

**EC2020-438**AN ACT TO AMEND THE BUSINESS CORPORATIONS ACT  
DECLARATION RE

Under authority of section 14 of *An Act to Amend the Business Corporations Act* Stats. P.E.I. 2019, c. 20 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Business Corporations Act" to come into force effective September 1, 2020.

**EC2020-439**FINANCIAL ADMINISTRATION ACT  
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION  
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB236/20 of July 22, 2020), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a revolving line of credit loan by the Prince Edward Island Grain Elevators Corporation (hereinafter referred to as "the borrower") in an amount not exceeding nine million, five hundred thousand (\$9,500,000.00) dollars (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at prime minus zero decimal two five (0.25) percent on direct advances or bankers' acceptance fee of one decimal three (1.3) percent per annum to the Bank of Nova Scotia of Charlottetown, Prince Edward Island (hereinafter referred to as "the lender"), from the 28th day of July, 2020 through to and including 1700 hours on the 31st day of July, 2021, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of July, 2021.
2. Any advances made by the lender after the 31st day of July, 2021 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of July, 2021 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of July, 2021 notice has been given to the Government of Prince Edward Island, as represented by the Minister of Finance that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Minister of Finance to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.

5. The Minister of Finance may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Minister of Finance pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Minister of Finance.
7. Order-in-Council EC2019-466 of July 2, 2019 is hereby rescinded.

**EC2020-440**

**HIGHWAY TRAFFIC ACT  
FARM TRUCK REGISTRATION REGULATIONS  
AMENDMENT**

Pursuant to section 31 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

**1. Section 1 of the *Highway Traffic Act* Farm Truck Registration Regulations (EC356/74) is revoked and the following substituted:**

- 1.** In these regulations “farm truck” means a truck Definition
- (a) that is owned by a bona fide farmer as defined in the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4;
  - (b) that is used only for transporting the farmer, the farmer’s family and
    - (i) other persons the farmer chooses to transport or cause to be transported without charging a fee,
    - (ii) tools, machinery, equipment and materials that are used on the truck owner’s farm in agricultural production,
    - (iii) animals and animal products, poultry and poultry products, plants and plant products, or products of the forest that are grown or produced on the truck owner’s farm;
  - (c) that has a manufacturer’s weight rating of at least 4,500 kg, but that does not have more than two axles,
- and includes
- (d) a military surplus three-axle vehicle used exclusively for farm purposes;
  - (e) a tandem rear three-axle commercial motor vehicle used exclusively for farm purposes; and
  - (f) a tractor-trailer combination used exclusively for farm purposes.

**2. Subsection 3(1) of the regulations is amended by the deletion of the words “by him” and the substitution of the words “by the person”.**

**3. (1) Subsection 4(1) of the regulations is amended by the deletion of the words “he receives payment” and the substitution of the words “the Registrar receives payment”.**

**(2) Subsection 4(3) of the regulations is amended by the deletion of the words “he shall” and the substitution of the words “the person shall”.**

**4. Section 6 of the regulations is amended by the deletion of the words “his authorized representative” and the substitution of the words “the person’s authorized representative”.**

**5. Subsection 7(1) of the regulations is amended by the deletion of the words “on truck or affix his name” and the substitution of the words “on the truck or affix the owner’s name”.**

**6. These regulations come into force on August 8, 2020.**

**EXPLANATORY NOTES**

**SECTION 1** revokes the definition of “farm truck” at section 1 of the *Highway Traffic Act* Farm Truck Registration Regulations (EC356/74) and substitutes a new definition of “farm truck” at section 1 to align it with the more complete and detailed definition of the same term found in other provincial enactments.

