



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

EMERGENCY 911 ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 23, 2017. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen'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).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



EMERGENCY 911 ACT

Table of Contents

Section	Page
1. Definitions.....	5
1.1 Act prevails in event of a conflict	7
2. PEI 911 service	7
2.1 Cost recovery fee - purpose.....	7
2.2 Collection of cost recovery fee	8
3. Naming private roadway.....	9
3.1 Duty of Minister – civic address	10
3.2 Order to comply	11
3.3 Duty of property owners	11
3.4 Prohibition – civic address sign	11
3.5 Compliance with order.....	12
3.6 Service	12
3.7 Entry without warrant	13
4. Exemption from liability.....	13
4.1 Confidentiality	13
5. Restriction on information supplied	14
6. Automatic alarm.....	14
7. Automatic dialer.....	14
8. False calls.....	15
9. Offences and penalties	15
9.1. Officers, etc. of telecommunications carrier	15
9.2 Directors’ liability for failure to bill or pay.....	15
9.3 Limitation period for prosecutions	16
9.4 Evidence.....	16
10. Regulations	17
SCHEDULE	19
COST RECOVERY FEE	19



EMERGENCY 911 ACT

CHAPTER E-5.1

1. Definitions

In this Act

- (a) “**area**” means
- (i) a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, that does not have an official plan pursuant to the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, and
 - (ii) an unincorporated area of the province;
- (a.001) “**civic address**” means the address of a property, comprised of its number on the street or road that gives access to the property, the name of that street or road, and the name of the municipality or area within which the property is located;
- (a.01) “**Commission**” means the Island Regulatory and Appeals Commission;
- (a.02) “**Commissioner**” means the Provincial Tax Commissioner provided for by the *Revenue Administration Act* R.S.P.E.I. 1988, Cap. R-13.2 and includes any officer of the Department of Finance authorized to perform any function on behalf of the Commissioner;
- (a.1) “**cost recovery fee**” means the cost recovery fee payable under section 2.1 by the local subscribers of a telephone service for the provision of the PEI 911 service through the telephone service;
- (a.2) “**designated municipality**” means a municipality designated in the regulations as responsible for assigning civic addresses within the municipality;
- (b) “**emergency service provider**” means
- (i) every police force organized to serve any area of the province not served by the Royal Canadian Mounted Police,
 - (ii) every fire department organized to serve any area of the province,
 - (iii) every ambulance service provided in accordance with the *Ambulance Services Act* R.S.P.E.I. 1988, Cap. A-10.01,
 - (iv) the Royal Canadian Mounted Police, and
 - (v) any other person or service as may be designated by the Minister;
- (b.1) “**local subscriber**” means
- (i) an end-user subscriber who is located within the province and who subscribes to a landline-based telephone service of a telecommunications carrier,
 - (ii) an end-user subscriber who is assigned a telephone number associated with an area within the province and who subscribes to a wireless telephone service of a telecommunications carrier, or

- (iii) an end-user subscriber who is located within the province and who subscribes to a Voice over Internet Protocol (VoIP) service of a telecommunications carrier;
- (b.001) “**improved property**” means a property on which any structure is erected or maintained for any use or purpose;
- (b.01) “**inspector**” means an inspector provided for by the *Revenue Administration Act*;
- (b.2) “**month**” means, in respect of the period for which a cost recovery fee is payable by a local subscriber for the provision of the PEI 911 service through a telephone service, the monthly billing period of the telecommunications carrier who provides the telephone service;
- (c) repealed 2000,c.6,s.1.
- (d) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to administer this Act;
- (e) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, that has an official plan pursuant to the *Planning Act* R.S.P.E.I. 1988, Cap. P-8;
- (e.1) “**PEI 911 administration**” means, subject to the direction of the Minister, an administration office, within the department, including its employees and agents, which is responsible for the administration of this Act;
- (f) “**PEI 911 service**” means a province-wide 911 emergency telephone service for the reporting of emergencies to emergency service providers through a public safety answering point;
- (g) “**private roadway**” means every road, street, and right of way located on private property over which vehicles may travel;
- (h) “**public safety answering point**” means a communication centre that is operated by, or on behalf of, the province for the purpose of receiving and transferring emergency calls through a telephone service to emergency service providers;
- (h.1) “**reseller**” means a person who
 - (i) has the right to use certain telephone services of a telecommunications carrier, and
 - (ii) provides such telephone services to the public for compensation;
- (i) “**telecommunications carrier**” means a person who
 - (i) owns or operates a transmission facility used by that person or another person to provide a telephone service to the public for compensation,
 - (ii) uses the internet to provide a telephone service to the public for compensation, or
 - (iii) is a reseller;
- (i.1) “**telephone service**” means any local telecommunications service permitting outgoing voice transmission offered directly or indirectly by a telecommunications carrier, including
 - (i) a single-line residential access line service,
 - (ii) a single-line business access line service,
 - (iii) a multi-line outgoing access line service,
 - (iv) a centrex working telephone number service,
 - (v) a wireless service,
 - (vi) a Voice over Internet Protocol (VoIP) service, and



