

## Regulations and other acts

Gouvernement du Québec

### O.C. 1222-2004, 21 December 2004

An Act respecting off-highway vehicles  
(R.S.Q., c. V-1.2)

#### Off-highway vehicles

##### — Snowmobiles and all-terrain vehicles

##### — Amendments

Regulation respecting off-highway vehicles and amending the Regulation respecting snowmobiles and the Regulation respecting all-terrain vehicles

WHEREAS the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) was assented to on 23 December 1996;

WHEREAS section 46 of the Act sets out the regulatory powers of the Government;

WHEREAS, pursuant to section 87 of the Act, the Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r.21) and the Regulation respecting all-terrain vehicles made by Order in Council 58-88 dated 13 January 1988 are deemed to be regulations made under the Act to the extent that they are consistent therewith;

WHEREAS the Act to amend the Act respecting off-highway vehicles (2004, c. 27) came into force on 16 December 2004;

WHEREAS, pursuant to section 2 of that Act, the Regulations Act (R.S.Q., c. R-18.1) does not apply to a regulation made by the Government under section 46 of the Act respecting off-highway vehicles before 1 January 2005, and such a regulation may come into force on the day it is made, and it must be published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make a regulation respecting off-highway vehicles and as a consequential measure to revoke certain provisions of the Regulation respecting snowmobiles and the Regulation respecting all-terrain vehicles;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and the Minister for Transport:

THAT the Regulation respecting off-highway vehicles and amending the Regulation respecting snowmobiles and the Regulation respecting all-terrain vehicles, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation respecting off-highway vehicles and amending the Regulation respecting snowmobiles and the Regulation respecting all-terrain vehicles

An Act respecting off-highway vehicles  
(R.S.Q., c. V-1.2, ss. 46 and 87; 2004, c. 27, s. 2)

#### DIVISION 1

##### OBLIGATIONS OF THE OPERATOR

**1.** No person may operate an off-highway vehicle at a rate of speed greater than 30 km/h in a place referred to in paragraph 1 of section 12 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) or on a trail in places within 30 metres of a dwelling, a facility operated by a healthcare institution or an area reserved for cultural, educational, recreational or sports activities.

No person may operate an off-highway vehicle between the hours of 10:00 p.m. and 6:00 a.m. on a trail referred to in paragraph 4 of section 12 of the Act.

The first paragraph applies even where there are no signs or signals to indicate the rate of speed prescribed.

The second paragraph does not apply where a municipal by-law adopted pursuant to paragraph 2 of section 48 of the Act determines a different period during which the operation of off-highway vehicles is prohibited.

**2.** Every operator of an off-highway vehicle must stop the vehicle before crossing a public highway, a private road open to public vehicular traffic or a railway, and proceed only after ascertaining that this may be done without risk of collision. To cross a public highway, the operator must stop the vehicle at the near side of the roadway.

**3.** No person may operate an off-highway vehicle in reverse without ascertaining that this may be done without obstructing traffic and without risk of collision.

**4.** The operator of an off-highway vehicle carrying a passenger under 14 years of age must ensure at all times that the passenger complies with section 23 of the Act.

**5.** No operator of an off-highway vehicle may cross or drive on a public highway unless the operator holds the licence required under the third paragraph of section 18 of the Act.

**6.** The operator of an off-highway vehicle involved in an accident must remain at or immediately return to the scene of the accident and render the necessary assistance to any person who has sustained injury or damage.

**7.** If a person has sustained bodily injury in an accident, the operator of an off-highway vehicle involved in the accident must call on a peace officer so that the peace officer may draw up a report and submit a copy to the Société de l'assurance automobile du Québec within eight days of the accident.

**8.** The operator of an off-highway vehicle involved in an accident must inform the Société without delay if the vehicle has been completely destroyed.

**9.** For the purposes of sections 6 to 8, an accident is an event during which injury or damage is caused by a moving off-highway vehicle.

#### **DIVISION 2** OBLIGATIONS OF THE PASSENGER

**10.** The passenger of an off-highway vehicle must ride behind the operator and remain seated facing forward with both feet on the foot-rests at all times while the vehicle is in motion.

