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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

**Bill 30**

(2009, chapter 18)

**An Act to amend the Act respecting  
off-highway vehicles**

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**Introduced 25 March 2009**  
**Passed in principle 20 May 2009**  
**Passed 5 June 2009**  
**Assented to 10 June 2009**

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## **EXPLANATORY NOTES**

*This Act allows a passenger to be transported, under certain conditions, on a four-wheel all-terrain vehicle originally designed to transport one person only. Such a vehicle may be modified by the addition of a seat which must be installed according to the standards of the seat manufacturer.*

*The Act provides that the operator of a vehicle modified in such a way must be at least 18 years of age to transport a passenger and must hold a certificate attesting to the fact that the operator has the competence and knowledge required to operate such a vehicle when transporting a passenger. The Act also changes the regulatory powers of the Government and the applicable penal provisions.*

*The Act also makes changes to the provisions governing compulsory equipment.*

*Finally, the Act grants to the Minister of Transport the power to authorize and oversee the testing of new vehicles, equipment and traffic rules.*

## **LEGISLATION AMENDED BY THIS ACT:**

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

## Bill 30

### AN ACT TO AMEND THE ACT RESPECTING OFF-HIGHWAY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 5 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing the second paragraph by the following paragraph:

“The first paragraph does not apply to a sleigh or trailer towed by an all-terrain vehicle having at least four wheels, or by a snowmobile, except to the extent that there are regulatory standards in place regarding the manufacture of such a sleigh or trailer.”

**2.** The Act is amended by inserting the following section after section 5:

“**5.1.** Sections 3 to 5 do not apply to a traditional Native sleigh towed by an off-highway vehicle.”

**3.** Section 9 of the Act is amended by replacing “roads and private roads” in the first paragraph by “private roads”.

**4.** Section 12 of the Act is amended by replacing “road or private road” in paragraph 3 by “private road”.

**5.** The Act is amended by inserting the following section after section 12:

“**12.1.** When transporting a passenger, the operator of an all-terrain vehicle modified in accordance with section 21.1 may drive only

(1) on a trail referred to in section 15;

(2) on a public highway within the meaning of the Highway Safety Code (chapter C-24.2), under the conditions set out in this Act;

(3) on a trail laid out on a road situated on land in the domain of the State and operated by an off-highway vehicle club under the conditions provided for in section 8.1 or, if there is no such trail on such a road, on the road itself, but only for the distance required to reach a trail referred to in section 8.1 or section 15; or

(4) on a private road open to public traffic, but only for the distance necessary to reach a trail referred to in section 8.1 or section 15.”

**6.** The Act is amended by inserting the following section after section 18:

“**18.1.** Despite section 18, the operator of an all-terrain vehicle modified in accordance with section 21.1 must be at least 18 years of age to transport a passenger.”

**7.** Section 20 of the Act is amended by adding “provided for in the second paragraph of section 18 or the second paragraph of section 21.1” at the end of the first paragraph.

**8.** The Act is amended by inserting the following section after section 21:

“**21.1.** Despite section 21, a four-wheel all-terrain vehicle on which the manufacturer has not installed a passenger seat may be modified to add one provided it is installed according to the instructions and recommendations of the seat manufacturer.

An operator of a vehicle modified in accordance with the first paragraph must hold a certificate obtained from an officer authorized by the Government attesting that the operator has the competence and knowledge required to operate such a vehicle when transporting a passenger, unless the operator is otherwise authorized to do so under the legislation in force in the operator’s place of residence.”

**9.** Section 23 of the Act is amended

(1) by striking out “regulatory” in the part of the first paragraph preceding subparagraph 1;

(2) by replacing “a protective helmet” in subparagraph 1 of the first paragraph by “a regulation protective helmet”.

**10.** Section 27 of the Act is amended by replacing “road or private road” in subparagraph 1 of the third paragraph by “private road”.

**11.** Section 33 of the Act is amended by replacing the first paragraph by the following paragraph:

“**33.** No person shall use a trail referred to in section 15 otherwise than in or on an authorized off-highway vehicle or a maintenance vehicle, or in or on a sleigh or trailer towed by such a vehicle, except

(1) to cross the trail as safely and as directly as possible without interfering with traffic; or

(2) in the case of the passenger of a vehicle modified in accordance with section 21.1, to walk on the extreme right-hand side of a steep ascending part of a trail having a slope inclination percentage equal to or greater than that provided for by regulation.”