- (vii) any other telecommunications service that is of a type or class prescribed by the regulations;
- (j) **“repealed by 2013,c.30,s.1;**
- (k) **“Voice over Internet Protocol (VoIP) service”** means a Voice over Internet Protocol (VoIP) service that transfers emergency calls to a public safety answering point. *1999,c.23,s.1; 2000,c.6,s.1; 2001,c.33,s.1; 2005,c.4,s.1; 2006,c.30,s.1; 2010,c.31,s.3; 2012,c.2,s.25; 2012,c.17,s.2; 2015,c.28,s.3; 2013,c.30,s.1; 2016,c.44,s.268.*

1.1 Act prevails in event of a conflict

If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this Act prevails. *2013,c.30,s.2.*

2. PEI 911 service

- (1) The Minister shall, in co-operation with
 - (a) telecommunications carriers;
 - (b) municipalities; and
 - (c) emergency service providers,establish and operate the PEI 911 service.

Participation

- (2) Telecommunications carriers, every municipality, and every emergency service provider shall participate, in cooperation with the Minister, in the establishment and operation of the PEI 911 service pursuant to subsection (1).

Agreements

- (3) The Minister may, subject to the approval of the Lieutenant Governor in Council, enter into agreements with telecommunications carriers, municipalities, emergency service providers, and any other person or organization that is, in the opinion of the Minister, necessary in order to develop, establish and operate the PEI 911 service.

Conflict

- (4) For greater certainty, where there is a conflict or inconsistency between a provision of this Act or the regulations made under this Act and a provision of an agreement entered into by the Minister under subsection (3), the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.

Policies, standards, guidelines

- (5) The Minister may prepare and administer policies, standards, guidelines, objectives, codes of practice and directives respecting the administration and enforcement of this Act or the regulations, including access to information pursuant to section 5. *1999,c.23,s.2; 2000,c.6,s.2; 2005,c.4,s.2.*

2.1 Cost recovery fee - purpose

- (1) This section and section 2.2 provide for the imposition and collection of a cost recovery fee for the purpose of recovering the costs of the Government in connection with the provision of the PEI 911 service to the local subscribers of a telephone service of a telecommunications carrier.

Cost recovery fee - amount and payment

- (2) Every local subscriber shall, in accordance with subsection (3), pay to the Minister of Finance, in respect of each telephone service that is subscribed to by the local subscriber, a cost recovery fee in the amount set out in the Schedule to this Act for each month or part of a month the local subscriber subscribes to the telephone service.

Payment to Finance through telecommunications carrier

- (3) Any cost recovery fee payable by a local subscriber to the Minister of Finance under subsection (2), in respect of a month or part of a month that the local subscriber subscribes to the telephone service of a telecommunications carrier, shall be paid to the telecommunications carrier within the period of time that the local subscriber is required by the telecommunications carrier to pay for that month or part of a month of telephone service.

Amendment of Schedule by Lieutenant Governor in Council

- (4) Where the Lieutenant Governor in Council considers it necessary, the Lieutenant Governor in Council may, by order, amend the Schedule to this Act to change the amount of the cost recovery fee set out therein.

Publication

- (5) Every order made under this section shall be published in the Gazette. *2005,c.4,s.3; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

2.2 Collection of cost recovery fee

- (1) Every telecommunications carrier that provides a telephone service to its local subscribers is an agent of the Minister of Finance for the purpose of collecting the cost recovery fee payable by its local subscribers and, as such an agent, every telecommunications carrier shall collect the cost recovery fee from its local subscribers.