**11.** No passenger may stand in or on a trailer or sleigh being towed by a moving off-highway vehicle.

#### **DIVISION 3** DRIVING ON PUBLIC HIGHWAYS

**12.** An off-highway vehicle may be operated on a public highway, off the roadway, shoulder, sidewalk and ditch area, provided that

(1) the public highway is the only thoroughfare that allows travel in an urbanization perimeter within the meaning of the Act respecting land use planning and

development (R.S.Q., c. A-19.1) or that allows a natural physical obstruction or land intended for purposes inconsistent with off-highway vehicular traffic to be avoided or a fuelling station to be reached;

(2) the public highway links two sections of a trail or connects a trail to a fuelling station;

(3) a written agreement between the maintenance authority of the public highway and the trail operator sets out the conditions for the layout and maintenance of the trail and surrounding area and for the operation of off-highway vehicles so as to ensure the safety of all users of the public highway and to prevent or limit damage to the trail, the surrounding area or anything thereon or therein; and

(4) the operator complies with the conditions for the operation of off-highway vehicles agreed on under subparagraph 3.

Subparagraph 1 of the first paragraph does not apply to the part of the right-of-way of a public highway that has not yet been constructed or laid out.

#### **DIVISION 4** TRAIL SECURITY OFFICERS

**13.** To be a trail security officer, a person must

(1) be of full age;

(2) not have been found guilty of or pleaded guilty to a criminal offence in connection with the operation of a road vehicle or an off-highway vehicle in the last five years unless a pardon has been granted; and

(3) have taken the oath in Schedule 1 before a person authorized to administer oaths.

**14.** Trail security officers must perform their duties only on the trails operated by the off-highway vehicle club by which they were recruited, unless they have written authorization from another club for the trails operated by that club, or on trails operated by member clubs that are part of the same association as the club by which they were recruited.

#### **DIVISION 5** OFF-HIGHWAY CLUB AND SIGNING

**15.** All signs erected by an off-highway vehicle club on a trail it operates must be maintained in good condition by the club during the period of use of the trail.

**16.** An off-highway vehicle club must erect a red, amber and green traffic signal at all trail crossings and at all intersections referred to in section 2 where there is no mandatory stop sign.

**17.** Every off-highway vehicle club must erect the following signs on its trails:

(1) the regulatory signs illustrated in Schedule 2, comprising the following:

(a) a P-10 mandatory stop sign, in particular for the purposes of section 2 at a crossing of trails laid out for off-highway vehicle traffic or for another sport, unless there is a written agreement between the operators of the trails that ensures safety at the crossing;

(b) a P-70 speed limit sign;

(c) a P-70-P tab sign installed below a P-70 residential area sign, for the purposes of section 1;

(d) a P-80-3 sign indicating two-way traffic; and

(e) a P-90-D sign indicating an obstruction to avoid;

(2) the warning signs illustrated in Schedule 3, comprising the following:

(a) a D-10-1 sign indicating a stop sign ahead;

(b) a D-50-1 sign indicating a traffic signal ahead;

(c) a D-90-1 sign indicating the beginning of a divided trail;

(d) a D-90-2 sign indicating the end of a divided trail;

(e) D-110-1-D and D-110-1-G signs indicating a 90° curve; and

(f) D-290-D and D-290-G signs indicating an obstruction or other hazard; and

(3) the roadwork signs illustrated in Schedule 4, comprising the following:

(a) a T-50-1 sign indicating roadwork;

(b) a T-50-P tab sign indicating the extent of the roadwork;

(c) T-80-9 and T-80-10 signs indicating that the trail is closed;

(d) T-90-1, T-90-2-D and T-90-2-G signs indicating a detour; and

(e) T-90-3-D and T-90-3-G signs indicating a detour ahead.

**18.** The signs referred to in section 17 and every other sign erected by a club must be the following colours and bear the following markings and numerals:

(1) regulatory signs must have a black border 6 millimetres in width set in 4 millimetres from the edge of the sign and bear a black symbol or black letters on a white background, except for the mandatory stop sign, which must bear white letters 127 millimetres in height and have a white border 12 millimetres in width on a red background;

(2) warning signs, with the exception of hazard markers, must have a black border 6 millimetres in width set in 4 millimetres from the edge of the sign and bear a black symbol on a yellow background, except for the D-10-1 sign, which is red; and

(3) roadwork signs must have a black border 6 millimetres in width set in 4 millimetres from the edge of the sign and bear a black symbol on an orange background.

**19.** The sign shapes must be as follows:

(1) regulatory signs must be rectangular, with the exception of the mandatory stop sign which must be octagonal;

(2) danger and roadwork signs must be diamond-shaped or square, with the exception of hazard markers which must be rectangular.

**20.** The sign dimensions must be as follows:

(1) rectangular signs: 300 mm x 375 mm;

(2) square and diamond-shaped signs: 300 mm x 300 mm.

Despite subparagraph 1 of the first paragraph, the dimensions of D-290-D and D-290-G signs may not be less than 150 mm x 450 mm.

Despite subparagraph 2 of the first paragraph, the dimensions of P-10, D-10 and D-50-1 signs may not be less than 450 mm x 450 mm.