**SECTIONS 2 to 5** replace gender specific language with gender neutral language.

**SECTION 6** provides for the commencement of the regulations.

**EC2020-441**

**HIGHWAY TRAFFIC ACT  
MOTOR VEHICLE INSPECTION REGULATIONS  
AMENDMENT**

Pursuant to section 312 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

**1. Clause 1(j) of the *Highway Traffic Act* Motor Vehicle Inspection Regulations (EC441/91) is revoked and the following substituted:**

- (j) “farm truck” means a truck farm truck
- (i) that is owned by a *bona fide* farmer as defined in the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4,
  - (ii) that is used only for transporting
    - (A) the farmer, the farmer’s family and other persons the farmer chooses to transport or cause to be transported without charging a fee,
    - (B) tools, machinery, equipment and materials that are used on the truck owner’s farm in agricultural production,
    - (C) animals and animal products, poultry and poultry products, plants and plant products, or products of the forest that are grown or produced on the truck owner’s farm, and
  - (iii) that has a manufacturer’s weight rating of at least 4,500 kg, but that does not have more than two axles,
- and includes
- (iv) a military surplus three-axle vehicle used exclusively for farm purposes,
  - (v) a tandem rear three-axle commercial motor vehicle used exclusively for farm purposes, and
  - (vi) a tractor-trailer combination used exclusively for farm purposes;

**2. Clause 3(1)(a) of the regulations is amended by the deletion of the words “it shall be inspected at least once every 12 months but where the vehicle is a bus, it shall be inspected” and the substitution of the words “at least once every 12 months but where the vehicle is a bus, the vehicle shall be inspected”.**

**3. These regulations come into force on August 8, 2020.**

**EXPLANATORY NOTES**

**SECTION 1** revokes the definition of “farm truck” at clause 1(j) of the *Highway Traffic Act Motor Vehicle Inspection Regulations* (EC441/91) and substitutes a new definition of “farm truck” at clause 1(j) to align it with the more complete and detailed definition of the same term found in other provincial enactments.

**SECTION 2** amends clause 3(1)(a) of the regulations to correct grammar.

**SECTION 3** provides for the commencement of the regulations.

**EC2020-442**

JUDICATURE ACT  
RULES OF COURT  
TWENTY-FOURTH SERIES OF AMENDMENTS  
TO THE  
1996 CONSOLIDATION  
AND  
PUBLICATION MANNER  
DETERMINED

Under authority of subsection 35(1) of the *Judicature Act*, R.S.P.E.I. 1988, Cap. J-2.1, Council approved the Twenty-Fourth Series of Amendments to the 1996 Consolidated Version of the Rules of Court to come into force effective September 1, 2020, said amendments having been made by the Rules Committee at meetings held on October 28, 2019; February 3, 2020; April 27, 2020; June 9, 2020 (by e-mail) and June 15, 2020 (by e-mail).

Further, under authority of subsection 35(5) of the said Act, Council determined that publication of a Notice in the Royal Gazette shall be deemed to be publication of the approved Twenty-Fourth Series of Amendments to the 1996 Consolidated Version of the Rules of Court and that no further publication relating to the said amendments shall be necessary.

**EC2020-443**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
BLUEWATER DEVELOPMENT INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Bluewater Development Inc. of St. Nicholas, Prince Edward Island to acquire a land holding of approximately four decimal three five (4.35) acres of land at Grand River, Lot 14, Prince County, Province of Prince Edward Island, being acquired from Joe Aivano and Heidi Aivano, both of Lakeland, Florida.

**EC2020-444**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LANDMARK VALUATION INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Landmark Valuation Inc. of Cornwall, Prince Edward Island to acquire a land holding of approximately one decimal four (1.4) acres of land at Anglo Rustico, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Mary Audrey Jamieson of Charlottetown, Prince Edward Island.

**EC2020-445**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
PRESTON MURPHY TRUCKING & LOADING INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Preston Murphy Trucking & Loading Inc. of Elmsdale, Prince Edward Island to acquire a land holding of approximately forty-eight decimal five (48.5) acres of land at Freeland, Lot 11, Prince County, Province of Prince Edward Island, being acquired from Nila Culleton of Ellerslie, Prince Edward Island, SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Preston Murphy Trucking & Loading Inc. and on all successors in title.

**EC2020-446**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
T.S. MAGNUM LIMITED  
(TO RESCIND)

Council, having under consideration Order-in-Council EC2020-209 of March 21, 2020, rescinded the said Order forthwith, thus rescinding permission for T.S. Magnum Limited of Charlottetown, Prince Edward Island to acquire a land holding of approximately twelve decimal one four (12.14) acres of land at Hunter River, Lot 23, Queens County, Province of Prince Edward Island, being acquired from Janet Yvonne Gillespie of Newmarket, Ontario.