Registration of telecommunications carriers

- (1.1) Every telecommunications carrier referred to in subsection (1) shall register, in the manner and form prescribed by the Commissioner, with the Minister of Finance as an agent of the Minister of Finance.

Cancellation of registration

- (1.2) The Minister of Finance may, on application by a telecommunications carrier, cancel the registration of the telecommunications carrier where the Minister of Finance is satisfied that telecommunications carrier has ceased to operate in the province.

Inclusion of cost recovery fee in monthly telephone bill

- (2) Every telecommunications carrier that provides a telephone service to a local subscriber for a month or part of a month shall include the amount of the cost recovery fee that is payable by the local subscriber in respect of that month or part of a month in the monthly telephone bill or invoice that the telecommunication carrier submits to a local subscriber for the provision of that month or part of a month of telephone service.

Annual notice

- (3) Every telecommunications carrier shall, unless exempted in writing by the Minister, send a written notice by mail each calendar year to each of its local subscribers that
- (a) indicates that the local subscriber is required by this Act to pay the cost recovery fee to the Minister of Finance, in respect of each month or part of a month that the local subscriber subscribes to a telephone service, within the period of time that the local



subscriber is required by the telecommunications carrier to pay for that month or part of a month of telephone service;

- (b) specifies the amount of the cost recovery fee payable in respect of each month or part of a month that the local subscriber subscribes to a telephone service; and
- (c) indicates that the telecommunications carrier is authorized and required by this Act to
 - (i) collect the cost recovery fee on behalf of the Minister of Finance, and
 - (ii) include the amount of the fee in the monthly telephone bills or invoices that the telecommunications carrier submits to the local subscriber for the telephone service it provides.

Idem

- (3.1) Every telecommunications carrier that, in a calendar year, sends a written notice by mail to its local subscribers in accordance with subsection (3), shall, before the end of the calendar year, send to the Minister by mail
 - (a) a copy of the notice sent by the telecommunications carrier to its local subscribers; and
 - (b) a statement signed by an officer or director of the telecommunications carrier certifying that the notice was provided to the local subscribers of the telecommunications carrier in accordance with subsection (3).

First notice to local subscribers

- (4) Repealed by 2005,c.30,s.2.

Payment of amount in respect of cost recovery fees

- (5) Subject to subsection (6), on or before the twentieth day of each calendar month, every telecommunications carrier shall pay to the Minister of Finance an amount equal to
 - (a) the amount of the cost recovery fees that the telecommunications carrier collected from its local subscribers in the immediately preceding calendar month, as determined in accordance with the regulations; or
 - (b) the amount of the cost recovery fees that the telecommunications carrier billed to its local subscribers in the immediately preceding calendar month, as determined in accordance with the regulations.

Restriction on changing basis of calculation

- (6) After a telecommunications carrier makes its initial monthly payment under this section to the Minister of Finance of an amount that is determined on either the basis of the amount it collected, or on the basis of the amount it billed, in the immediately preceding calendar month, the telecommunications carrier may not change the basis on which the amount of any subsequent payment is calculated under this section without the prior written approval of the Commissioner. 2005,c.4,s.3; 2006,c.30,s.2; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

3. Naming private roadway

- (1) Where a private roadway provides access to three or more improved properties or properties for which subdivision approval is granted under the *Planning Act*, the person who is responsible for naming the private roadway in accordance with subsection (3) shall, before using the private roadway or permitting the private roadway to be used to access any of the properties, make an application to name the roadway, in accordance with the regulations, to
 - (a) the designated municipality in which the private roadway is located; or

- (b) the Minister, where the private roadway is located in an area or a municipality other than a designated municipality.

Private roadway sign

- (2) Upon approving the application, the Minister or the designated municipality, as the case may be, shall erect one or more private roadway signs for that roadway and may charge the person who is responsible for naming the private roadway a prescribed fee for the erection of each private roadway sign.

Person responsible for naming private roadway

- (3) For the purposes of this section, the person who is responsible for naming a private roadway is,
- (a) where the private roadway provides access to three or more improved properties, the person who has title by deed to the right-of-way to the properties; or
- (b) where the private roadway provides access to three or more properties for which subdivision approval is granted under the *Planning Act*, the developer of the properties who receives the subdivision approval.

Duty of designated municipality

- (4) A designated municipality shall ensure that every private roadway located in the designated municipality is named and one or more private roadway signs are erected for the roadway.

