



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 71
(2020, chapter 26)

An Act respecting off-highway vehicles

**Introduced 22 October 2020
Passed in principle 26 November 2020
Passed 9 December 2020
Assented to 10 December 2020**

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EXPLANATORY NOTES

This Act proposes a reform of the regulation of off-highway vehicles. Its main object is to ensure public safety and harmonious coexistence of recreational use of such vehicles and the activities of other users of the territory. For those purposes, it replaces the current Act respecting off-highway vehicles.

As regards the operation of off-highway vehicles, the Act extends, in particular, the requirement to hold a driver's licence to persons who use such vehicles on public land and on trails. It provides that, subject to special conditions applying to persons under 18 years of age, on certain private land, persons may operate off-highway vehicles without holding driver's licences. The Act also proposes regulating the leasing of off-highway vehicles, in particular by introducing minimum training requirements. It also provides that a person must have successfully completed training recognized by the Minister of Tourism in order to guide off-highway vehicle excursions as a part of an enterprise.

As regards the use of off-highway vehicles, the Act retains many of the provisions of the current Act respecting off-highway vehicles, updates some of them and adds new rules. Among other things, it makes the provisions of the Highway Safety Code concerning impaired driving ability applicable to the use of off-highway vehicles and it strengthens the measures concerning exhaust systems and those concerning protection against excessive noise. In addition to providing for the exercise of due care and attention, the Act adjusts the maximum speeds authorized and the manner in which the distance standards for trail layout near dwelling houses and other places are to be applied. Regarding interregional snowmobile and quad trail networks, the Act provides that such trails are presumed to have been laid out in accordance with these distance standards. The Act provides that when off-highway vehicle traffic is in accordance with the applicable standards, the neighbours of legally laid out trails must suffer the annoyances resulting from such traffic.

The Act also updates the amounts credited to the Land Transportation Network Fund and the programs that the Fund may finance in connection with off-highway vehicles. Moreover, it updates inspection powers and penal provisions, and establishes a system of monetary administrative penalties.

Lastly, the Act contains amending, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Highway Safety Code (chapter C-24.2);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère des Transports (chapter M-28).

LEGISLATION REPLACED BY THIS ACT:

- Act respecting off-highway vehicles (chapter V-1.2).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting off-highway vehicles (chapter V-1.2, r. 5).

Bill 71

AN ACT RESPECTING OFF-HIGHWAY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

DIVISION I

OBJECTS

1. The purpose of this Act is to ensure the safety of the public by regulating the use of off-highway vehicles and traffic on trails.

A further purpose of this Act is to promote the harmonious coexistence of recreational use of off-highway vehicles with the activities of other users of the territory and to reduce to a minimum any disturbances that may affect natural settings to ensure that all may benefit from the preservation of the functions and beauty of natural settings, from respect for the species that live there as well as from the peace and quiet of such settings.

DIVISION II

DEFINITIONS

2. In this Act, unless the context indicates otherwise:

(1) “owner” means a person who acquires or possesses a vehicle under a title of ownership, a title involving a condition or term giving the person the right to become the owner of the vehicle or a title giving the person the right to use it as its owner charged to deliver over, as well as a person who leases a vehicle for a period of not less than one year;

(2) “road” includes the roadway, shoulders and other parts of the right of way of the following thoroughfares:

(a) “public highways”, namely, the roads and highways under the management of a government or municipal authority, including roads referred to in the Act respecting roads (chapter V-9) and public highways within the meaning of the Highway Safety Code (chapter C-24.2), as well as any cycle lanes situated on them;

(b) “roads in the domain of the State”, namely, roads situated on public land that is under the authority or management of a minister or a public body within the meaning of the Act respecting the lands in the domain of the State (chapter T-8.1); and

(c) “private roads”, namely, private roads and highways open to public motor vehicle traffic; land occupied by a shopping centre and other private land where public motor vehicle traffic is allowed is considered a private road;

(3) “trail” includes any trail situated on public land, including the trail known as the “Route Blanche” under the management of the Minister of Transport, and, on private land, any trail upon which the land’s owner or manager authorizes off-highway vehicles to be operated;

(4) “private land” means any land or immovable, including the property of a municipality, that is not public land;

(5) “public land” means any land included in the domain of the State within the meaning of the Act respecting the lands in the domain of the State;

(6) “maintenance vehicle” includes groomers and graders, whether self-propelled or towed, as well as any other vehicle or combination of vehicles designed or used for trail layout or maintenance; and

(7) “off-highway vehicle” means a snowmobile, a quad bike, a recreational off-highway vehicle, a trail bike, such as a motocross motorcycle, and any other motorized vehicle adapted or designed mainly for operation on uneven surfaces or on land that is unpaved or difficult to access, in particular on surfaces consisting of snow, ice, earth, sand or gravel, as well as in wooded areas and other natural settings.

DIVISION III

SCOPE

3. Except in cases where distinctions have been expressly provided for, the provisions of this Act apply regardless of the purposes for which a vehicle is operated, the area of operation and the public or private nature of the land where the vehicle is operated.

4. The provisions of this Act do not apply to off-highway vehicles or maintenance vehicles in the following cases:

(1) when such vehicles are displayed for sale, used for demonstration purposes at an exhibition or trade show or demonstrated or tested on private land elsewhere than on a trail by a manufacturer or dealer;

(2) when such vehicles are used to carry persons or transport goods inside a building;

(3) when such vehicles are used for a race, rally, contest or recreational use inside a building; the same applies when such an activity is held outdoors if

(a) the activity is held on a closed track on private land with the authorization of the owner of the land;

(b) the activity is not held on a road and does not cross any roads; or

(c) the activity is planned and held under the responsibility of a sports organization or an off-highway vehicle association or federation;

(4) when such vehicles are operated on a construction site or at a train station, harbour or airport, or are used for work on an industrial or agricultural site that is not accessible to the general public;

(5) when golf carts and other vehicles are used exclusively at a golf course;

(6) when groomers and other vehicles are operated exclusively within skiable terrain and do not cross or travel on a road or trail;

(7) when one-person garden tractors and lawnmowers are used on a site to perform the tasks for which they are intended;

(8) when power-assisted bicycles, including motorized mountain bikes, that do not qualify as mopeds or motorcycles within the meaning of the Highway Safety Code are operated; and

(9) when off-highway vehicles intended by the manufacturer to be operated by persons under 16 years of age are operated exclusively on private land, elsewhere than on a trail, with the authorization of the land's owner.

The Government may specify by regulation the meaning of a word or an expression and may determine in which cases and under which conditions a vehicle is subject to or exempt from the application of one or more of the provisions of this Act.