**EC2020-447**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
TOM PROSS INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Tom Pross Inc. of Tignish, Prince Edward Island to acquire a land holding of approximately thirty (30) acres of land at Ascension, Lot 1, Prince County, Province of Prince Edward Island, being acquired from Philip LeClair and Donna LeClair, both of Tignish, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2020-448**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
WALSH FARMS LIMITED  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Walsh Farms Limited of Georgetown, Prince Edward Island to acquire a land holding of approximately eleven decimal seven eight (11.78) acres of land at Georgetown, Kings County, Province of Prince Edward Island, being acquired from the Estate of Colin Edward Mair of Montague, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2020-449**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
APPLICATION TO LEASE LAND  
100025 P.E.I. INC.  
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 100025 P.E.I. Inc. of Souris, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to five hundred (500) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said 100025 P.E.I. Inc. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

**EC2020-450**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 HEATHER MCCARTHY-UNDERHILL AND GRAEME UNDERHILL  
 (DENIAL)

Council, having under consideration an application (#N6013) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Heather McCarthy-Underhill and Graeme Underhill, both of Raymond, New Hampshire to acquire a land holding of approximately twelve (12) acres of land at Priest Pond, in Lot 46, Kings County, currently owned by Andrew Kleinknecht and Wanda L. MacPhee, both of Hammond Plains, Nova Scotia.

**EC2020-451**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ISMAEL RIVERA  
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ismael Rivera of Vancouver, British Columbia to acquire a land holding of approximately twelve decimal three (12.3) acres of land at Roseville, Lot 4, Prince County, Province of Prince Edward Island, being acquired from Donna Corcoran of Campbellton, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2020-452**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ISMAEL RIVERA  
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ismael Rivera of Vancouver, British Columbia to acquire a land holding of approximately fifteen decimal five eight (15.58) acres of land at Campbellton and Roseville, Lot 4, Prince County, Province of Prince Edward Island, being acquired from Donna Corcoran and Rodney Corcoran, both of Campbellton, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

## EC2020-453

## OFF-HIGHWAY VEHICLE ACT

## OFF-HIGHWAY VEHICLE PILOT PROJECT REGULATIONS

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

## PART 1 - DEFINITIONS AND APPLICATION

1. In these regulations,
- |   | Definitions           |
|---|-----------------------|
| (a) "Act" means the <i>Off-Highway Vehicle Act</i> R.S.P.E.I. 1988, Cap. O-3;   | Act                   |
| (b) "Department" means the Department of Transportation, Infrastructure and Energy;   | Department            |
| (c) "Director" means the Director of Highway Safety referred to in section 3 of the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5;   | Director              |
| (d) "Federation" means the Prince Edward Island All-Terrain Vehicle Federation;   | Federation            |
| (e) "highway" means a highway as defined in clause 1(h.1) of the <i>Highway Traffic Act</i> ;   | highway               |
| (f) "Minister" means the Minister of Transportation, Infrastructure and Energy;   | Minister              |
| (g) "newly licensed driver" means a newly licensed driver as defined in clause 1(e) of the <i>Highway Traffic Act</i> Graduated Driver Licensing Regulations;   | newly licensed driver |
| (h) "off-highway vehicle" means an off-highway vehicle as defined in clause 1(g) of the Act;  | off-highway vehicle   |
| (i) "participant" means a person who is eligible to operate an off-highway vehicle in a pilot area;   | participant           |
| (j) "peace officer" means a peace officer as defined in clause 1(m.3) of the <i>Highway Traffic Act</i> ;   | peace officer         |
| (k) "permit" means a permit issued to a participant that authorizes the participant to operate an off-highway vehicle in one or more pilot areas in accordance with the terms and conditions specified in the permit and these regulations;                   | permit                |
| (l) "pilot area" means a portion of a highway or class of highway designated by the Minister where participants are authorized to operate off-highway vehicles subject to the restrictions and conditions specified in the designation and these regulations; | pilot area            |
| (m) "pilot project" means the Department's project for researching, testing and evaluating the use of off-highway vehicles on portions of highways or classes of highways, as authorized by these regulations;  | pilot project         |
| (n) "Registrar" means the Registrar of Motor Vehicles referred to in section 4 of the <i>Highway Traffic Act</i> ;  | Registrar             |
| (o) "roadway" means a roadway as defined in clause 1(q.3) of the <i>Highway Traffic Act</i> ;   | roadway               |
| (p) "vehicle" means a vehicle as defined in clause 1(y.1) of the <i>Highway Traffic Act</i> .   | vehicle               |
2. Except as otherwise provided in these regulations, the provisions of the *Highway Traffic Act* and its regulations applicable to motor vehicles apply to the operation of an off-highway vehicle in a pilot area, except those provisions that by their very nature can have no application.