Notice to comply

- (5) Where the person who is responsible for naming a private roadway located in an area or a municipality other than a designated municipality fails to comply with subsection (1), the Minister may make an order requiring the person to comply with subsection (1) within the time period set out in the order.

Offence and penalty

- (6) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$250 and not more than \$500. *1999,c.23,s.3; 2000,c.6,s.3; 2001,c.33,s.2; 2009,c.73,s.2; 2010,c.31,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2013,c.30,s.3; 2015,c.28,s.3.*

3.1 Duty of Minister – civic address

- (1) The Minister shall assign a civic address to every residential, commercial and other improved property located in an area or a municipality other than a designated municipality.

Duties of designated municipality – civic address

- (2) A designated municipality shall
- (a) assign a civic address to every residential, commercial and other improved property in the designated municipality; and
- (b) provide to the Minister, in writing, the civic addresses assigned under clause (a).

Other properties

- (3) For greater certainty, the Minister, in respect of an area or a municipality other than a designated municipality, or a designated municipality, in respect of the designated municipality, may assign a civic address to a property other than a residential, commercial or improved property. *2000,c.6,s.4; 2013,c.30,s.3.*



3.2 Order to comply

- (1) Where a designated municipality fails to comply with
 - (a) subsection 3(4) with respect to a private road in the designated municipality; or
 - (b) subsection 3.1(2) with respect to a property in the designated municipality,the Minister may make an order requiring the designated municipality to comply with subsection 3(4) or 3.1(2) with respect to a private roadway or a property in the designated municipality, as the case may be, in the manner and within the time period set out in the order.

Order to change civic address

- (2) Where the civic address of a property in a designated municipality, or a component of it may, in the opinion of the Minister, cause confusion or delay in responding to an emergency call to the PEI 911 service, the Minister may make an order requiring the designated municipality to change the civic address of the property, or a component of it, in the manner and within the time period set out in the order. *2013, c.30, s.3.*

3.3 Duty of property owners

- (1) Every property owner of a property with a civic address shall, within 10 days of occupying the property or permitting the property to be occupied, display and continue to display the civic address of the property or components of the civic address of the property, as required by the regulations.

Notice to comply

- (2) Where a property owner fails to comply with subsection (1), the Minister may make an order requiring the owner to comply with subsection (1) within the time period set out in the order.

Offence and penalty

- (3) A property owner who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$50 and not more than \$100. *2013, c.30, s.3.*

3.4 Prohibition – civic address sign

- (1) No person shall erect or maintain a civic address sign that does not meet the requirements of the regulations.

Order to remove and replace sign

- (2) Where a person contravenes subsection (1), the Minister may make an order requiring the property owner to remove the sign and replace the sign with one that meets the requirements of the regulations, within the time period set out in the order.

Prohibition – private roadway sign

- (3) No person, other than the Minister or a designated municipality, shall erect or maintain a private roadway sign.

Order to remove sign

- (4) Where a person
 - (a) contravenes subsection (3); or
 - (b) erects or maintains a sign that, in the opinion of the Minister, may cause confusion or delay in responding to an emergency call to the PEI 911 service,

the Minister may make an order requiring the removal of the sign within the time period set out in the order.

Offence and penalty

- (5) 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 \$250 and not more than \$500. *2013,c.30,s.3.*

3.5 Compliance with order

- (1) Any person who is served with an order made under sections 3 to 3.4 shall comply with the order.

Non-compliance

- (2) Where a person who is served with an order made under sections 3 to 3.4 fails to comply with the order, the Minister may
- (a) carry out the requirements of the order or cause the requirements of the order to be carried out; and
 - (b) issue an invoice to the person for the costs and expenses incurred in carrying out the requirements of the order.

Judgment

- (3) Where a person who is issued an invoice under clause (2)(b) fails to pay any debt due on the invoice within 30 days of service of the invoice, the Minister may
- (a) issue a certificate stating the amount due and payable on the date of the certificate; and
 - (b) file the certificate with the Registrar of the Supreme Court for registration as if it were a judgment under the *Judgment and Execution Act* R.S.P.E.I. 1988, Cap. J-2.