5. This Act is binding on the State.

DIVISION IV

ABORIGINAL COMMUNITIES

6. To permit the application of measures to ensure that Aboriginal people's reality and practice of traditional and ceremonial activities are more fully taken into account and to, at the same time, promote their safety and that of the public, the Government is authorized to, on a matter within the scope of this Act, enter into an agreement with an Aboriginal nation represented by all the band councils, or councils in the case of northern villages, of the communities that make up that nation, with the Makivik Corporation, with the Cree Nation

Government, with an Aboriginal community represented by its band council or the council of the northern village, with a group of communities so represented or, in the absence of such councils, with any other Aboriginal group.

The provisions of such an agreement prevail over the provisions of this Act and the regulations. However, persons to whom such an agreement applies are exempt from the application of provisions of this Act and the regulations that are inconsistent with the agreement only to the extent that those persons comply with the agreement.

7. An agreement under section 6 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

8. The agreement under section 6 is made available on the website of the Ministère des Transports within 30 days of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

The Minister may enter into an administrative agreement with an Aboriginal community to facilitate the application of an agreement under section 6.

9. The provisions of this Act that govern the equipment, dimensions and other standards applicable to sleighs and trailers do not apply to a traditional Aboriginal sleigh towed by an off-highway vehicle.

CHAPTER II

PUTTING VEHICLES INTO OPERATION AND AUTHORIZATION TO OPERATE

DIVISION I

REGISTRATION, CONTRIBUTIONS AND AMOUNTS CREDITED TO THE LAND TRANSPORTATION NETWORK FUND

10. No person may operate an off-highway vehicle or a maintenance vehicle that is not registered in accordance with the requirements prescribed by the Highway Safety Code.

11. Every owner of an off-highway vehicle or a maintenance vehicle must pay the contribution, the amount of which is fixed by government regulation, which is intended to be used to assist in financing the measures provided for in section 15.

The amounts may vary according to, among other things, the type, year of manufacture, mass or any other mechanical or physical specification of the vehicle, the number of vehicles possessed by the same owner and the type of use of the vehicles; distinctions may also be made in the amounts of the contribution required in order to encourage or discourage, for security or environmental reasons, the use of certain vehicles.

12. The owner of a vehicle pays the amount of the required contribution at the same time as the amount due for obtaining the registration of the vehicle and the amounts due under section 31.1 of the Highway Safety Code.

13. The Société de l'assurance automobile du Québec collects the payable contributions and pays them into the Consolidated Revenue Fund within the time and according to the terms and conditions fixed by the Minister of Finance.

The sums so collected are credited to the Land Transportation Network Fund established by section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

14. From the date prescribed by the Government and in such proportion as the Government determines, the part of the duties collected for registration of the off-highway vehicles and maintenance vehicles referred to in this Act is also credited to the Land Transportation Network Fund.

15. The contributions and other amounts credited to the Land Transportation Network Fund under this Act are intended to allow

(1) setting up or continuation of financial assistance programs aimed at assisting off-highway vehicle clubs, developing and maintaining infrastructures for off-highway vehicles, and protecting wildlife and wildlife habitats;

(2) setting up or continuation of financial assistance programs for abandoning the use of off-highway vehicles that have poor environmental performance and encouraging the replacement of such vehicles and the acquisition of vehicles that have better environmental performance;

(3) setting up or continuation of training programs and other measures promoting safety and the application of the provisions of this Act; and

(4) setting up or continuation of financial assistance programs for measures established by municipalities or by associations and federations to encourage consultation, mediation and arbitration in order to prevent neighbourhood disputes and disputes related to shared use, and to facilitate the resolution of such disputes, including for measures to compensate for damage caused to owners of farm land on which trails have been laid out or which is situated in the neighbourhood of trails.

DIVISION II

AGE, DRIVER'S LICENCE AND OTHER CONDITIONS RELATED TO THE OPERATION OF A VEHICLE

§1. — General provisions

16. The only persons authorized to operate off-highway vehicles or maintenance vehicles on a trail, a road, public land or private land belonging to a municipality are persons 16 years of age or over who hold a valid driver's licence, appropriate to the class of vehicle used, and who meet the requirements prescribed in this division.

To operate an off-highway vehicle in the areas referred to in the first paragraph, a person 16 or 17 years of age must also hold a training certificate attesting that the person has passed the examination or successfully completed the training prescribed by regulation of the Minister.

The Government may, by regulation, provide for exceptions to the requirement to hold a licence.

17. The Minister may determine, by regulation, the elements of theoretical and practical training required to obtain the training certificate referred to in the second paragraph of section 16.

The regulation may prescribe the body or bodies whose training or examinations are recognized and determine the level to be completed or mark to be attained in order to obtain a certificate attesting successful completion of training or passage of an examination.

The regulation may also provide for equivalencies, exceptions and the maximum amount of fees that may be charged by the Minister or by another person for issuing a certificate, administering an examination or giving training.

The training certificate requirement does not apply to the holder of a licence or authorization issued outside of Québec and accepted or recognized as being equivalent under sections 85 and following of the Highway Safety Code.

18. The driver's licence required under the first paragraph of section 16 means, unless a government regulation provides otherwise, any licence that authorizes the holder to operate a road vehicle issued under the Highway Safety Code or a licence or authorization issued outside of Québec and accepted or recognized as being equivalent under sections 85 and following of that Code.

For the purposes of the first paragraph of section 16, a licence that is not suspended by reason of an Act, a judgment, a court order or a decision made under this Act or the Highway Safety Code is recognized as valid.

A licence that is subject to a condition or a restriction considered incompatible with the operation of an off-highway vehicle or a maintenance vehicle in accordance with the provisions prescribed by regulation of the Minister does not meet the licence requirement for the operation of such a vehicle.

19. The Government may, by regulation, determine

(1) the classes or categories of driver's licences issued or recognized under the Highway Safety Code granting authorization to operate any off-highway vehicle or maintenance vehicle, or to operate the classes of vehicle specified by the regulation;

(2) the classes or specifications of off-highway vehicles that may be operated by a person who holds only a licence to operate a moped;

(3) the classes or specifications of vehicles that may be operated by a person under 18 years of age as well as the minimum age for operating them and for carrying passengers in or on them, including on private land; and

(4) the establishment, on all or part of the territory, of a licence system to replace or complement the system prescribed by the Highway Safety Code, of the categories of licences in accordance with vehicle specifications and use, of the authority authorized to issue them, of the duties exigible as well as of the conditions giving rise to the issue, renewal, suspension or cancellation of such licences.

In order to adapt the requirement to hold a driver's licence to the reality of certain communities or their remoteness from the road network, the regulation may authorize the authority that issues the licence to make issuance of the licence subject to certain conditions or substitute other means for the obligation to hold a licence or training certificate in order to enable an Aboriginal or remote community to verify the minimum qualifications and aptitudes required of operators residing in such a locality. The different standards so fixed may, subject to a verification of those qualifications and aptitudes, provide for an age lower than that fixed in section 16.

