

OFF HIGHWAY VEHICLE OPERATION

in Prince Edward Island

**A Practical Guide for Users
and Landowners**

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Section 1

What is an off-highway vehicle?

Any motorized vehicle designed for cross-country travel on land, water, snow, ice, marsh or swamp land. This includes all terrain vehicles (ATVs), side-by-sides, dirt bikes and snowmobiles.

- OHV Act- Section 1 (G)
- OHV Act- Section 1 (N)

Section 2

What documents do I need to carry to operate an Off-Highway Vehicle? Registration/License:

Operators of an OHV must carry a government issued registration for the OHV and must have a valid license plate attached to the OHV which must be visible anytime the OHV is off the owner's property.

To operate an OHV other than a snowmobile or dirt bike, the driver must be at least 14 years of age. If the driver is between 14 and 19 years of age, they must have completed an OHV Safety Training course. All 14 and 15 year olds must be supervised by an adult who has held a valid drivers license for at least 24 months or who has completed an OHV Safety Training course.

Anyone over the age of 16 may drive an OHV so long as they have a valid drivers license and have held that license for at least 24 months. If they have not held a valid drivers license for 24 months, they are still required to complete an OHV Safety Training course.

- OHV Act- Section 2 (1) (Registration)
- OHV Act-Section 3 (1)
- OHV Regulations Section 2 (1) & 2 (2) & 2(4)
- OHV Regulations Section 3(1) & 3(2)
- OHV Regulations Section 8 (2)

Example:

A 15 year old driver is driving an ATV on his family farm, without supervision and without having completed a recognized off-highway safety training course. He does not hold a valid drivers license. This driver is unlawfully operating his ATV in Prince Edward Island.

Section 3

Where can I drive my off-highway vehicle/snowmobile?

OHV can be operated on the operator's private property or the private property of a property owner that has given explicit permission to the operator.

OHVs can be operated on the approved trails of the PEI ATV Federation and PEI Snowmobile Association with the purchase of a permit. Only vehicles allowed

on the Confederation Trail are snowmobiles.

OHVs can only be operated in the ditch or to cross a highway if the rider has a valid driver's license. Operators are required to obey all traffic signals and highway regulations.

Snowmobiles are permitted to use the Confederation Trail if the operator holds a permit from the snowmobile association.

- OHV Act Section 1.2 (2) (snowmobiles- Confederation Trail)
- OHV Act Section 1.2(4)
- OHV Regulations Section 8 (1)
- OHV Regulations Section 10

Example:

A snowmobile rider is traveling through her neighbors potato fields in the winter. She has asked, and been given permission to do so by the land owner, before beginning her ride, as the field is not going to be harmed in the process. The rider crosses the highway, while in possession of her valid license, and continues on her venture into another of her neighbors field, which she has also been given permission to travel through. This rider is lawfully operating her snowmobile.

Section 4

Where can I NOT drive my off-highway vehicle/snowmobile?

No person shall operate an OHV on any land without the expressed permission of the land owner/tenant.

OHVs cannot be operated on the highway, unless crossing the highway and the rider must have a valid driver's license.

OHV are not permitted to be operated on a wetland, watercourse, beach, dune, or carry out any activity that will interfere with the natural environment of the beach or dune. Permission can be granted to operate an OHV for the purposes of legal fishing or removal of beach material.

- OHV Act- Section 12 (1) & 12 (2)
- OHV Regulations Section 19 (2)
- EP Act Section 22 (1&2)
- EP Regulations Section 2 (1-E)
- EP Regulations Trails Act 3 (A&E)

Example:

Two dirt-bike riders are traveling through their private property. At the end of their property line, they begin travelling on the shoulder of the highway for 2 kilometers, before pulling off into a secluded blueberry field that belongs to an unknown owner. They notice several "No Trespassing" signs, posted

around the perimeter of the field, but continue on anyways. Both riders are unlawfully operating their dirt bikes, both by driving along the shoulder of the road, and by choosing to drive in a field without the permission of the owner.

