



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 16

(2014, chapter 12)

An Act to amend the Act respecting off-highway vehicles and other provisions

**Introduced 4 November 2014
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EXPLANATORY NOTES

This Act integrates rules applicable to recreational off-highway vehicles, add-on seats for single-seat snowmobiles and track systems for quad bikes into the Act respecting off-highway vehicles.

Various measures are proposed, in particular concerning electric off-highway vehicles and the operation of off-highway vehicles on public highways.

A prohibition is introduced under which no person may hang on to a moving off-highway vehicle or ride on or in any part of the vehicle that is not a passenger seat.

Peace officers are given the power to inspect an operator's helmet or order the cleaning of certain parts of an off-highway vehicle.

Lastly, the amount of fines for certain offences under the Act respecting off-highway vehicles is increased.

LEGISLATION AMENDED BY THIS ACT:

- Highway Safety Code (chapter C-24.2);
- Act respecting off-highway vehicles (chapter V-1.2).

MINISTERIAL ORDERS REPEALED BY THIS ACT:

- Ministerial Order concerning the pilot project concerning add-on seats for single-seat snowmobiles (chapter V-1.2, r. 2);
- Ministerial Order concerning the Pilot project concerning track systems for 4-wheel all-terrain vehicles (chapter V-1.2, r. 3);
- Ministerial Order concerning the Pilot project concerning side-by-side vehicles (chapter V-1.2, r. 4).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting off-highway vehicle trail signs (chapter V-1.2, r. 4.1);
- Regulation respecting off-highway vehicles (chapter V-1.2, r. 5).

Bill 16

AN ACT TO AMEND THE ACT RESPECTING OFF-HIGHWAY VEHICLES AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING OFF-HIGHWAY VEHICLES

1. Section 1 of the Act respecting off-highway vehicles (chapter V-1.2) is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) the following motorized all-terrain vehicles:

(a) quad bikes, that is, four-wheel vehicles that are equipped with a straddle seat and handlebars;

(b) recreational off-highway vehicles, that is, four-wheel vehicles, including utility task vehicles, that are equipped with one or more non-straddle seats, a steering wheel, pedals and a protective structure, all of whose wheels are driving wheels and whose net mass does not exceed 450 kilograms in the case of single-seat vehicles and 750 kilograms in the case of multi-seat vehicles;

(c) trail bikes;

(d) other vehicles that have three or more wheels and handlebars, that are designed to be straddled and whose net mass does not exceed 600 kilograms;”;

(2) by striking out the third paragraph;

(3) by replacing the fourth paragraph by the following paragraph:

“Nor does this Act apply to activities held in compliance with the rules set out in a regulation made or approved by the Minister of Education, Recreation and Sports under the Act respecting safety in sports (chapter S-3.1) and prescribing that the authorization of the person having parental authority is required for a minor to practise any such activity.”;

(4) by adding the following paragraph at the end:

“The weight of the battery of a vehicle propelled solely by an electric motor is not taken into account in calculating its net mass. The Minister shall specify

the net mass of any such vehicle in a list published on the Internet site of the Ministère des Transports.”

2. The Act is amended by inserting the following section after section 1:

“1.1. Chapter II of this Act on mandatory equipment, Division I of Chapter IV on operators, and sections 28 to 30 prescribing traffic rules apply to off-highway vehicles or their operators, as applicable, when such vehicles are operated on public highways and in other places where the Highway Safety Code (chapter C-24.2) applies.

In addition to what is provided in the Highway Safety Code, the following provisions of that Code and the regulations made under them apply, with the necessary modifications, to the operation of off-highway vehicles on public highways and in other places where that Code applies:

- (1) sections 166.1 to 179 in Title IV on obligations in case of an accident;
- (2) sections 209.1 to 209.26 in Chapter III of Title V on penalties for driving without a licence or while disqualified;
- (3) sections 288 to 318 in Title VII on road and traffic signs and signals;
- (4) Title VIII on rules of the road in, in particular,
 - (a) sections 320 to 397 and 402 to 443 in Divisions I, II and IV of Chapter II, except sections 421.1, 426 to 428, 432 and 440.1;
 - (b) sections 460, 471 and 472, the first paragraph of section 473 and sections 474 to 474.2 and 498; and
 - (c) sections 504 to 519 in Chapter VII; and
- (5) sections 636 to 637, 642 and 643.