The Government may also, by regulation, determine, after consulting with the Société de l'assurance automobile du Québec,

(1) the offences, in addition to those described in section 33, that, under this Act, the Highway Safety Code or any other Act give rise to the suspension, non-renewal or cancellation of a licence authorizing the operation of an off-highway vehicle or a maintenance vehicle on the Minister's decision or by operation of law, following a conviction;

(2) the conditions of application of a system of demerit points relating to offences against the provisions of this Act and, as the case may be, those of the Highway Safety Code in connection with the operation of an off-highway vehicle or a maintenance vehicle; the system may lead to, among other things, suspension or cancellation of a licence;

(3) the conditions and the procedure governing the suspension or cancellation of a licence following offences, the suspension or cancellation period as well as the terms and conditions for recovering a suspended or cancelled licence; and

(4) the requirement to pass one or more examinations and to complete any theoretical or practical training in order to be authorized to drive or to recover such authorization after a sanction, and any other rule, condition or restriction in connection with the authorization to operate an off-highway vehicle or a maintenance vehicle.

20. A person who has received an unfavourable decision regarding their licence under the provisions of a regulation made under this division may, within 30 days of notification of the decision, contest it before the Administrative Tribunal of Québec.

21. In areas other than those referred to in section 16, a minor under 18 years of age is authorized to operate an off-highway vehicle only if the following conditions and supervision requirements are complied with:

(1) one of the parents of the minor or the person having legal custody of the minor authorizes the minor to do so; and

(2) the minor is accompanied by a person of full age authorized to operate an off-highway vehicle who must travel sufficiently close to the minor to be able to come to the minor's assistance rapidly in case of an accident or difficulties; such accompaniment is not, however, required if the minor travels only on the property of the minor's parents, of a person having legal custody of the minor or of a member of the minor's family.

This section does not apply to a minor who is the holder of the licence and training certificate required by this Act.

With respect to the operation of an off-highway vehicle by a minor on Category I lands on the territories described in the agreements referred to in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec and section 1 of the Act approving the Northeastern Québec Agreement and on lands in Indian reserves,

(1) operation on the property of the minor's parents, the property of the person having legal custody of the minor and the property of a member of the minor's family means operation in their area of residence; and

(2) operation elsewhere than on the property of such persons means, as the case may be, operation elsewhere on Category I lands of the minor's community or elsewhere on lands included in the reserve.

§2.—*Lease of off-highway vehicles*

22. A person who leases an off-highway vehicle to a natural person must take reasonable measures to ensure that the operator

(1) is 18 years of age or over;

(2) holds the driver's licence required under the first paragraph of section 16; and

(3) has received the minimum training enabling the operator to understand the operation of the vehicle and the minimum safety rules to be followed when operating the vehicle.

The same obligations apply to a recreational-tourism enterprise or other enterprise which, as part of a business, temporarily provides a natural person with an off-highway vehicle.

The Government may, by regulation, prescribe exceptions and additional requirements related to training and to the lease or provision of off-highway vehicles, including for the purpose of determining any maximum engine power standards for off-highway vehicles available for lease for a period of less than 30 days.

23. The lessor must keep, and, upon request, make accessible to the Minister or to a person authorized to request it, a register in which the names, contact information and ages of the persons to whom the lessor has leased an off-highway vehicle are recorded. The same obligations apply to an enterprise referred to in the second paragraph of section 22.

The register must also include any other information that the Minister may require by regulation. The required information and documents need not be kept for more than three years unless otherwise provided for by regulation of the Minister.

§3.—*Required training for guides*

24. No person may carry on, or offer to carry on, the activities of a guide for off-highway vehicle excursions as part of a recreational-tourism enterprise or other enterprise unless the person has successfully completed training recognized by the Minister of Tourism, by regulation.

The provisions of the regulation may, in particular, specify the institutions and bodies whose certificates and diplomas are recognized. The provisions may set out equivalences and specialties and, as applicable, specify other applicable qualification and training conditions as well as the activities and persons exempted from the application of this section.

A person who acts as a guide must be able to show, on request, to a person authorized to ask the person to show it, a document certifying that the person has the training required by regulation.

This section does not apply to excursions organized within an off-highway vehicle club or an association of such clubs for the sole benefit of its members.

DIVISION III

CIVIL LIABILITY INSURANCE

25. The owner of an off-highway vehicle must, in order to be able to put the vehicle into operation, hold a civil liability insurance contract that covers bodily injury and property damage caused by the vehicle.

The same holds for the owner of a maintenance vehicle for operation on trails.

The Government may, by regulation, determine the minimum amount of insurance required, the maximum deductible amount and the obligations of the owner of an off-highway vehicle with respect to the scope of the coverage the owner must take out in such a contract.

CHAPTER III

TRAFFIC RULES

DIVISION I

DUE CARE AND OTHER STANDARDS OF CONDUCT OF VEHICLE OPERATORS AND OTHER USERS OF THE TERRITORY

§1. — General provisions

26. In the provisions of this chapter, “vehicle”, when used without a qualifier, means both off-highway vehicles and maintenance vehicles.

27. Vehicle operators must have with them the following documents and show them on request, in paper form or otherwise, to any person authorized to request them:

(1) the vehicle registration certificate required under the Highway Safety Code;

(2) the driver’s licence required under section 16 and, if the operator is 16 or 17 years of age, the training certificate required under that section;

(3) the civil liability insurance certificate;

(4) a document providing proof of age; and

(5) where applicable on a trail, proof of payment of the access fee for the trail.

In the case of a loan or lease for a period of less than one year made by a person as part of their business, the operator must also carry a document evidencing the term of the loan or a copy of the contract of lease.

§2. — *Speed and due care and attention*

28. Vehicle operators must remain in control of their vehicles at all times so as to meet the duty to exercise due care and attention.

Vehicle operators must comply with the provisions of this chapter and not impede or endanger other users of trails or other areas they frequent. Special care and attention is required with respect to persons on trails and in other areas who are not operating vehicles and to persons who may be more vulnerable because of their condition or their age.

The same courtesy and care is required of persons who use the same areas as those frequented by persons operating vehicles and of persons who use areas in the neighbourhood of legally laid out trails.

Such persons must refrain from surprising an operator or forcing an operator to perform a manoeuvre that could endanger the safety of the operator or the operator's passengers or damage the surrounding environment.

Neighbours of legally laid out trails must suffer annoyances resulting from the traffic of vehicles that is in accordance with the applicable legislative and regulatory standards.

29. No person may damage or obstruct a trail or interfere with traffic on a trail.

30. It is prohibited to operate a vehicle at a speed or in such a way that could endanger the life or safety of persons or cause damage to property.

31. Vehicle operators must refrain from operating vehicles on any trail or road of a width or with a purpose or characteristics that make it clearly unsuited to such vehicles, such as trails reserved for hiking and trails laid out specifically for mountain biking or ski touring.

In areas where an operator's vehicle could impede other persons, the operator must travel slowly and stop, if required, in particular to allow pedestrians or persons riding non-motorized vehicles to cross the trail or road. When approaching an intersection or a crossing, the operator must give the priority to persons entering or already in the intersection or crossing.