## PART 2 - DESIGNATION OF HIGHWAYS

3. (1) The Minister may, by notice published in the Gazette, designate a portion of a highway or class of highway as a pilot area for the purposes of these regulations.



- (2) The Minister may specify that a designation is for a definite period of time or for the duration of the pilot project. Period of designation
- (3) The Minister may at any time amend, vary or cancel a designation. Amend, vary, cancel
- (4) The Minister may specify restrictions and conditions in a designation. Restrictions, conditions
- (5) The Minister shall ensure that a notice of a designation and of an amendment, variation or cancellation of a designation is published in not less than two consecutive issues of the Gazette within 21 days after the designation, amendment, variation or cancellation is made. Publication of designation
- (6) Despite subsection (5), where Publication in newspaper
- (a) a designation or an amendment, variation or cancellation of a designation is for a period of less than 30 days; or
- (b) a cancellation of a designation takes place less than 30 days after the designation is made,
- the Minister shall ensure that a notice of the designation or of the amendment, variation or cancellation of the designation, as the case may be, is published in at least two daily or weekly newspapers in circulation in the province within 14 days after the designation, amendment, variation or cancellation is made.

### PART 3 - EQUIPMENT REQUIREMENTS

4. Only an off-highway vehicle that meets all of the following criteria may be operated in a pilot area as part of the pilot project in accordance with these regulations: Permitted off-highway vehicles
- (a) it has two or four wheels;
- (b) it has either a steering wheel or handle bars for steering control;
- (c) it has a muffler and an exhaust system that are in good working order and comply with the manufacturer's original specifications or where the muffler or exhaust system is replaced, the replacement complies with the equivalent manufacturer's specifications and the replacement muffler or exhaust system
- (i) is not equipped with a muffler cut out, straight exhaust, gutted muffler, bypass or similar device which has the effect of bypassing or reducing the effectiveness of a muffler,
- (ii) is not causing excessive or unusual noise, and
- (iii) is equipped with a spark arrester in good working order which is in constant operation while the engine of the off-highway vehicle is running.

### PART 4 - PARTICIPANT ELIGIBILITY

5. (1) To be eligible as a participant in the pilot project, a person shall have, in respect of an off-highway vehicle, Eligibility for participation
- (a) a valid and subsisting driver's license issued by the Registrar pursuant to the *Highway Traffic Act*;
- (b) a valid certificate of registration issued by the Registrar pursuant to the Act; and
- (c) a valid license plate issued by the Registrar pursuant to the Act.
- (2) In addition to the requirements of subsection (1), to be eligible as a participant in the pilot project, a person shall be Member of the Federation or peace officer, requirement
- (a) a registered member in good standing of the Federation; or
- (b) a peace officer.
- (3) A person issued a driver's license as a newly licensed driver is not eligible to be a participant in the pilot project unless the person has successfully completed an off-highway vehicle safety training course approved by the Registrar. Newly licensed driver
- (4) A participant shall not operate an off-highway vehicle in a pilot area unless the owner of the off-highway vehicle carries third-party liability insurance coverage in the amount required by law to be carried in respect of the off-highway vehicle. Third-party liability insurance

### PART 5 - DELEGATION

6. (1) The Director may authorize the Registrar to delegate the issuance of a permit to the Federation. Federation may issue permit
- (2) The Registrar may, in the instrument of delegation, specify terms and conditions that apply to all permits issued by the Federation. Permit restrictions and conditions
- (3) A permit issued by the Federation is not transferable. Permit not transferable