Where an offence under any of the provisions referred to in the second paragraph gives rise to demerit points, the rules under the Highway Safety Code in that respect as well as any attendant regulation apply.”

3. Section 2 of the Act is amended by adding the following paragraph at the end:

“Subparagraph 5 of the first paragraph does not apply to a vehicle propelled solely by an electric motor.”

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

“2.0.1. Despite subparagraph 1 of the first paragraph of section 2, a recreational off-highway vehicle must be equipped with two white headlights

at the same height, one on each side of the vertical centreline and as far apart as practicable.

A recreational off-highway vehicle must also have the following equipment:

(1) a protective structure to prevent injuries in case of a roll-over, made up of at least two roll bars linked together by at least two struts;

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

(3) an assist handle for each passenger;

(4) a seat belt with three or more 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 cm³;

(7) all-terrain tires that conform to the standards set by government regulation; and

(8) a rear-view mirror inside the vehicle attached at the centre of the front upper part of the protective structure.

Subparagraph 8 of the second paragraph does not apply to a single-seat recreational off-highway vehicle.”

5. Section 3 of the Act is amended

(1) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

“(0.1) one red tail-light;”;

(2) by inserting the following paragraph after the first paragraph:

“Subparagraph 0.1 of the first paragraph applies only to sleighs or trailers built after 1 January 2015.”

6. Section 6 of the Act is amended by inserting “, 2.0.1” after “2” in the first paragraph.

7. The Act is amended by inserting the following sections after section 7:

7.1. No person may remove or modify a seat belt with which a recreational off-highway vehicle is equipped, render it inoperative or have it removed, modified or rendered inoperative.

“7.2. No person may install a seat belt in a recreational off-highway vehicle, or sell or lease a seat belt or place one at a person’s disposal for installation purposes, 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.”

8. Section 11 of the Act is amended

(1) by striking out “and provided that the worker complies with the highway traffic rules” in subparagraph 1 of the second paragraph;

(2) by striking out “, provided that the operator complies with the highway traffic rules” in subparagraph 4 of the second paragraph;

(3) by striking out “, provided that the operator complies with the highway traffic rules” in subparagraph 6 of the second paragraph;

(4) by striking out “2,” in the fourth paragraph;

(5) by adding the following paragraph at the end:

“The operation of an off-highway vehicle as provided in subparagraph 2 of the second paragraph is not authorized on an autoroute or limited access highway within the meaning of the Highway Safety Code, except at an intersection designed as a crossing for off-highway vehicles where appropriate signs and signals are installed.”

9. Section 12.1 of the Act is amended by replacing “all-terrain vehicle modified in accordance with section 21.1” by “off-highway vehicle modified in accordance with section 21.1 or 21.2”.

10. The Act is amended by inserting the following sections after section 12.1:

“12.1.1. Except on trails where signs or signals direct otherwise, the operator of a recreational off-highway vehicle whose overall width, excluding the side rear-view mirror, exceeds 1.524 metres may not operate the vehicle on a trail laid out and used by an off-highway vehicle club.

“12.1.2. The operator of a quad bike modified in accordance with section 21.10 may only operate the vehicle from 15 November to 1 April in a place listed in section 12.1 and, as permitted under section 8, on lands in the domain of the State.

The operator of such a quad bike may not operate the vehicle on a trail laid out and used by an off-highway vehicle club if its overall width exceeds 1.524 metres.

“12.1.3. The operator of a quad bike modified in accordance with section 21.10 may not operate the vehicle on private land, elsewhere than in a place listed in section 12.1, without the express authorization of the owner or lessee of the land.”