Section 5

Consequences to breaking the Law:

Under the Trespass to Property Act, OHV operators found guilty of willfully trespassing on private property are liable for a fine of not less than \$200.00 and not more than \$2000.00.

Under the Off-Highway Vehicle Act Regulations operating a OHV on any private land without permission is liable for a fine of \$225 upon conviction.

OHV operators without a registration are liable for a fine of not less than \$75.00 and not more than \$100.00.

OHV operators found guilty of careless driving are liable for a fine of not more than \$5000.00.

Off-Highway Vehicle Act and Regulations offences are subject to fines ranging from \$50 to \$5000.

Snowmobiles operating on the Confederation Trail without a permit are liable for a fine of \$500.00.

It is illegal to operate an OHV under the influence of alcohol and/or drugs. You are also prohibited from driving an OHV if you have had your driving privileges

suspended under the act Highway Traffic Act and/or Criminal Code of Canada as a result of driving while impaired.

- OHV Act- Section 1.2 (3) (snowmobiles-Confederation Trail)
- OHV Act section 2 (3)
- OHV Act-Section 3 (4)
- OHV Act- Section 17
- OHV Act- Section 12 (4)
- OHV Regulations Section 19 (3)
- EP Regulations Trails Act 3.1
- Trespass to Property Act 2 (1)

Example:

An ATV rider is stopped by authorities after being reported for trespassing by the farmer who's land was being unlawfully accessed. Upon stopping, it is determined that the riders registration and license are both expired, she was operating on private farm land without the consent of the property owners, and has been driving her ATV in a careless manner resulting in damages to the farmers crops. This rider could potentially face fines of over \$7000.00, if she is found guilty of the above infractions.

Section 6

Information for Property Owners:

OHV operators and passengers who enter private property with or without the permission of the land owner accept all risks related to the operation of the OHV unless a danger has been deliberately created on the property with intent or doing harm or damage to the operator/passenger.

- OHV Act- Section 11.1

Example:

John's farm has been in his family for years, and he has always refused access to his land to OHV drivers, as he knows that fallen trees and stumps may be only partially hidden, especially in winter. Three snowmobile riders decide to access his fields, without his permission, in order to cross onto the Confederation Trail which runs adjacent to John's property. Near the edge of John's land, one rider hits a covered stump and is thrown from his snowmobile, uninjured. As these riders were accessing John's farm fields without permission John will not be liable for any injury or damages.

Section 7

Information for Operators Safety:

Operators of OHV's, other than snowmobiles and dirt bikes, are required to be at least 14 years of age. Individuals between 14 and 16 must be supervised by an adult who holds a valid drivers license and has successfully completed an OHV Safety Training course or has held a valid drivers license for at least 2 years.

All 14 to 19 year olds must successfully complete an OHV Safety Training course.

All individuals 16 years or older can operate an OHV without supervision if they have held a valid drivers license for 2 years or more, or has successfully completed an OHV Safety Training course.

An operator must hold a valid driver's license to operate an OHV in the ditch of the highway or to cross a highway.

- OHV Regulations Section 6 (A&B)

Section 8

Contact:

For any questions, concerns or general inquiries surrounding the operation of your Off-Highway Vehicle please call the following:

Prince Edward Island ATV Federation:

- (902) 940-0990
- www.peiatvf.com
- PEIATVFederation@hotmail.com
- Facebook: PEI ATV Federation News

Department of Transportation, Infrastructure and Energy:

- (902) 368-5100
- www.gov.pe.ca/tir/

Department of Justice and Public Safety:
www.gov.pe.ca/jps/

Department of Agriculture and Fisheries:
www.gov.pe.ca/agriculture/

Prince Edward Island Snowmobile Association:
www.peisa.ca

Prince Edward Island Federation of Agriculture:
www.peifa.ca

INITIATIVE PARTNERS