The dimensions of signs and the symbols and legend displayed on them may be greater than the dimensions prescribed in the first paragraph provided that the dimensions remain in proportion to each other.

**21.** All signs must be covered with retroreflective sheeting, with the exception of the black items.

**22.** The signs must be visible at all times and be placed on the right side of the trail, facing approaching traffic, not less than 500 millimetres or more than two metres from the area reserved for traffic.

**23.** The distance between the bottom edge of the sign or tab sign and the level of the trail may not be less than one metre or more than two metres, unless that distance must be increased to ensure the sign remains visible above snow accumulations.

**24.** Regulatory signs must be erected at the places where the requirement applies. Mandatory stop signs (P-10), however, must be placed as close as possible to the beginning of an intersection or road or railway crossing, at a distance of not more than two metres.

Warning signs, with the exception of D-290-D and D-290-G signs, must be erected between 30 and 100 metres ahead of the obstruction or hazard.

**25.** No illustration, publicity or tourist advertisement may be placed on a sign or sign post, or be installed in such a way as to obstruct a sign or signal.

**26.** A trail whose lateral boundary lines are not marked by a fence or in another way and every trail which crosses a non-wooded area over a distance of more than 150 metres must be staked by the operator with red markers in the case of a snowmobile trail and with blue markers in the case of an all-terrain vehicle trail. The markers must be placed on both sides of the trail at intervals not exceeding 90 metres.

Each marker must be not less than 25 millimetres in diameter and not less than 1.5 metres in height; the height of a marker must be increased as required to ensure it remains visible above snow accumulations.

Each marker must have a strip or plate of a resistant material 25 millimetres in width by 75 millimetres in height securely fixed to its upper edge. The surface of the strip or plate must be white or yellow and be covered with retroreflective sheeting.

## DIVISION 6 OFFENCES

**27.** Every operator of an off-highway vehicle who contravenes any of the provisions of sections 1 to 8 and 12 is liable to the fine prescribed in section 53 of the Act.

**28.** Every person who contravenes any of the provisions of sections 10 and 11 is liable to the fine prescribed in section 53 of the Act.

## DIVISION 7 FINAL

**29.** The Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r.21) is amended by revoking sections 1 to 5, 22, 23, 35 to 44, 46 to 53, 56 to 63, 65 to 67, 73 to 77, 82 to 84, 92, 93 and 105 to 119 and Schedule A.

**30.** The Regulation respecting all-terrain vehicles, made by Order in Council 58-88 dated 13 January 1988, is amended by revoking sections 1, 2, 5 to 7 and 10 to 12.

**31.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE 1 (s. 13)

### OATH OF THE TRAIL SECURITY OFFICER

“I, (last name, first name), declare under oath that I will perform all duties and exercise all powers assigned to a trail security officer faithfully, impartially and honestly, to the best of my ability and knowledge.

I also declare under oath that I will neither reveal nor disclose, unless expressly authorized, any confidential information that may come to my knowledge in the performance of my duties.”

**SCHEDULE 2**

(s. 17, par. 1)

**REGULATORY SIGNS**

P-10  
Mandatory stop  
450 x 450



P-10  
Mandatory stop  
450 x 450



P-70  
Speed limit  
300 x 375



P-70-P  
Residential area  
300 x 150



P-80-3  
Two-way  
traffic  
300 x 375



P-90-D  
Obstruction to  
avoid  
300 x 375

**SCHEDULE 3**

(s. 17, par. 2)

**WARNING SIGNS**

D-10-1  
Stop sign  
ahead  
450 x 450



D-10-1  
Stop sign  
ahead  
450 x 450



D-50-1  
Traffic signals  
ahead  
450 x 450



D-110-1-D  
Curve  
300 x 300



D-110-1-G  
Curve  
300 x 300



D-90-1  
Divided  
trail  
300 x 300



D-90-2  
Divided  
trail  
300 x 300



D-290-D  
Hazard  
marker  
150 x 450



D-290-G  
Hazard  
marker  
150 x 450

**SCHEDULE 4**

(s. 17, par. 3)

**ROADWORK SIGNS**

T-50-1  
Roadwork  
300 x 300



T-50-P  
Extent of  
roadwork tab sign  
300 x 150



T-80-9  
Snowmobile trail  
closed  
300 x 300



T-80-10  
All-terrain vehicle  
trail closed  
300 x 300



T-90-1  
Detour straight  
300 x 300



T-90-2-D  
Detour right  
300 x 300



T-90-2-G  
Detour left  
300 x 300



T-90-3-D  
Detour right  
ahead  
300 x 300



T-90-3-G  
Detour left  
ahead  
300 x 300