Offence and penalty

- (4) A person who fails to comply with an order made under sections 3 to 3.4 and served on the person, is guilty of an offence and liable on summary conviction to a fine of not less than \$250 and not more than \$500. *2013,c.30,s.3.*

3.6 Service

- (1) Any order made or invoice issued pursuant to this Act or the regulations is deemed to be sufficiently served
- (a) upon a copy being personally served on the person to whom it is directed;
 - (b) upon a copy being sent by facsimile or by other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; and
 - (c) five days after a copy is sent by mail addressed to the person to whom it is directed at the last known mailing address for that person.

Idem

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act. *2013,c.30,s.3.*



3.7 Entry without warrant

The Minister or his or her agents may enter onto land, but not into a dwelling place, without a warrant, for the purposes of erecting or removing a sign in accordance with this Act or the regulations. *2013,c.30,s.3.*

4. Exemption from liability

The province, the Minister, telecommunications carriers, a municipality, an emergency service provider or an employee or a volunteer engaged by any of them is not liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done by the province, the Minister, telecommunications carrier, the municipality, the emergency service provider, the employee or the volunteer under the authority of this Act or the regulations. *1999,c.23,s.4; 2000,c.6,s.2.*

4.1 Confidentiality

- (1) Except for purposes of the administration and enforcement of this Act and the regulations, and subject to subsection (3), all information and all written statements and documents respecting cost recovery fees that are obtained under this Act and the regulations by the Minister of Finance, the Commissioner, an inspector or any person employed by or authorized to act on behalf of any of them for any purposes of this Act and the regulations, are confidential.

Idem

- (2) Except for purposes of the administration and enforcement of this Act and the regulations, and subject to subsection (3), no person employed by the province shall
- (a) communicate or allow to be communicated to any person any information referred to in subsection (1); or
 - (b) allow any person to inspect or have access to any written statement or document referred to in subsection (1).

Exception

- (3) The Minister of Finance may
- (a) communicate, or allow to be communicated, any information referred to in subsection (1); or
 - (b) allow inspection of or access to any written statement or document referred to in subsection (1),

to the employees of other departments of the government on request only where

- (c) the person to whom the information or written statement relates authorizes the Minister of Finance to do so; or
- (d) the information or written statement or document
 - (i) does not identify the number of local subscribers of or any amount paid under this Act and the regulations in respect of cost recovery fees by any individual telecommunications carrier, and
 - (ii) is not available from any other source.

Oath of secrecy

- (4) Any person employed by the province who, by virtue of his position, obtains information referred to in subsection (1) or has access to such information may be required by the

Minister of Finance to take an oath of secrecy. *2006,c.30,s.3; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

5. Restriction on information supplied

(1) All information respecting the design, development, implementation, operation and maintenance of the PEI 911 service, other than that referred to in subsection 4.1(1), that is supplied

- (a) by telecommunications carriers to the province, any municipality, any emergency service provider, or any other person pursuant to this Act or the regulations; and
- (b) by the province, any municipality, any emergency service provider, or any other person pursuant to this Act or the regulations, to telecommunications carriers,

shall be supplied and made accessible only to the extent necessary to permit the design, development, implementation, operation, and maintenance of the PEI 911 service.

Maintenance of confidentiality

(2) The province, telecommunications carriers, every municipality and every emergency service provider shall ensure that information supplied pursuant to subsection (1)

- (a) is maintained in confidence; and
- (b) their respective employees, assigns, agents and contractors having access to the information maintain the information in confidence.

Restriction on use of information

(3) The province, telecommunications carriers, every municipality, every emergency service provider and their respective employees, assigns, agents, and contractors shall not use any information supplied pursuant to subsection (1) for any purpose other than the purposes specified in subsection (1).

Exception; courts, tribunals

(4) Nothing in this section precludes the province, telecommunications carriers, any municipality, any emergency service provider, or any other person from providing information supplied or received pursuant to subsection (1) under the lawful authority of a court or tribunal. *1999,c.23,s.5; 2000,c.6,s.2; 2006,c.30,s.4; 2013,c.30,s.4.*

6. Automatic alarm

(1) No person shall connect an automatic alarm of any kind to the PEI 911 service.

Security alarm system, monitors

(2) No person who, for gain or profit, monitors a security alarm system for a client shall use, or cause or permit an employee or agent of that person to use, a telephone service to place a call to the number “911” when the security alarm system is activated. *1999,c.23,s.6; 2013,c.30,s.5.*

7. Automatic dialer

(1) No person shall use an automatic dialer to dial the number “911”.

