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CHAIR:

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1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
2 CHARLES III, 2023

(Bill No. 35)

An Act to Amend the Off-Highway Vehicle Act

Hon. Ernie Hudson
Minister of Transportation and Infrastructure

GOVERNMENT BILL

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Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

AMENDMENTS

ASSEMBLY / SESSION / YEAR
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BILL NUMBER: 35

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TITLE: An Act to Amend the Off-Highway Vehicle Act

#	SECTION	AMENDMENT	DATE

NOTED:

CERTIFIED CORRECT:

COMMITTEE CLERK

CHAIR, IN COMMITTEE



AN ACT TO AMEND THE OFF-HIGHWAY VEHICLE ACT

BILL NO. 35

2023

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

1. **Clause 1(a) of the *Off-Highway Vehicle Act* R.S.P.E.I. 1988, Cap. O-3, is repealed and the following substituted:**
 - (a) “**all terrain vehicle**” means
 - (i) an amphibious vehicle,
 - (ii) a utility vehicle,
 - (iii) a side-by-side, and
 - (iv) any other off-highway vehicle, other than a snow vehicle, that
 - (A) operates or travels on three or more tires or has been adapted to operate on four tracks,
 - (B) has a seat designed to be straddled by the operator of the vehicle, and
 - (C) has handlebars for steering the vehicle;
2. **Subsection 1.2(2) of the Act is amended**
 - (a) **in clause (a), by the deletion of the word “and”;**
 - (b) **in subclause (b)(ii), by the deletion of the period and the substitution of the words “; and”; and**
 - (c) **by the addition of the following after clause (b):**
 - (c) the person is crossing a portion of the Confederation Trail that is designated as a trail crossing, and marked with signs posted at the usual points of access to the trail crossing, pursuant to section 4.2 of the *Trails Act*.
3. **Subsection 5(2) of the Act is repealed and the following substituted:**

Period of validity

- (2) Certificates of registration and licence plates issued by the Registrar pursuant to this section and section 7 are valid for the period prescribed by the regulations.

4. (1) Subsection 7(1) of the Act is repealed and the following substituted:

7. Transfer of vehicle – registration required

- (1) No person shall sell or transfer an off-highway vehicle unless the vehicle is registered under subsection 5(1).

Licence plates remain with registered owner

- (1.1) 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 registered owner shall remove the licence plate or plates from the off-highway vehicle and retain the plates in the registered owner's possession.

- (2) **Subsection 7(5) of the Act is amended by the addition of the words “and a licence plate or plates” after the words “certificate of registration”.**

- (3) **Subsection 7(6) of the Act is amended by the deletion of the words “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” and the substitution of the words “subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$2,000”.**

5. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

EXPLANATORY NOTES

SECTION 1 repeals clause 1(a) of the *Off-Highway Vehicle Act* R.S.P.E.I. 1988, Cap. O-3, and substitutes a new clause 1(a) to update the definition for “all terrain vehicle”.

SECTION 2 amends subsection 1.2(2) of the Act to authorize a person to operate an off-highway vehicle on a portion of the Confederation Trail that is designated as a trail crossing and marked with posted signs at the usual points of access to the crossing pursuant to the *Trails Act* R.S.P.E.I. 1988, Cap. T-4.1.

SECTION 3 repeals subsection 5(2) of the Act and substitutes a new subsection 5(2) to specify certificates of registration and licence plates issued by the Registrar are valid for the period prescribed by the regulations.

SECTION 4 amends section 7 of the Act to specify the ownership of an off-highway vehicle cannot be transferred unless the vehicle is registered under the Act. Where ownership of a registered off-highway vehicle passes from the registered owner to another person, the licence plate or plates remain with the registered owner. The section provides that on the transfer of an off-highway vehicle, the Registrar shall issue a certificate of registration and a licence plate or plates in respect of the transferred vehicle. The penalty amount for an offence specified in subsection 7(1) or (2) of the Act is a minimum fine of \$200 and a maximum fine of \$2,000.

SECTION 5 provides for the commencement of this Act.

(Bill No. 35)

An Act to Amend the Off-Highway Vehicle Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 7, 2023
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Ernie Hudson
Minister of Transportation and Infrastructure

GOVERNMENT BILL

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