11. Section 18 of the Act is amended

(1) by replacing “under 18 years of age” in the second paragraph by “a minor”;

(2) by replacing “, unless the operator is otherwise authorized to operate an off-highway vehicle under legislation in force in his place of residence” in the second paragraph by “. This paragraph does not apply to the holder of a driver’s licence issued by an administrative authority other than the Société de l’assurance automobile du Québec authorizing the holder to operate a road vehicle on a public highway within the meaning of the Highway Safety Code (chapter C-24.2)”.

12. Section 18.1 of the Act is replaced by the following section:

“18.1. Despite section 18, only a person of full age may operate a recreational off-highway vehicle or, when carrying a passenger, a quad bike modified in accordance with section 21.1.”

13. Section 21.1 of the Act is amended

(1) by replacing “four-wheel all-terrain vehicle” in the first paragraph by “quad bike”;

(2) by replacing “, unless the operator is otherwise authorized to do so under the legislation in force in the operator’s place of residence” in the second paragraph by “. This paragraph does not apply to the holder of a driver’s licence issued by an administrative authority other than the Société de l’assurance automobile du Québec authorizing the holder to operate a road vehicle on a public highway within the meaning of the Highway Safety Code (chapter C-24.2)”.

14. The Act is amended by inserting the following sections after section 21.1:

“21.2. Despite section 21, a single-seat snowmobile may be modified to add an add-on seat designed for a passenger and having a back rest and molded handles intended for the passenger.

The add-on seat must allow the passenger to use the running boards of the snowmobile or footrests firmly attached to each side of the snowmobile frame.

Despite the first paragraph, two handles reachable by the passenger may replace molded handles provided that a handle is firmly attached to each side of the snowmobile frame.

“21.3. An add-on seat must be firmly attached, according to the manufacturer’s instructions and recommendations, to a single-seat snowmobile for which it was designed.

The add-on seat must bear at all times a mark affixed by the manufacturer showing the manufacturer’s name or trademark. The mark must be legible even when the seat is installed on the snowmobile.

“21.4. When carrying a passenger, the operator of an off-highway vehicle modified in accordance with section 21.1 or 21.2 must comply with the load limit specified by the vehicle manufacturer.

“21.5. No person may operate a recreational off-highway vehicle in which the seat belt provided for the driver or for the seat occupied by a passenger has been removed, modified or rendered inoperative.

“21.6. Every person must, while in a moving recreational off-highway vehicle, wear, properly fastened, the seat belt with which the person’s seat is equipped.

“21.7. Every passenger of a recreational off-highway vehicle, when seated and wearing a properly fastened seat belt, must be tall enough to be able to reach and firmly hold the assist handle designed for the passenger’s seat.

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

“21.8. No person may drive a recreational off-highway vehicle carrying a passenger under 16 years of age who does not satisfy the requirements of sections 21.6 and 21.7.

“21.9. Despite section 21, the operator of a recreational off-highway vehicle may not carry more passengers than the number of seats equipped with manufacturer-installed seat belts.

“21.10. A quad bike may be modified to install a track system designed for winter driving replacing all of the tires or wheels of the vehicle.

The track system must be firmly attached, according to the manufacturer’s instructions and recommendations, to a quad bike for which it was designed.”

15. Section 23 of the Act is amended by inserting the following paragraph after the first paragraph:

“Persons riding in or on such a vehicle, sleigh or trailer must, on the request of a peace officer, allow the peace officer to examine their protective helmet and any other equipment prescribed by regulation.”

16. The Act is amended by inserting the following section after section 23:

“23.1. No person may hang on to or be pulled or pushed by a moving off-highway vehicle, or ride on or in any part of the vehicle that is not a passenger seat, nor may the driver tolerate such a practice.”

17. Section 27 of the Act is amended

- (1) by striking out subparagraph 1 of the third paragraph;
- (2) by striking out the fourth paragraph.

18. Section 28 of the Act is amended

- (1) by replacing “headlight” by “headlight or headlights”;
- (2) by adding the following paragraph at the end:

“The operator shall also keep the red tail-light turned on at the rear of a sleigh or trailer hitched to the vehicle.”