Speed dial

(2) No person shall program the number “911” on any speed dial feature of any communication device.



Offence and penalty

- (3) A person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$500. *1999,c.23,s.7; 2013,c.30,s.6.*

8. False calls

- (1) No person shall place a false, frivolous, or vexatious call to the number “911”.

Offence and penalty

- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$500. *1999,c.23,s.8; 2013,c.30,s.7.*

9. Offences and penalties

A person who contravenes a provision of this Act or the regulations is guilty of an offence and, where a penalty is not otherwise provided under this Act or the regulations, is liable on summary conviction

- (a) for a first offence, to a fine of not less than \$500 or more than \$2,000, or to a term of imprisonment not exceeding six months; and
- (b) for a subsequent offence, to a fine of not less than \$500 or more than \$5,000, or to a term of imprisonment not exceeding six months. *1999,c.23,s.9; 2005,c.4,s.4; 2013,c.30,s.8.*

9.1. Officers, etc. of telecommunications carrier

Any officer, director or agent of a telecommunications carrier, or any other person, who directed, authorized, assented to, acquiesced in or participated in the commission of any act, or the omission of any act, by the telecommunications carrier which is an offence under this Act, is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the telecommunications carrier has been prosecuted or convicted of any offence under this Act. *2006,c.30,s.5.*

9.2 Directors' liability for failure to bill or pay

- (1) Where a telecommunications carrier fails to
- (a) bill a cost recovery fee; or
- (b) pay any amount, including any interest or penalty, that is due and payable under this Act and the regulations,

the persons who were directors of the telecommunications carrier at the time of such a failure are jointly and severally liable, together with the telecommunications carrier, to pay any cost recovery fee that was not billed or any amount that was not paid.

Prudent director

- (2) A director of a telecommunications carrier is not liable for a failure described in subsection (1) if the director exercised the degree of care, diligence and skill to prevent the failure that a reasonably prudent person would have exercised in comparable circumstances.

Assessment

- (3) The Commissioner may assess any director of a telecommunications carrier for any amount payable by the director under this section, and the provisions of the regulations respecting assessments, objections and appeals apply to the assessment of a director under this section with such modifications as the circumstances require.

Time limit

- (4) No assessment of a person may be made under this section more than two years after the person ceased to be a director of a telecommunications carrier. *2006,c.30,s.5.*

9.3 Limitation period for prosecutions

A prosecution for a violation of this Act shall be commenced within four years from the time of the violation. *2006,c.30,s.5.*

9.4 Evidence

- (1) In any prosecution or other proceeding under this Act, a certificate signed by the Minister of Finance or the Commissioner or purporting to be signed by the Minister of Finance or the Commissioner stating that
- (a) a specified amount is the amount due and payable, or deemed to be due and payable, by a telecommunications carrier or other person under this Act and the regulations;
 - (b) a telecommunications carrier has failed to keep such records in such form, containing such information as is required under this Act and the regulations;
 - (c) a telecommunications carrier has failed to make a return in such form and manner and at such times as is required under this Act and the regulations;
 - (d) a specified amount is the
 - (i) amount of cost recovery fees that have been collected or billed, or deemed to have been collected or billed, by a telecommunications carrier under this Act and the regulations, or
 - (ii) the amount that has been paid to the Minister of Finance by a telecommunications carrier or other person under this Act and the regulations;
 - (e) a telecommunications carrier or other person has failed to pay to the Minister of Finance a specified amount at such time or times and in such manner as is required under this Act and the regulations;
 - (f) a telecommunications carrier or other person at a specified time refused to permit the Commissioner, an inspector, a peace officer, or a person designated by the Commissioner to conduct an assessment, reassessment, audit or investigation under this Act or obstructed or interfered with an assessment, reassessment, audit or investigation conducted by the Commissioner, an inspector, a peace officer, or a person designated by the Commissioner under this Act,

may be adduced in evidence without proof of the appointment, signature or authority of the Minister of Finance or the Commissioner and, when so adduced, is, in the absence of evidence to the contrary, proof of the facts stated therein and, where the person named in the certificate has the same name as the accused, that the person named in the certificate is the accused.

