

5. Schedule III is amended

- (1) by replacing “\$79.03” in line 1 by “\$94.80”;
- (2) by replacing “\$94.83” in line 2 by “\$113.80”;
- (3) by replacing “\$105.37” in line 3 by “\$126.40”.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9809

M.O., 2010**Order number AM 2010-08 of the Minister for Transport dated 28 April 2010**

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

Pilot project concerning side-by-side vehicles

THE MINISTER FOR TRANSPORT,

CONSIDERING the provisions of section 47.1 of the Act respecting off-highway vehicles, which provides that the Minister may by order

(1) authorize the carrying out of pilot projects aimed at testing the use of an off-highway vehicle or of equipment related to its functioning or safety, or at improving or elaborating traffic rules or standards for equipment or safety;

(2) make, during any pilot project, 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 the Act and its regulations;

CONSIDERING the second paragraph of that section, which provides that

(1) 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;

(2) the Minister may modify or terminate a pilot project at any time;

(3) the Minister may also determine, among the provisions of an order made under that 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;

CONSIDERING the third paragraph of that section, which provides that an order made under that section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that it is appropriate to implement a pilot project aimed at allowing the use of side-by-side vehicles;

CONSIDERING that it is expedient to authorize the implementation of such a project;

ORDERS THE FOLLOWING:

**DIVISION I
GENERAL**

1. The implementation of the pilot project concerning the use of side-by-side vehicles is authorized on the following grounds:

(1) to try out the use of such off-highway vehicles, while ensuring the safety of all users of off-highway vehicles;

(2) to try out the use of such vehicle, particularly on the trails of all-terrain vehicle clubs;

(3) to collect information on the use of such vehicle to assess its relevancy and, if so, to make minimum standards for its design and traffic safety rules.

2. For the purposes of this Order, a side-by-side vehicle is a motor all-terrain vehicle with side-by-side seating for the operator and at least 1 passenger. The vehicle has a steering wheel, at least 4 driving wheels and a net mass of no more than 700 kg.

3. Side-by-side vehicles are subject to the application of the Act respecting off-highway vehicles as if they had been subjected to it under subparagraph 3 of the first paragraph of section 1 and subparagraph 1 of the first paragraph of section 46 of the Act.

Despite the foregoing, the provisions of this Order have precedence over any incompatible provision of the Act.

DIVISION II MANDATORY EQUIPMENT

4. In addition to the mandatory equipment prescribed by the Act respecting off-highway vehicles, a side-by-side vehicle must be equipped with

(1) a protection cage, to prevent injuries in the case of a roll-over, made up of at least 2 roll bars linked together by at least 2 struts;

(2) doors or cargo nets for each access to the cab;

(3) an assist handle for each passenger;

(4) a safety belt with at least 3 anchor points for each occupant of the vehicle;

(5) a headrest for each occupant of the vehicle;

(6) an engine with a piston displacement not exceeding 1,000 cc; and

(7) low pressure tires.

The equipment must be installed according to the manufacturer's instructions and recommendations, to a vehicle for which it was designed.

5. In order to travel in a place mentioned in subparagraphs 1 to 4 of the first paragraph of section 6, a vehicle must also have an overall width not exceeding 1,626 mm, excluding the rear view mirror.

DIVISION III STANDARDS OF USE

6. The operator of a side-by-side vehicle may drive

(1) on an all-terrain vehicle trail referred to in section 15 of the Act respecting off-highway vehicles;

(2) on a public highway within the meaning of the Highway Safety Code, under the conditions set out in the Act respecting off-highway vehicles;

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

(4) on a private road open to public traffic, but only for the distance necessary to reach an all-terrain vehicle trail referred to in section 8.1 or section 15 of the Act respecting off-highway vehicles; and

(5) on lands in the domain of the State, in accordance with section 8 of the Act respecting off-highway vehicles.

Section 13 of the Act respecting off-highway vehicles applies to such permission to travel.

7. The use of a side-by-side vehicle on private land other than a place listed in section 6 is subject to the express authorization of the owner or lessee.

8. The person in charge of the maintenance of a place mentioned in section 6 may install, on those roads, highways or trails, signs that contain the message in Schedule 1 so as to prohibit the use of side-to-side vehicles.

Operators of side-to-side vehicles are bound to comply with those signs.