19. The Act is amended by inserting the following section after section 28:

“28.1. No person may operate a recreational off-highway vehicle with a headlight turned on and attached to the protective structure or roof of the vehicle on

- (1) a trail laid out and used by an off-highway vehicle club;
- (2) a public highway within the meaning of the Highway Safety Code (chapter C-24.2); or
- (3) a private road open to public vehicular traffic.”

20. Section 29 of the Act is replaced by the following section:

“29. The headlight or headlights, tail-light, stop light and rear-view mirror or mirrors of an off-highway vehicle and the lights and reflectors of a sleigh or trailer towed by an off-highway vehicle must be free of any object or matter that could make them ineffective.

For the purposes of the first paragraph, a peace officer can require an off-highway vehicle operator to remove any object or clean a soiled or snow-covered part.”

21. Section 46 of the Act is amended by replacing “an all-terrain vehicle” in subparagraph 3.0.1 of the first paragraph by “a quad bike”.

22. Section 50 of the Act is amended

- (1) by replacing “and 7” by “, 2.0.1, 7 and 21.10”;
- (2) by replacing “\$100 to \$200” by “\$150 to \$300”.

23. Section 51 of the Act is replaced by the following section:

“51. The owner of an off-highway vehicle is guilty of an offence and is liable to a fine of \$150 to \$300 if the vehicle tows a sleigh or trailer that does not conform with section 3, 4 or 7.”

24. Section 52 of the Act is amended

- (1) by replacing “and 28” by “, 28 and 28.1”;
- (2) by replacing “the provisions of section 29” by “the first paragraph of section 29”;
- (3) by replacing “\$50 to \$100” by “\$75 to \$150”.

25. Section 53 of the Act is amended by replacing “\$100 to \$200” by “\$150 to \$300”.

26. Section 54 of the Act is amended

- (1) by replacing “section 6” in the first paragraph by “sections 6 and 7.1”;
- (2) by replacing “\$250 to \$1,000” in the first paragraph by “\$275 to \$1,100”;
- (3) by inserting “or 7.2” after “6.1” in the second paragraph;
- (4) by replacing “\$500 to \$1,000” in the second paragraph by “\$550 to \$1,100”.

27. Section 55 of the Act is amended

- (1) by replacing “section 25” by “sections 21.4, 21.5, 21.8, 21.9 and 25”;
- (2) by replacing “\$100 to \$200” by “\$150 to \$300”.

28. Section 55.1 of the Act is amended by replacing “\$400 to \$800” in the first paragraph by “\$450 to \$900”.

29. Section 55.2 of the Act is amended by replacing “\$300 to \$600” by “\$325 to \$650”.

30. Section 55.3 of the Act is amended

- (1) by replacing “\$100 to \$200” in the first paragraph by “\$125 to \$250”;
- (2) by replacing “\$200 to \$400” in the second paragraph by “\$250 to \$500”;
- (3) by replacing “\$50 to \$100” in the third paragraph by “\$75 to \$150”.

31. The Act is amended by inserting the following sections after section 55.3:

“55.4. The owner of a single-seat snowmobile equipped with equipment that does not conform with section 21.2 or 21.3 is guilty of an offence and is liable to a fine of \$150 to \$300 if the snowmobile is operated while carrying a passenger.

“55.5. A person of full age who contravenes section 21.6 or 21.7 is guilty of an offence and is liable to a fine of \$150 to \$300.

A minor 16 years of age or over who contravenes section 21.6 or 21.7 is guilty of an offence and is liable to a fine of \$100.”

32. Section 56 of the Act is amended

- (1) by replacing “any of the provisions of sections 23,” by “the first paragraph of section 23 or any of the provisions of sections”;
- (2) by replacing “\$100 to \$200” by “\$150 to \$300”.

33. The Act is amended by inserting the following section after section 56.1:

“56.2. A person who contravenes section 23.1 is guilty of an offence and is liable to a fine of \$1,000 to \$3,000.”

34. Sections 57 and 58 of the Act are amended by replacing “\$250 to \$500” by “\$375 to \$750”.

35. Section 58.1 of the Act is amended

- (1) by replacing “disobeys an order to stop given under paragraph 3” by “fails to comply with the second paragraph of section 23, the second paragraph of section 29 or subparagraph 3 of the first paragraph”;
- (2) by replacing “\$250 to \$500” by “\$375 to \$750”.