The Government may, by regulation, determine any other measure governing the operation of off-highway vehicles and maintenance vehicles.

32. A person must not operate a vehicle if their physical or mental state affects their ability to operate the vehicle safely, in particular if they are impaired by alcohol or drugs.

33. The provisions of the Highway Safety Code governing impaired driving apply, with the necessary modifications, to the operation of vehicles on trails and in any other area of operation not covered by the Code.

The provisions include, in particular, sections 73 and 76 to 83.1 and, in Title V of the Code, sections 180 to 182, 190 to 191.1 and 202.0.1 to 202.8, that is, provisions relating

(1) to the maximum blood alcohol concentration level and the maximum blood drug concentration level applicable to the different categories of drivers;

(2) to a peace officer's powers, including the power to immediately suspend a licence;

(3) to administrative and penal sanctions relating to impaired driving;

(4) to verifications and assessments that may be required after a sanction by the Société de l'assurance automobile du Québec to ascertain a person's right to recover a driver's licence because of the person's addiction problems or relationship with alcohol or drugs; and

(5) to the proceedings for review with the Société de l'assurance automobile du Québec and the contestation proceedings before the Administrative Tribunal of Québec provided by the Code to contest sanctions imposed; in the context of such proceedings, the Société de l'assurance automobile du Québec assumes the same functions as those it exercises in proceedings under the Code in areas governed by the Code, unless otherwise provided for in an agreement entered into between it and the Minister.

Despite the first paragraph, the Government determines, by regulation, the date from which the provisions of sections 209.1 to 209.26 of the Highway Safety Code apply, with the modifications that it specifies.

34. No vehicle operator or passenger of a vehicle or of a sleigh or trailer towed by a vehicle may consume alcoholic beverages in or on the vehicle, sleigh or trailer, nor may a person consume cannabis or any other drug in or on such a vehicle, sleigh or trailer, subject to the exceptions provided for by government regulation.

35. Vehicle owners must keep their vehicles and equipment in good working order.

Vehicle operators must abstain from operating a vehicle that they know or ought to know is not in good working order.

36. On trails and in other areas where vehicle operation is permitted, no person may operate a vehicle at a speed in excess of the maximum rate of speed fixed by this Act and the regulations, indicated by signs or signals or prescribed by any other applicable legislative and regulatory provisions.

This does not apply to the operation of peace officers' vehicles, ambulances, firefighting vehicles or vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

37. Vehicle operators must reduce the speed of their vehicles to adapt it to the circumstances, including vehicle specifications, load, ground conditions, traffic density and the presence of turns and slopes making anticipation of problems more difficult. Operators must also reduce the speed of their vehicles in areas and at intersections with poor visibility.

Before making a significant change in speed or direction, vehicle operators must first ensure that the action can be done safely and warn other users, as far as possible.

38. Vehicle operators must obey the orders and signals of peace officers and trail security officers giving safety instructions. In case of contradiction between the posted signs or signals and an officer's orders or signals, the latter prevail.

39. Subject to other standards provided under an Act or a regulation made by the Government, the maximum rate of speed for a snowmobile is 70 km/h and the maximum rate of speed for any other vehicle is 50 km/h.

The maximum rate of speed for various classes of vehicles may be lower than that fixed in the first paragraph, where indicated by signs or signals that conform to regulatory standards, on public land or on private land owned by a municipality and used for public utility.

Despite the preceding paragraphs, where vehicle operation is permitted less than 100 metres away from a dwelling, a facility operated by a healthcare institution or an area reserved for cultural, educational, recreational or sports activities, the maximum rate of speed is 50 km/h and, when vehicle operation is permitted less than 30 metres away from such places, the maximum rate of speed is 30 km/h.

40. Vehicle operators must keep a sufficient distance between their vehicles and all other users of the area, in particular when approaching or passing them; operators must also, when following persons, other off-highway vehicles or any other type of vehicle, keep a safe, reasonable distance between their vehicles and such persons or vehicles, taking the circumstances into account.

On trails and in other areas with two-way traffic, operators must adapt their handling of their vehicles to take oncoming users and vehicles into account. Operators must operate their vehicles as close to the right-hand side as is practicable and slow down or, if necessary, stop the vehicle to allow oncoming vehicles and users to pass safely.

41. Vehicle operators travelling on a road must comply with any provision of the Highway Safety Code and any other Act that applies to vehicle operation authorized on roads, with the exception of the provisions relating to vehicle specifications and equipment.

Without restricting the generality of the preceding paragraph, rules relating to compliance with signs or signals and speed restrictions apply in particular.

If such provisions are inconsistent with those of this Act, the more restrictive provisions to ensure public safety prevail. In particular, the lowest speed limits prevail.

42. Holding races, rallies or competitions of vehicles on public land, in whole or in part, is prohibited except with the written authorization of the Minister or the public body having authority over, or responsible for the administration of, the land.

The authorization specifies any precautions to be taken and conditions to be met by the organizers and the participants, taking into account the safety of persons and traffic in general.

43. Vehicle operators must ensure their handling of their vehicles is not interfered with by the vehicle's load or in any other way.

Passengers must not interfere with or disturb the operator's handling of the vehicle.

44. Operators must avoid overloading vehicles or, as the case may be, sleighs or trailers towed by vehicles, taking into account the vehicle's braking capacity and the increased braking time that excess weight could cause.

Operators must ensure that loads are arranged and secured in a manner that prevents them from falling and that does not interfere with the stability and handling of the vehicle or endanger the safety of any passenger.

In addition, operators must ensure that any load that extends beyond the vehicle is indicated, both by day and by night, in a clearly visible manner.

§3. — *Protection of natural settings and quality of the environment*

45. Vehicle operators and passengers must not disturb other users or neighbours of the areas where their vehicles are operated, in particular by causing noise, dust, smoke, excessive light or odours that such operators and passengers could prevent.

46. The Government may, by regulation, specify the obligations of a vehicle operator and those of the passengers of a vehicle, sleigh or trailer, and it may prohibit certain forms of behaviour and certain uses or practices in the areas of use it specifies.

47. Subject to a legitimate reason and to the extent possible, vehicle operators and passengers must avoid any act that would disturb the peace and quiet of natural or rural settings, disturb wild animal behaviour or negatively affect water flow or interactions between plants and animals and their habitats.

In particular, it is prohibited for operators and passengers to

(1) frighten, chase, mutilate or kill an animal with a vehicle or in any other way; and

(2) dispose of or abandon any object or waste.

This division does not restrict the scope of standards prescribed in the context of other measures related to the protection of fragile environments or the conservation of habitats of vulnerable and threatened species.

48. The Minister or public body having authority over public land may prohibit the off-trail operation of off-highway vehicles in a zone the Minister or public body delimits. The prohibition may be general or for a period determined by the Minister or public body.