**12.** Section 38 of the Act is amended

(1) by adding “provided for in the second paragraph of section 18 or the second paragraph of section 21.1” at the end of subparagraph 4 of the first paragraph;

(2) by replacing “the document” in subparagraph 7 of the first paragraph by “the documents”.

**13.** Section 46 of the Act is amended

(1) by replacing “that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code (chapter C-24.2), and determining” in subparagraph 3 of the first paragraph by “, and establishing”;

(2) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.0.1) prescribing special rules of use and traffic rules for an all-terrain vehicle modified in accordance with section 21.1, standards with regard to the load such a vehicle may carry and any other standards with regard to the equipment or safety of the vehicle;”.

**14.** The Act is amended by inserting the following section after section 47:

“**47.1.** The Minister may authorize the carrying out of pilot projects aimed at testing the use of a vehicle or of equipment related to its functioning or safety, or at improving or elaborating traffic rules or standards for equipment or safety. During a pilot project, the Minister may make any rule concerning the use of a vehicle and authorize any person or body to use a vehicle according to standards and rules the Minister makes that differ from those provided for by this Act and its regulations.

Such pilot projects are established for a maximum of three years, a period which the Minister may, if the Minister judges it necessary, extend for a maximum of two years. The Minister may modify or terminate a pilot project at any time. The Minister may also determine, among the provisions of an order made under this section, those whose violation constitutes an offence, and fix the minimum and maximum fines to which the offender is subject. This amount may not be less than \$50 or more than \$1,000.

A decision of the Minister made under this section must be in the form of an order. Such an order is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1).”

**15.** Section 49 of the Act is amended by replacing “road or private road” in the first paragraph by “private road”.

**16.** Section 55 of the Act is amended

(1) by replacing “5, 11 and 12” by “5, 11, 12 and 12.1”;

(2) by replacing “sections 21, 25 and 30 to 32,” by “section 21, the first paragraph of section 21.1, section 25 and sections 30 to 32,”;

(3) by striking out “or, in the case of an offence relating to the maximum posted rate of speed, to a fine of \$250 to \$500”.

**17.** The Act is amended by inserting the following section after section 58.1:

**“58.2.** A person under 18 but at least 16 years of age who operates an off-highway vehicle modified in accordance with section 21.1 with a passenger aboard is guilty of an offence and liable to a fine of \$100.”

**18.** Section 59 of the Act is amended by inserting “, the second paragraph of section 21.1” after “of section 18”.

**19.** The Act is amended by inserting the following section after section 66:

**“66.1.** Any person who, having authority over a child or being the owner or custodian of a vehicle, allows a child under 18 years of age to operate an off-highway vehicle modified in accordance with section 21.1 with a passenger aboard, or who tolerates such operation, is guilty of an offence and liable to a fine of \$500 to \$1,000.”

**20.** Section 67 of the Act is amended by replacing “66” by “66.1”.

**21.** Order in Council 1013-99 dated 1 September 1999 (1999, G.O. 2, 4285), concerning the authorizing of two officers to issue certificates of competency for the operation of an off-highway vehicle by a person 14 years of age or over but under 16 years of age, is deemed to be an order made by the Government under the second paragraph of section 21.1 of the Act respecting off-highway vehicles, enacted by section 8, and applies, only to the extent that it concerns the Fédération québécoise des clubs quads, until the making of the first order that amends, replaces or repeals it.

**22.** The publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) does not apply to the first change made after 10 June 2009 to the Regulation respecting off-highway vehicles enacted by Order in Council 1222-2004 dated 21 December 2004 (2004, G.O. 2, 3627A) or the Regulation respecting all-terrain vehicles enacted by Order in Council 58-88 dated 13 January 1988 (1988, G.O. 2, 681) concerning the implementation of the changes made by this Act to the Act respecting off-highway vehicles, including changes to signs, signals and patrols on the trails.

**23.** This Act comes into force on 10 June 2009, with the exception of section 7, the second paragraph of section 21.1 of the Act respecting off-highway vehicles enacted by section 8, paragraph 1 of section 12 and section 18, which come into force on 10 June 2010.