36. Section 58.2 of the Act is replaced by the following section:

“58.2. A minor who contravenes the first or second paragraph of section 18 or section 18.1 is guilty of an offence and is liable to a fine of \$100.”

37. Section 59 of the Act is amended

- (1) by replacing “the second and third paragraphs” by “the third paragraph”;
- (2) by replacing “\$250 to \$500” by “\$375 to \$750”.

38. Section 59.1 of the Act is amended

- (1) by replacing “\$25” in the introductory clause by “\$30”;
- (2) by replacing “\$10” in paragraph 1 by “\$15”;
- (3) by replacing “\$15” in paragraph 2 by “\$20”;
- (4) by replacing “\$20” in paragraph 3 by “\$25”;
- (5) by replacing “\$25” in paragraph 4 by “\$30”;
- (6) by replacing “\$30” in paragraph 5 by “\$35”.

39. Section 60 of the Act is amended by replacing “\$250 to \$500” by “\$375 to \$750”.**40.** Sections 66 and 66.1 of the Act are replaced by the following section:

“**66.** A person having authority over a minor who allows the minor to contravene section 18 or 18.1 or tolerates the minor doing so is guilty of an offence and is liable to a fine of \$550 to \$1,100. The same holds for the owner or custodian of the vehicle used by the minor.”

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

HIGHWAY SAFETY CODE

42. Section 1 of the Highway Safety Code (chapter C-24.2) is amended by replacing the third paragraph by the following paragraph:

“This Code applies to off-highway vehicles in the following cases only:

- (1) for the purposes of registration and identification of the vehicle by means of a number affixed to it or when it expressly provides as much;
- (2) to the extent provided for in section 1.1 of the Act respecting off-highway vehicles (chapter V-1.2).”

43. Section 14 of the Code is amended by replacing “on a competition circuit laid out and used for the competition of motor vehicles subject to” in paragraph 3 by “in activities held in compliance with standards prescribed in

a regulation made or approved by the Minister of Education, Recreation and Sports under”.

44. Section 328.1 of the Code is amended by striking out “or off-highway vehicle” in subparagraphs 1 to 3 of the first paragraph.

45. Section 328.5 of the Code is amended by striking out “This paragraph applies, under the same conditions, to the driver of an off-highway vehicle.” in the first paragraph.

46. Section 421.1 of the Code is amended by striking out “, or to operate an off-highway vehicle on a public highway on the conditions set out in that Act” in the second paragraph.

MINISTERIAL ORDER CONCERNING THE PILOT PROJECT CONCERNING ADD-ON SEATS FOR SINGLE-SEAT SNOWMOBILES

47. The Ministerial Order concerning the pilot project concerning add-on seats for single-seat snowmobiles (chapter V-1.2, r. 2) is repealed.

MINISTERIAL ORDER CONCERNING THE PILOT PROJECT CONCERNING TRACK SYSTEMS FOR 4-WHEEL ALL-TERRAIN VEHICLES

48. The Ministerial Order concerning the Pilot project concerning track systems for 4-wheel all-terrain vehicles (chapter V-1.2, r. 3) is repealed.

MINISTERIAL ORDER CONCERNING THE PILOT PROJECT CONCERNING SIDE-BY-SIDE VEHICLES

49. The Ministerial Order concerning the Pilot project concerning side-by-side vehicles (chapter V-1.2, r. 4) is repealed.

REGULATION RESPECTING OFF-HIGHWAY VEHICLE TRAIL SIGNS

50. Section 3 of the Regulation respecting off-highway vehicle trail signs (chapter V-1.2, r. 4.1) is amended

(1) by replacing “motorized all-terrain vehicles equipped with handlebars and two wheels,” in paragraph 8 by “trail bikes”;

(2) by replacing “An all-terrain vehicle silhouette represents motorized all-terrain vehicles equipped with handlebars and at least three wheels,” in paragraph 12 by “A quad bike silhouette represents motorized all-terrain vehicles, other than trail bikes,”;

(3) by adding the following paragraphs at the end:

“(14) A recreational off-highway vehicle silhouette represents recreational off-highway vehicles covered by the Act.