No person may operate a vehicle in a zone so delimited during the periods when the prohibition applies.

For the purposes of this section, operating a vehicle off trail means operating it outside the right of way of an authorized trail or in an undeveloped natural area.

The Minister or body concerned notifies vehicle operators of the prohibition by using proper signs or signals to indicate the zone where and, if applicable, the periods during which, access is prohibited or by publishing an access prohibited notice in the *Gazette officielle du Québec* and a map of the zone or a description of the defined perimeter on the website of the Minister or body.

Despite the preceding paragraphs, the prohibition against operating vehicles off trail does not apply to vehicles operated for professional purposes, for research purposes, or for the purposes of exploitation or maintenance of natural areas, security or the enforcement of an Act, the onus being on the person operating the vehicle to establish the purpose.

§4. — *Passengers, seat belts and protective equipment*

49. Vehicle operators may carry passengers only in places designed for passengers.

The number of passengers in a vehicle must not exceed the number indicated by the manufacturer or, if seat belts are installed, the number of passengers allowed by the number of installed seat belts.

50. No person may operate a vehicle that must be equipped with a seat belt for the operator if the seat belt is missing, inoperative or has been modified.

The same prohibition applies to carrying a passenger if the place to sit must be equipped with a seat belt but it is missing, inoperative or has been modified.

Every person in a moving vehicle must wear, properly, the seat belt with which their seat is equipped.

No person may modify a vehicle or have it modified in such a manner as to cause the removal of, hinder the efficiency of or render inoperative a seat belt with which the vehicle is equipped.

51. No person may hang on to or be pulled or pushed by a moving vehicle, or ride in or on any part of the vehicle that is not a place designed for a passenger.

It is prohibited for a passenger to stand in or on a sleigh or trailer towed by a moving off-highway vehicle.

It is prohibited for an operator to tolerate the performance of the actions mentioned in the first and second paragraphs when operating the vehicle.

No person may be carried in a sleigh or trailer towed by an off-highway vehicle unless the sleigh or trailer complies with the standards regulating their manufacturing and securing, as the case may be.

The Government may prescribe, by regulation, any other conditions and restrictions applicable to passenger transportation. The regulation may, in particular, provide for restrictions concerning modifications to a vehicle to allow for more passengers.

52. All operators and passengers must wear adequate clothing, footwear and protective equipment, in accordance with the type of vehicle, so as not to endanger their safety or the safety of others.

The Government may, by regulation, determine the standards applicable to clothing and other equipment that must be worn.

Unless otherwise provided in a regulation,

(1) all vehicle operators must wear footwear that makes it easy to control their vehicle's pedals and prevents the risk of injuries; and

(2) all operators and passengers of off-highway vehicles, sleighs and trailers must wear helmets with visors that meet the regulatory standards prescribed by the Government or safety glasses if the helmet has no visor.

Despite the preceding paragraphs, in addition to the cases that may be determined by government regulation, a helmet is not required if the vehicle is equipped with a closed compartment; nor is it required in the case of trapping activities involving frequent stops if the speed of the vehicle during such activities does not exceed 30 km/h.

In addition, passengers are not required to wear a visor or safety glasses when they are in a sleigh or trailer with a closed compartment.

Operators and passengers must, on the request of a peace officer, an inspector or a trail security officer, allow the officer or inspector to examine their helmet, glasses and any other equipment prescribed by regulation.

§5. — *Weight and dimensions of vehicles operated on trails*

53. The Government may, by regulation, determine the standards applicable to the weight and dimensions of vehicles, sleighs and trailers authorized to be operated or used on trails, as well as the standards applicable to their loads.

In determining such standards, the ground characteristics, fragility of ecosystems, increased risk of accidents when vehicles meet or when the surface of a trail is damaged and soundness of the infrastructure may, in particular, be taken into account.

The regulation may provide for the conditions in which the person responsible for the maintenance of a trail may, expressly or through appropriate signs or signals, authorize different standards for portions of the trails specified by that person.

The weight and dimensions of off-highway and maintenance vehicles that are operated on or that cross roads are governed by the Highway Safety Code and other applicable legislative and regulatory provisions.

54. Unless otherwise provided in a government regulation, on a trail, no person may operate a vehicle that is not an off-highway or maintenance vehicle or operate an off-highway or maintenance vehicle that does not comply with the following:

(1) the maximum width of a snowmobile must not exceed 1.28 metres, that of any other off-highway vehicle must not exceed 1.68 metres, that of a maintenance vehicle must not exceed 3.75 metres and that of a sleigh or trailer must not exceed 1.5 metres; and

(2) the weight of an off-highway vehicle must not exceed 500 kg in the case of a single-seat vehicle and 950 kg in the case of a multi-seat vehicle, and the weight of a maintenance vehicle must not exceed 25,000 kg.

This prohibition does not apply to the operation of peace officers' vehicles, ambulances, firefighting vehicles or vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

The Government may, by regulation, prescribe rules for calculating or taking measurements for the purposes of this section.

The person responsible for the maintenance of a trail may claim from a person who fails to comply with the standards under this subdivision the reimbursement of any expenditure made to repair or restore a trail or infrastructure damaged by a prohibited or non-compliant vehicle.

§6. — *Standards applicable in areas off trail on private land belonging to a person other than a municipality*

55. In areas off trail on private land belonging to a person other than a municipality, the only provisions of this chapter that apply are those in sections 30, 45 and 49, the first three paragraphs of section 50 and, when a minor is referred to, section 52.

DIVISION II

EQUIPMENT AND ESSENTIAL SPECIFICATIONS OF VEHICLES

§1. — *General provisions*

56. In addition to the requirements provided for in this division, the Government may, by regulation, determine the specifications to which off-highway and maintenance vehicles must correspond, the equipment that such vehicles must have as well as the modifications that may or may not be made to such equipment to ensure that, under normal conditions of operation and when operated as intended, such vehicles provide satisfactory levels of performance while minimizing the danger to persons and the environment.

The standards provided for by regulation may, in particular, specify, with respect to noise and the emissions of contaminants produced by a vehicle, the methods and devices required to measure noise and emissions of contaminants and to verify the compliance of an exhaust system.

With respect to maintenance vehicles, the regulation may, in particular, provide that one or more of its provisions prevails over any inconsistent provision of the Highway Safety Code and the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), including the regulations, and provide for, if applicable, a departure from the applicable standards.

Where such a regulation fixes standards related to the emission of contaminants, it is made by the Government after consultation of the minister responsible for the Environment Quality Act (chapter Q-2).

57. Subject to the exceptions provided for by regulation, no person may manufacture, sell or lease an off-highway vehicle, a sleigh or a trailer or other related equipment that does not meet the standards or specifications provided for in this Act or a regulation made under this Act.

§2. — *Headlights and rotating lights*

58. The operator of a vehicle must keep the white headlight or headlights with which the vehicle must be equipped and the required red tail-light or tail-lights on.