DIVISION IV RULES OF USE

9. Every operator of a side-by-side vehicle must be 18 years of age or over.

To operate a side-by-side vehicle on a public highway as provided in this Order, a person must hold a licence authorizing the holder under the Highway Safety Code to drive a road vehicle on a public highway and must comply with the conditions and restrictions attached to the licence.

10. When seated and wearing the vehicle's seat belt correctly, every passenger of a side-by-side vehicle must be of such size as to be able to reach and firmly hold the assist handle designed for the place occupied by the passenger.

No restraint system or booster cushion may be used to compensate for a passenger's inability to comply with the first paragraph.

DIVISION V SAFETY BELT

11. No person may either effect or cause the removal, alteration or putting out of service of a seat belt with which a seat of a side-by-side vehicle is equipped.

12. No person may install in a side-by-side vehicle or, for the purposes of such installations, sell, lease or place at the disposal of a person, a seat belt, unless the

equipment is new equipment originating from the manufacturer of the vehicle and intended for such a vehicle. However, a seat belt may be reinstalled in the same vehicle after being removed for the sole purpose of vehicle repairs or maintenance, provided it is in good working order.

13. No person may drive a side-by-side vehicle in which the seat belt provided for the operator or for the seat occupied by a passenger has been removed, modified or rendered inoperative.

14. Every person must, while in a moving side-by-side vehicle, wear, properly fastened, the seat belt with which his or her seat is equipped.

15. No person may drive a side-by-side vehicle carrying a passenger under 16 years of age who does not fulfil the obligations prescribed by this Division.

16. An operator of a side-by-side vehicle may neither carry more passengers than the capacity specified by the vehicle's manufacturer, nor carry more passengers than the number of seats equipped with safety belts installed by the manufacturer.

DIVISION VI COLLECTION OF INFORMATION

17. The Ministère des Transports is responsible for collecting information on the use of side-by-side vehicles pursuant to this Order.

18. Where a bodily injury or property damage has been caused in an accident involving a side-by-side vehicle, off-highway vehicle clubs must immediately send a copy of any accident report to the Department or the Fédération québécoise des clubs quads.

19. Any person who provides his or her identity may send the Department written observations on this pilot project.

DIVISION VII PENAL

20. The owner of a side-by-side vehicle not complying with section 4 commits an offence and is liable to a fine from \$100 to \$200.

21. The operator of a side-by-side vehicle not complying with section 5 who travels in a place listed in subparagraphs 1 to 4 of the first paragraph of section 6 commits an offence and is liable to a fine from \$100 to \$200.

22. The operator of a side-by-side vehicle who travels on private land without the authorization of the owner or lessee commits an offence and is liable to a fine of \$250 to \$500.

23. The operator of a side-by-side vehicle who contravenes the second paragraph of section 8 commits an offence and is liable to a fine from \$100 to \$200.

24. Any person who has authority over a minor, the owner and the custodian of the side-by-side vehicle who have allowed or tolerated the driving of such vehicle by a minor commit an offence and are liable to a fine from \$500 to \$1,000.

25. The operator of a side-by-side vehicle who contravenes the second paragraph of section 9 commits an offence and is liable to a fine from \$250 to \$500.

26. A passenger aged 16 years or more who contravenes section 10 commits an offence and is liable to a fine from \$100 to \$200.

The operator of a side-by-side vehicle carrying a passenger under 16 years of age who contravenes section 10 commits an offence and is liable to a fine from \$100 to \$200.

27. Any person who contravenes section 11 commits an offence and is liable to a fine from \$200 to \$300.

28. Any person who contravenes section 12 commits an offence and is liable to a fine from \$500 to \$1,000.

29. An operator who contravenes section 13 commits an offence and is liable to a fine from \$200 to \$300.

30. Any person who contravenes section 14 commits an offence and is liable to a fine from \$80 to \$100.

31. An operator who contravenes section 15 commits an offence and is liable to a fine from \$80 to \$100.

32. An operator who contravenes section 16 commits an offence and is liable to a fine from \$50 to \$100.

DIVISION VIII MISCELLANEOUS AND FINAL

33. This Order takes effect on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the third anniversary of that date.

SCHEDULE 1



NORMAN MACMILLAN,
Minister for Transport

9808