### PART 6 - OPERATING OFF-HIGHWAY VEHICLE IN PILOT AREAS

7. Except as otherwise permitted under the Act and the *Off-Highway Vehicle Act* Regulations, a person shall not operate an off-highway vehicle on a highway unless the person is a participant in the pilot project and is operating the off-highway vehicle in a pilot area in accordance with these regulations. Permitted operation on highways
8. (1) A participant shall not operate an off-highway vehicle in a pilot area with a passenger unless the off-highway vehicle is designed by the original equipment manufacturer Passengers
- (a) to carry both a driver and a passenger; and
- (b) the passenger is seated,
- (i) in the case of an off-highway vehicle that is designed to be straddled, straddling the passenger seat behind the driver, facing forward with the passenger's feet securely on the separate foot rests intended for the passenger, or
- (ii) in the case of an off-highway vehicle with seats that are not designed to be straddled, in the seat designed for the passenger.
- (2) Where a two-up seat is added to an off-highway vehicle after manufacture, the owner of the off-highway vehicle shall ensure that the seat is properly installed and maintained on the vehicle. Two-up seat
9. A participant shall not operate an off-highway vehicle in a pilot area with a passenger who is under the age of nine years. Age limit for passengers
10. Where there are private dwellings within 100 metres of a pilot area, a participant shall not operate an off-highway vehicle in the pilot area at a rate of speed exceeding 40 kilometres per hour. Permitted time of day
11. A participant shall not operate an off-highway vehicle in a pilot area at a rate of speed exceeding 50 kilometres per hour. Maximum speed
12. A participant shall not operate an off-highway vehicle in a pilot area to tow another person, vehicle or device. No towing
13. No person shall operate or be a passenger on an off-highway vehicle operated in a pilot area unless the person is wearing a helmet that complies with the standards specified in section 6 of the *Off-Highway Vehicle Act* Regulations. Helmets

### PART 7 - RULES OF THE ROAD IN PILOT AREAS

14. (1) A participant operating an off-highway vehicle in a pilot area shall drive Off-highway vehicle to be driven in same direction and on shoulder of highway
- (a) in the same direction as the traffic using the same side of the highway; and
- (b) on the shoulder of the highway, except as provided in section 15.
- (2) Where an off-highway vehicle is driven on the shoulder of a highway, the participant operating the off-highway vehicle shall drive as close to and parallel with the right edge of the shoulder of the highway as can be done practically and safely. Parallel with right edge of shoulder of highway
- (3) Where an off-highway vehicle is entering the shoulder of a highway, the participant operating the off-highway vehicle shall yield the right of way to any traffic already using the shoulder of the highway and enter the shoulder only when it is safe to do so. Yield right-of-way
15. (1) An off-highway vehicle may be driven on a roadway in a pilot area where When off-highway vehicle driven on roadway
- (a) there is no shoulder;

- (b) the shoulder is not wide enough to be driven with all tires off the roadway completely;
- (c) the shoulder is obstructed; or
- (d) the operator of the off-highway vehicle is preparing to make a left turn across the roadway.
- (2) Where an off-highway vehicle is driven on a roadway as permitted under this section, the participant operating the off-highway vehicle shall drive as close to and parallel with the right edge of the roadway as can be done practically and safely. Parallel with right edge of roadway
- (3) Where an off-highway vehicle is entering a roadway, the participant operating the off-highway vehicle shall yield the right of way to any traffic already using the roadway and enter the roadway only when it is safe to do so. Yield right-of-way
- (4) A participant shall not operate an off-highway vehicle in any ditch that is part of a highway or roadway in a pilot area. No driving in ditch in pilot area
- 16.** (1) Except as provided in subsection (2), a participant operating an off-highway vehicle in a pilot area shall not overtake and pass any moving motor vehicle when both the off-highway vehicle and the other motor vehicle are travelling on the same roadway or shoulder of a highway. No overtaking and passing
- (2) A participant operating an off-highway vehicle in a pilot area may overtake and pass a stationary off-highway vehicle or motor vehicle on the shoulder of a highway, if the movement can be made in safety while remaining on the shoulder and to the left of the other off-highway vehicle or motor vehicle. Exception
- 17.** (1) Where a participant operating an off-highway vehicle in a pilot area is stopping, slowing down or turning, the participant shall give a hand and arm signal in the manner required by clause 23(2)(h) of the *Off-Highway Vehicle Act Regulations*. Turning, stopping or decreasing speed
- (2) Before beginning a left turn, a participant operating an off-highway vehicle in a pilot area shall, without interfering with the movement of traffic travelling in the same direction as the off-highway vehicle, move away from the shoulder of the highway or right edge of the roadway and be positioned on the roadway in the position from which the left turn is to be made. Beginning left turn
- (3) On completing a left turn from one roadway onto another roadway, a participant operating an off-highway vehicle in a pilot area shall, without interfering with the movement of traffic travelling in the same direction as the off-highway vehicle, move to the right edge of the roadway or shoulder of the highway. Completing left turn
- PART 8 - TRESPASS**
- 18.** (1) Nothing in these regulations shall be deemed to alter the law of trespass. Trespass
- (2) A participant shall not 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. Prohibition
- PART 9 - OFFENCE AND PENALTY**
- 19.** (1) Every person who contravenes any provision of these regulations is guilty of an offence and liable, on summary conviction,
- (a) for a first offence, to a fine of not less than \$250 or more than \$500; and
- (b) for a second or subsequent offence, to a fine of not less than \$500 or more than \$1,000. Offence and penalty
- (2) Any person who permits another person to operate an off-highway vehicle in contravention of these regulations is guilty of an offence and liable, on summary conviction, to the fine amounts specified in subsection (1). Idem
- 20.** These regulations come into force on August 8, 2020. Commencement