The operator must also keep the red tail-light or tail-lights, with which the vehicle must be equipped, at the rear of a sleigh or trailer on when it is towed by a vehicle.

59. Any headlight, tail-light, rear-view mirror or registration plate of a vehicle and any light or reflector of a sleigh or trailer towed by such a vehicle must be properly installed and maintained free of any object or matter that could obstruct it or make it ineffective.

A peace officer or a trail security officer may require a vehicle operator to remove any object or to clean a soiled or snow-covered part.

60. No person may operate a vehicle equipped with a rotating light or flashing lights except peace officers, trail security officers, trail maintenance personnel or persons performing safety-related duties. Rotating and flashing lights must be used in compliance with the following colour and other requirements:

(1) a maintenance vehicle operated on a trail must be equipped with an amber rotating light or amber flashing lights that must remain on;

(2) the colour blue is reserved for rotating and flashing lights used on the vehicles of peace officers who are members of a police force or of the Sûreté du Québec;

(3) the colour red is reserved for ambulances and vehicles used by persons performing safety-related duties, the vehicles of trail security officers and the vehicles of other persons having the status of peace officer; and

(4) trail security officers and peace officers must not operate the rotating light or flashing lights of their vehicles except in the performance of their duties and if required by the circumstances.

§3. — *Brake system*

61. No person may operate a vehicle that is not equipped with a brake system sufficiently powerful to stop the vehicle quickly in case of emergency and hold the vehicle stationary. Any mechanism used to control the speed of a vehicle and stop the vehicle quickly, such as a hydrostatic transmission, is considered to be a brake system.

A peace officer who has reasonable grounds to believe that the brake system of a vehicle is defective or out of order may require that the vehicle be taken to an appropriate place and retained at the expense of the owner until the problem is corrected.

§4. — *Horn*

62. The operator of a vehicle equipped with a horn must use it with restraint and only for safety purposes.

§5. — *Excessive noise and exhaust system*

63. It is prohibited to operate a vehicle that produces excessive noise or that produces an unusual noise likely to disturb the other users engaging in activities in the area.

64. Every vehicle which is likely to cause noise or polluting emissions must be equipped with an exhaust system in good working order that complies with the standards prescribed by government regulation.

No person may perform or cause the performance of any operation on such a vehicle aimed at or having the effect of cancelling or reducing the effectiveness of the vehicle's exhaust system or of increasing noise or the risk of burns when compared with a manufacturer-installed system or a system required by government regulation. No person may sell or distribute equipment aimed at or having the effect of bypassing an exhaust system or affecting its proper functioning.

A peace officer who has reasonable grounds to believe that the exhaust system of a vehicle is defective, does not comply with the standards or has been modified in contravention of the second paragraph may require that the vehicle be taken to an appropriate place and retained at the expense of the owner until the problem is corrected.

A vehicle propelled solely by an electric motor is deemed to not produce noise or polluting emissions for the purposes of the first paragraph.

§6. — *Speedometer*

65. Every off-highway vehicle must be equipped with a speedometer in good working order.

§7. — *Other standards*

66. All the components of the vehicle body and all the vehicle accessories and equipment, including rear-view mirrors, must be securely attached.

67. Any repair or modification of a vehicle must ensure that the vehicle meets at least the same safety requirements as those met by the manufacturer.

Any modification that could reduce the vehicle's stability or braking capacity is prohibited.

DIVISION III

AUTHORIZED TIMES, TRAILS AND OTHER AREAS OF USE

68. An off-highway vehicle may be operated on public land, subject to the conditions and restrictions imposed

(1) by the Act respecting the conservation and development of wildlife (chapter C-61.1), the Act respecting threatened or vulnerable species (chapter E-12.01), the Sustainable Forest Development Act (chapter A-18.1), the Mining Act (chapter M-13.1), the Parks Act (chapter P-9), the Environment Quality Act, the Watercourses Act (chapter R-13), the Natural Heritage Conservation Act (chapter C-61.01), the Act respecting agricultural lands in the domain of the State (chapter T-7.1) and the Act respecting the lands in the domain of the State; and

(2) by government or ministerial regulation, or by a by-law of a regional county municipality, elsewhere than on a trail or in areas subject to the conditions and restrictions referred to in subparagraph 1.

In addition, in the areas in which a lease, a right of occupation or a similar right has been granted under an Act mentioned above, the operation is subject to the authorization of the holder of the right unless otherwise provided in the Acts mentioned above.

Without restricting the other measures provided for in this Act, the Government may, by regulation, in the places that it determines on public land and subject to the conditions and restrictions on traffic provided for in other Acts, determine the speed limit, prohibit or restrict the operation of certain types of off-highway vehicles and maintenance vehicles and determine the periods of time and other special conditions applying to the operation of such vehicles.

Where a government or ministerial regulation is inconsistent with a by-law of a municipality, the former shall prevail.

69. The minister having authority over public land on which a road is situated may authorize an off-highway vehicle club to lay out and operate a trail, for the period and on the conditions determined by the Minister, on all or part of that road.

Such authorization gives the club the right to collect access fees for the trail in accordance with this Act.

70. An off-highway vehicle may be operated on private roads. However, the owner of the road or the maintenance authority may, by means of signs or signals that conform to regulatory standards, prohibit off-highway vehicles or restrict their operation to certain types of vehicles or to certain periods of time.

An off-highway vehicle may be operated elsewhere on private land, subject to the express authorization of the owner and lessee.

71. Any type of off-highway vehicle or maintenance vehicle may be operated on the trails of an off-highway vehicle club. However, the club may, by means of signs or signals that conform to regulatory standards and that are erected at its expense, prohibit such vehicles from operating on such trails or restrict the use of such trails to certain types of vehicles, certain classes of operators, certain purposes for which vehicles are operated or certain periods of time, except on parts of trails situated on private roads.

In addition to cases prescribed by government regulation, such prohibitions and restrictions do not apply to vehicles operated by peace officers, to ambulances, to firefighting vehicles or to vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

72. No person may use a trail 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, to travel on foot 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.

However, that prohibition does not apply on a trail section situated on the negotiable portion of a road.

For the purposes of the first paragraph, the operation of an off-highway vehicle on a trail is not authorized if a user fails to comply with any of the conditions or restrictions on operation provided for in this Act or another Act, including payment of the access fee for the trail unless the operator is exempted by government regulation.