“(15) A quad bike with tracks silhouette represents quad bikes equipped with track systems covered by the Act.



51. Section 9 of the Regulation is amended by replacing the first sentence by the following sentence: “Targeted vehicle tab signs indicate to snowmobilers and drivers of motorized all-terrain vehicles other than trail bikes that a sign concerns them exclusively.”

52. Section 24 of the Regulation is amended by inserting the following signs after sign P-130-59:



P-130-60



P-130-61”.

53. Section 25 of the Regulation is amended by replacing “an all-terrain vehicle” by “a quad bike”.

54. The Regulation is amended by inserting the following section after section 25:

“25.1. Sign P-130-64 announcing the authorization to take a trail for certain recreational off-highway vehicles indicates that recreational off-highway vehicles whose overall width, excluding the side rear-view mirror, is less than 1.626 metres are authorized to take the trail.



P-130-64”.

55. Section 33 of the Regulation is amended by adding the following sign after tab sign D-3-P:



Recreational
off-highway
vehicle 1 lane
D-200-P-3”.

56. Section 50 of the Regulation is amended by adding the following subparagraph after subparagraph 8 of the first paragraph:

“(9) a D-200 sign accompanied by a D-200-P-3 tab sign, indicating to a recreational off-highway vehicle operator a narrow passage where the roadway of a bridge is less than 3.048 metres wide.”

57. Section 53 of the Regulation is amended by replacing “8” by “9”.

REGULATION RESPECTING OFF-HIGHWAY VEHICLES

58. Section 1.2 of the Regulation respecting off-highway vehicles (chapter V-1.2, r. 5) is repealed.

59. Section 10 of the Regulation is amended by inserting “equipped with a straddle seat” after “off-highway vehicle”.

60. The Regulation is amended by inserting the following divisions after section 11:

“DIVISION 2.1

“OTHER OBLIGATIONS

11.1. No person may operate a vehicle propelled solely by an electric motor elsewhere than on private land, unless the vehicle is equipped with a triangular orange warning sign having a red reflective edge and complying with Standard ANSI/SAE S276.6 published in January 2005 by the American Society of Agricultural Engineers or any subsequent amendment to that standard.

The sign must be attached with an angle of the triangle pointing upward, vertically and perpendicular to the direction taken by the vehicle, as close as possible to the rear, at the centre of the vehicle or as close as possible to the left, at a height of not less than 50 centimetres or more than 150 centimetres measured from the ground to the base of the sign.

The sign must be in good condition, securely attached to the vehicle and free from any object or matter that could reduce its visibility up to a distance of 180 metres.

“DIVISION 2.2**“MANDATORY EQUIPMENT STANDARDS**

“11.2. Every all-terrain tire on a recreational off-highway vehicle must bear one of the following markings on its sidewall:

- (1) “AT” or “A/T”;
- (2) “NHS” or “not for highway service”;
- (3) “Not for highway use”.

The dimensions of such a tire must be indicated on the sidewall as follows: its total height, its width and the diameter of the rim on which it can be mounted.”

61. Section 27 of the Regulation is amended by striking out “, 1.2” in the first paragraph.

62. Section 28 of the Regulation is amended by replacing “and 11” by “to 11.1”.

FINAL PROVISION

63. This Act comes into force on 17 December 2014, except:

(1) section 12.1.1 of the Act respecting off-highway vehicles (chapter V-1.2) enacted by section 10, and section 54, which come into force on 1 June 2015;

(2) section 2 when it renders sections 209.1 to 209.2.1.2, 328.2, 422.1, 422.4, 434.2 and 434.5 of the Highway Safety Code (chapter C-24.2) applicable, which comes into force on 17 December 2015; and

(3) paragraph 3 of section 1 and section 43, which come into force on 17 December 2017, unless the Government sets an earlier date or earlier dates for their coming into force.