liable to, on summary conviction, where the person is found guilty of an offence for contravening a provision of the regulations;  
(b) prescribing fees for anything required to be done under this Act;  
(c) prescribing terms and conditions governing the registration, use and operation of off-highway vehicles;  
(d) prescribing rates of speed for off-highway vehicles;  
(e) prescribing rules of operation for off-highway vehicles and any other matter or thing considered necessary for the safety of operators, passengers or other persons;  
(f) prescribing any equipment required and the types and uses therefor  
(i) on an off-highway vehicle,  
(ii) by an operator of and passengers on an off-highway vehicle, and

- (iii) by passengers on any vehicle being drawn by an off-highway vehicle;
  - (g) governing, restricting or prohibiting the operation of an off-highway vehicle by any person;
  - (g.1) respecting off-highway vehicle safety training;
  - (g.2) respecting the maximum engine size of an off-highway vehicle that a person of a specified age or weight may operate;
  - (h) prescribing the amount and type of insurance coverage that shall be supplied in respect of off-highway vehicles;
  - (i) requiring and regulating the registration of off-highway vehicles
    - (i) kept for sale by manufacturers or dealers of off-highway vehicles, and
    - (ii) kept for hire by any person engaged in the business of renting out off-highway vehicles;
  - (j) permitting any person to inspect or take copies of or extracts from any writing, paper or document filed with or kept by the Registrar pursuant to this Act or the regulations, and requiring the payment of and setting the amount of fees therefor;
  - (k) requiring the owner of every off-highway vehicle to affix to the off-highway vehicle an identification number or tag in such form and on such part of the off-highway vehicle as the regulations may prescribe;
  - (l) governing, restricting or prohibiting the use of any highway or highways by any off-highway vehicle;
  - (m) governing, restricting or prohibiting the use of any off-highway vehicle or class of vehicles that, in the opinion of the Minister may be a hazard to other persons by reason of unusual or novel size, weight or operating characteristics, or by any reason of any alteration or modification from its original construction by the manufacturer;
  - (n) exempting any off-highway vehicle or class of off-highway vehicles from any or all of the provisions of this Act or the regulations;
  - (o) prescribing minimum specifications for any class of off-highway vehicle;
  - (p) adopting in whole or in part any code of standards or specifications in relation to any equipment or material to be used or installed in off-highway vehicles;
  - (q) prescribing generally as to any other matter or thing that is considered necessary for the better carrying out of the intent of this Act and the doing of which is permitted by this Act and to meet cases that arise and for which no provision is made in this Act.
- R.S.P.E.I. 1974, Cap. O-1, s.22; 2005,c.14,s.2; 2006,c.14,s.4.*

### 23. Application of Highway Traffic Act

The *Highway Traffic Act* does not apply to any matter relating to off-highway vehicles to which this Act applies. *R.S.P.E.I. 1974, Cap. O-1, s.23.*