### EXPLANATORY NOTES

**SECTION 1** establishes definitions to be used in the regulations.

**SECTION 2** clarifies that relevant provisions of the *Highway Traffic Act* and its regulations applicable to motor vehicles apply to the operation of off-highway vehicles in pilot areas.

**SECTION 3** authorizes the Minister to designate a portion of a highway or class of highway as a pilot area. A designation made by the Minister may be for a definite period of time or for the duration of the pilot project. The Minister is authorized to amend, vary or cancel a designation and may specify restrictions and conditions in a designation. Publication of a designation or of an amendment, variation or cancellation of a designation is required.

**SECTION 4** specifies the criteria an off-highway vehicle must meet in order to be operated in a pilot area.

**SECTION 5** establishes the criteria a person must meet in order to be eligible as a participant in the pilot project. A person shall

- have a valid and subsisting driver's license;
- have a certificate of registration and license plate issued in respect of an off-highway vehicle;
- be a registered member in good standing of the Federation; or a peace officer.

The section clarifies a newly licensed driver is not eligible to be a participant in the pilot project unless the newly licensed driver has successfully completed an off-highway vehicle safety training course approved by the Registrar. The section also requires the owner of an off-highway vehicle to carry third-party liability insurance coverage.

**SECTION 6** provides that the Director may authorize the Registrar to delegate the issuance of a permit to the Federation. The Registrar may, in the instrument of delegation, specify terms and conditions that apply to all permits issued by the Federation. A permit issued by the Federation is not transferable.

**SECTION 7** specifies that a person shall not operate an off-highway vehicle in a pilot area unless the person is a participant in the pilot project.

**SECTION 8** outlines the requirements for operating an off-highway vehicle in a pilot area with a passenger.

**SECTION 9** establishes the minimum age requirement for a passenger.

**SECTION 10** establishes the maximum rate of speed a participant is permitted to operate an off-highway vehicle where there are private dwellings within 100 metres of a pilot area.

**SECTION 11** establishes the maximum rate of speed for operating an off-highway vehicle in a pilot area.

**SECTION 12** prohibits the towing of another person, vehicle or device in a pilot area.

**SECTION 13** requires a driver and passenger of an off-highway vehicle to wear a helmet that complies with the standards specified in the *Off-Highway Vehicle Act Regulations*.

**SECTIONS 14 to 17** establish the rules of the road in pilot areas.

**SECTION 18** clarifies that the law of trespass applies to the regulations.

**SECTION 19** establishes a general offence and penalty provision.

**SECTION 20** provides for the commencement of the regulations.

**EC2020-454****PROVINCIAL COURT ACT  
JUSTICE OF THE PEACE  
APPOINTMENT**

Under authority of section 14 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25 Council appointed Karen A. Rose of Charlottetown as a Justice of the Peace in and for the Province of Prince Edward Island for a term of five years, effective July 28, 2020.

Further, Council ordered that should the said Karen A. Rose cease to be employed in her present capacity in the Department of Justice and Public Safety, her appointment as a Justice of the Peace shall terminate coincident with the date her employment terminates.