The prohibition provided for in this section does not apply to vehicles operated by peace officers or to ambulances, firefighting vehicles or vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

73. No off-highway vehicle may be operated on a public highway.

However, an off-highway vehicle may

(1) be operated on the roadway for a maximum distance of one kilometre provided it is operated by a worker for whom the vehicle is necessary for work the worker is performing;

(2) cross a road at the place where a crossing for off-highway vehicles is indicated by a road sign or signal;

(3) be operated off the roadway and ditch area, with or against the flow of vehicular traffic, on the conditions fixed by government regulation;

(4) be operated on the roadway, where authorized by a road sign or signal, for a maximum distance of one kilometre to reach a trail of an off-highway vehicle club, a service station or another area open to the public as a rest area, if the layout of the right of way does not allow operation off the roadway and ditch area and the most direct access to those locations is obstructed;

(5) be operated on a road with the authorization of the maintenance authority and on the conditions it determines if the road is closed to vehicular traffic owing to exceptional events or atmospheric conditions;

(6) be, where authorized by a municipal by-law enacted under subparagraph 14 of the first paragraph of section 626 of the Highway Safety Code and subject to the power of disallowance provided for in that section, operated on the roadway of a public highway maintained by the municipality for a distance longer than that provided for in subparagraphs 1 and 4 of this paragraph if the municipality considers it necessary for any of the purposes authorized by subparagraphs 1 and 4, after having considered the safety issues; the operation that may be authorized by such a by-law is limited to that allowing the most direct access to a club's trail or to any of the areas referred to in subparagraphs 1 and 4; and

(7) be operated on all or part of a road that the Minister is responsible for maintaining and determined by a regulation of the Minister, on the conditions and for the types of vehicles determined in the regulation.

For the purposes of this section, the roadway includes the shoulder.

The operation of an off-highway vehicle referred to in subparagraphs 1, 4 and 6 of the second paragraph is not authorized on an autoroute or limited access highway within the meaning of the Highway Safety Code.

The operation of an off-highway vehicle referred to 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.

The Minister may, by regulation, determine the procedure to calculate a distance for the purposes of this section, in particular to take into account a road's configuration or its intersection with other roads.

A regulation made under subparagraph 7 of the second paragraph is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). It may come into force on the date of its publication in the *Gazette officielle du Québec*.

The prohibition set out in the first paragraph does not apply to a vehicle registered otherwise than as a off-highway vehicle under the Highway Safety Code.

74. Unless another distance is fixed by municipal by-law under section 95, no vehicle may be operated on a trail within 100 metres, or, on a trail laid out before 1 January 2012, within 30 metres of a dwelling, a facility operated by a healthcare institution or an area reserved for cultural, educational, recreational or sports activities.

Such restrictions do not apply to the laying out of a trail

(1) if the trail was initially laid out at a shorter distance with the express authorization of the owner of the dwelling or reserved area or, on public land, with the authorization of the owner or lessee of the dwelling or reserved area;

(2) if the trail is laid out in the right of way of a public highway or road on public land, in accordance with the applicable provisions;

(3) if the trail is laid out on a private road;

(4) if the trail is laid out on an abandoned railroad right of way and is indicated on a land use and development plan or a metropolitan land use and development plan; or

(5) in any other cases and on any other conditions determined by government regulation.

In assessing compliance with the fixed minimum distance, the presence is not taken into account of dwellings, facilities and reserved areas for which a building permit or land-use authorization was issued after the authorization to lay out a trail.

The course of a laid-out trail may be modified without taking into account the 100-metre restriction referred to in the first paragraph if the course of the trail is only slightly modified, in particular, to adapt it after the loss of a right of way or to widen the trail for safety purposes.

A modification to a trail is not considered a new laying out if it does not have the effect of allowing traffic on the trail at a shorter distance than the distance before the modification or if the trail remains at a distance of at least 100 metres.

For the purposes of this section, in the absence of any other proof, use of a trail for one year is proof that the trail has been laid out.

The distances referred to in this section are fixed for the benefit of the owners of the constructions and areas referred to in the first paragraph, who alone are considered to have sufficient interest to raise an issue in case of failure to comply with the distances.

The trails that are indicated on the maps of the interregional snowmobile and quad networks published by the Minister in the *Gazette officielle du Québec* are presumed to have been laid out in accordance with this section.

Prior to the publication of the final version of such maps, the Minister must publish a notice in the *Gazette officielle du Québec*, accompanied by the proposed maps, mentioning that the final version of the maps may be fixed within 30 days of publication of the proposed maps and that any interested person may transmit their comments to the Minister during that period.

75. On roads and trails where off-highway vehicles are allowed, such vehicles may be operated only from 6:00 a.m. to 12:00 midnight.

The operation of an off-highway vehicle is not restricted to the hours set out in the first paragraph in unorganized territories, on multi-purpose roads situated on public land, in the Nord-du-Québec administrative region, in the territory of the Municipalité régionale de comté du Golfe-du-Saint-Laurent or in any other territory that is not included in the territory of a regional county municipality and that is determined by ministerial regulation.

Despite the preceding paragraphs, a regional county municipality may, subject to the by-laws a local municipality may pass under section 95, pass a by-law to fix the hours when off-highway vehicles may be operated.

76. No authorization under this Act to operate an off-highway vehicle may have the effect of exempting the operator of the vehicle from the obligation to comply with the conditions and restrictions imposed by the competent authorities and off-highway vehicle clubs, including the payment of duties.

The conditions and restrictions on such operation established by provisions of this Act or of a municipal by-law do not apply to vehicles operated by peace officers, or to ambulances, firefighting vehicles or vehicles operated by workers carrying out their work or by other persons in the performance of safety-related duties when proceeding to a location where their action is required.

77. Any off-highway vehicle club and any association of such clubs whose by-law imposes the payment of access fees or other conditions or restrictions for the use of a trail must ensure that the information is accessible by posting it in full view near the place where off-highway vehicle operators may access the trail and by any other means they consider appropriate, including their website. A copy of the by-law must be given to every operator at the time of payment of the operator's access fee.

The Government may exempt certain categories of off-highway vehicle operators from the requirement to pay an access fee imposed by a club or an association of such clubs to use a trail.

78. No civil action may be brought for any damage arising from the operation of a vehicle to which this Act applies on land in the domain of the State off a trail and resulting from a defective layout, sign or signal or from the faulty maintenance of an area of use referred to in this Act.

79. The layout and the operation of a trail by an off-highway vehicle club are subject

(1) on private land, to the express authorization of the owner; and

(2) on public land, according to law, to the express authorization of the Minister or the body having authority over the land.

The layout of the intersection of a trail with a public highway is subject to the express authorization of the maintenance authority.

Every authorization is valid for the period determined by the authority granting it.

An authorization obtained under this section does not release the person in charge of laying out a trail from the obligation to, with respect to neighbouring properties, comply with section 74 and the distance requirements provided for in that section.

80. No legal action may be brought against the owner or lessee of private land that authorizes an off-highway vehicle club to lay out and operate a trail on the land for reparation of any damage related to the operation of an off-highway vehicle on the trail unless the damage results from an intentional or gross fault on the part of the owner or lessee.

DIVISION IV

SIGNS AND SIGNALS ON TRAILS AND OTHER AREAS OF USE

81. Whatever the medium, a sign or signal on a trail or in any other area of use to which this Act applies has the meaning ascribed to it in a ministerial regulation.