Idem

- (2) Any report, certificate or other document signed by the Minister of Finance or by the Commissioner or purporting to be signed by the Minister of Finance or by the Commissioner may be adduced in evidence in any court without proof of the appointment, signature or authority of the Minister of Finance or of the Commissioner and, when so adduced, is, in the absence of evidence to the contrary, proof of the facts stated therein. *2006,c.30,s.5; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*



10. Regulations

The Lieutenant Governor in Council may make regulations

- (a) respecting the civic addressing of properties located in the province;
- (b) respecting the size, location, design and maintenance of civic addresses and any other sign or symbol to be displayed;
- (c) designating municipalities for the purposes of clause 1(a.2);
- (c.1) respecting an application to name a private roadway;
- (d) respecting
 - (i) the selection of, and operational boundaries of, public safety answering points, and
 - (ii) the services and functions to be performed by public safety answering points for the purposes of the effective operation of the PEI 911 service;
- (d.1) requiring an emergency service provider to give advance notice to the Minister of any change
 - (i) to the operational boundaries of the emergency service provider, or
 - (ii) to the operational procedures of the emergency service provider that could have an impact on the effective operation of the PEI 911 service;
- (d.2) respecting the manner of, form of and timing regarding
 - (i) any notice given under this Act, or
 - (ii) any information requested by the Minister under this Act;
- (e) respecting the confidentiality of information acquired in the development, establishment and operation of the PEI 911 service and the circumstances under which the information may be disclosed;
- (e.1) prescribing the classes or types of telecommunications service that are telephone services for the purposes of clause 1(i.1);
- (e.2) respecting the records and information to be kept by a telecommunications carrier in respect of the collection of the cost recovery fees payable by its local subscribers;
- (e.3) respecting the determination of the amount required to be paid under subsection 2.2(5) by a telecommunications carrier in respect of the cost recovery fees it has billed or collected;
- (e.4) providing for an allowance that a telecommunications carrier may retain for the costs it has incurred in respect of the cost recovery fees it has billed or collected;
- (e.4.1) respecting the preparation, content and filing of returns with the Commissioner by a telecommunications carrier for the purpose of confirming the appropriateness of the monthly payments it makes in respect of the cost recovery fees it has billed or collected;
- (e.5) providing for the audit of a telecommunications carrier, on an annual or other basis, for the purpose of ensuring compliance with the requirements of this Act and the regulations;
- (e.6) respecting the assessment, reassessment or estimate by the Commissioner of any amount required to be paid by a telecommunications carrier under subsection 2.2(5) for the purpose of ensuring compliance with this Act;
- (e.6.1) allowing telecommunications carriers to make objections to the Commissioner in respect of the assessments, reassessments and estimates referred to in clause (e.6);
- (e.6.2) respecting appeals to the Commission from decisions of the Commissioner concerning the objections referred to in clause (e.6.1);

- (e.6.3) providing for the recovery by the Government of any amount that a telecommunications carrier fails to pay to the Minister of Finance in accordance with this Act and the regulations, including
 - (i) requiring the payment of interest and a penalty by a telecommunications carrier in respect of amounts that are paid to the Minister of Finance after the date required by this Act and the regulations, and
 - (ii) authorizing the Minister of Finance, on the default of a telecommunications carrier to pay an amount as required under this Act, to issue a certificate stating the amount due and payable, including any interest or penalty, to file the certificate with the Registrar of the Supreme Court and to give the filed certificate the same force and effect as a judgement obtained in the Supreme Court by the Government against the telecommunications carrier named in the certificate;
- (e.7) respecting any other matter pertaining to the cost recovery fees that the Lieutenant Governor in Council considers necessary;
- (e.8) respecting the establishment and collection of fees, other than the cost recovery fee, for any service, other than the PEI 911 service, or material provided or required in the administration of this Act; and
- (f) as necessary to carry out the purposes of this Act. *1999,c.23,s.10; 2000,c.6,s.5; 2001,c.33,s.3; 2005,c.4,s.5; 2006,c.30,s.6; 2010,c.31,s.3; 2012,c.17,s.2; 2013,c.30,s.9; 2015,c.28,s.3.*



SCHEDULE

COST RECOVERY FEE

The amount of the cost recovery fee that is payable by a local subscriber for the provision of the PEI 911 service through a telephone service is \$0.70 per month, or part month, for each telephone service that is subscribed to by the local subscriber.

2005, c.4; 482/12.