Such a regulation sets out the obligations of off-highway vehicle clubs regarding signs and signals on their trails, including signs and signals indicating hours of operation that differ from those referred to in section 75.

82. Standards for the manufacture and installation of signs and signals to be erected on a trail are established by the Minister and published in a document prepared by the Ministère des Transports. Such standards are not subject to the Regulations Act.

An off-highway vehicle club responsible for laying out and operating a trail must comply with the manufacturing and installation standards. It must also make sure the signs and signals remain in place and, if necessary, repair or replace any destroyed or damaged sign or signal throughout the period of use of the trail that it operates.

The Minister may order the removal, at the club's expense, of any signs or signals that do not comply with the manufacturing and installation standards.

83. An off-highway vehicle club may, by means of the appropriate signs and signals,

- (1) identify where vehicles must stop or yield;
- (2) identify crossings for pedestrians and users of non-motorized transportation;
- (3) prohibit, restrict or otherwise regulate pedestrian and other non-motorized traffic, as well as the operation of certain classes of motor vehicles;
- (4) prohibit, restrict or otherwise regulate the stopping or parking of off-highway vehicles;
- (5) during exceptional events, sports events or competitions, restrict or prohibit access to a trail by all or some off-highway vehicles for the time specified by the club; and
- (6) for safety reasons, restrict or prohibit access to a trail by all or some off-highway vehicles.

84. Subject to the powers conferred on a public authority by another Act, only an off-highway vehicle club responsible for a trail may erect signs and signals on it.

It may remove any sign or signal erected in contravention of the first paragraph.

Despite the first paragraph, where off-highway vehicles operated on a trail are authorized to cross a public highway, if there are insufficient signs or signals requiring a stop when approaching the intersection concerned, the Minister or the authority responsible for the highway's management may erect or require the club to erect the necessary signs and signals on the trail or in the right of way of the highway.

85. No person may erect a signal, sign, indication or other device on a trail without the authorization of the off-highway vehicle club responsible for maintaining the trail.

The club may remove any object erected in contravention of the first paragraph, at the contravener's expense.

86. The signs and signals erected on a private trail open to public traffic or on any other land where public traffic is authorized must be in conformity with the manufacturing and installation standards established by the Minister.

87. Every person must comply with the signs and signals erected under this Act.

In any proceedings for a contravention of this section, the sign or signal and its installation are presumed, in the absence of any evidence to the contrary, to be in conformity with this Act and the regulations.

88. No person may conceal, remove, move or damage a sign or signal erected in conformity with this Act and the regulations.

In any proceedings for a contravention of this section, the sign or signal and its installation are presumed, in the absence of any evidence to the contrary, to be in conformity with this Act and the regulations.

DIVISION V

TRAIL MAINTENANCE AND OTHER POWERS OF OFF-HIGHWAY VEHICLE CLUBS

89. Every off-highway vehicle club must lay out, erect signs and signals for and maintain the trails it operates.

For those purposes and to ensure the safety of the trails, the club may, for example, use trail security officers.

The Government may fix, by regulation, the conditions to be met by persons applying to become trail security officers and the rules of conduct to be observed by such officers.

90. Every off-highway vehicle club laying out or operating a trail must take out civil liability insurance each year in an amount fixed by government regulation. In addition, the Government may, by regulation, set out restrictions with respect to the clauses and deductibles allowed in such contracts.

CHAPTER IV

REGULATORY PROVISIONS

91. In addition to the regulatory powers conferred on them by this Act, the Government and the Minister may respectively, by regulation, determine the provisions of regulations they make whose violation constitutes an offence and determine the applicable fines, which may not be more than \$500 in the case of a natural person and not more than \$15,000 in any other case.

They may also determine the provisions of regulations they make for which non-compliance may give rise to monetary administrative penalties and fix the amounts of the applicable penalties, which may not be more than \$250 in the case of a natural person and not more than \$350 in any other case.

92. The regulatory standards made under this Act may be established on the basis of any distinction considered useful, including on the basis of the area or public or private nature of the land on which an off-highway vehicle or a maintenance vehicle is operated; the standards may also provide for exceptions and vary according to the types and purposes of the vehicles.

93. 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 developing traffic rules or standards for equipment or safety. During a pilot project, the Minister may make any rule concerning the operation of a vehicle and authorize, in that context, any person or body to operate a vehicle according to standards and rules the Minister makes that differ from those provided for by this Act and the 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. The amount of a fine may not be less than \$50 or more than \$1,000.

Any 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.

94. A regional county municipality may, by by-law, prescribe for all or part of its territory the hours, which may vary from one part of the territory to another, during which off-highway vehicular traffic is permitted.

With the exception of the provisions of a by-law made under subparagraph 2 of the first paragraph of section 95, the provisions of a by-law made under the first paragraph prevail over the provisions of a by-law made by a local municipality that may affect the hours during which off-highway vehicular traffic is permitted, in particular concerning the environment, disturbances or safety, or to ensure peace, order and good government.

A copy of a by-law made under the first paragraph must be sent to the Minister within 15 days of the by-law being passed. The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or the part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of the decision as soon as possible.

A local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality for the purposes of this Act.

95. A local municipality may, by by-law,

(1) fix the distance within which off-highway vehicles may not be operated pursuant to section 74; and

(2) in the places it determines on land of the municipality appropriated for public utility, determine the speed, prohibit off-highway vehicles or restrict their operation to certain types of vehicles or to certain periods of time and, in the latter cases, determine special operating conditions.

Before passing a by-law under subparagraph 1 of the first paragraph, a public meeting on the proposed by-law must be held to hear concerned citizens, receive their written observations and answer their questions. The municipality accepts written observations up to the 15th day following the meeting.

The meeting is held by a committee chaired by the mayor of the municipality and consisting of at least two other council members designated by the mayor. Not later than the 15th day before the meeting, the clerk or the secretary-treasurer of the municipality must publish, in accordance with the Act governing the municipality, a public notice of the date, time, place and purpose of the meeting.

A copy of any by-law made under subparagraph 1 of the first paragraph must be sent to the Minister within 15 days of being passed. The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or the part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of the decision as soon as possible.

96. The power to prohibit or restrict the operation of off-highway vehicles or to prescribe, by means of a sign or signal, a rate of speed lower than the rate fixed in this Act, conferred on owners of roads, on maintenance authorities and on clubs operating trails must be exercised in compliance with the conditions determined by government regulation.

In the case of non-compliance with the conditions or non-conformity of the sign or signal with regulatory standards, the Minister may notify a notice to the owner, the maintenance authority or the club, as the case may be, enjoining the offender to take the necessary corrective measures or to remove the non-conforming sign or signal within the time indicated by the Minister. If the offender does not comply with the notice, the Minister may have the sign or signal removed or replaced at the offender's expense.

CHAPTER V

ENFORCEMENT MEASURES AND INSPECTIONS

97. For the purposes of this Act, the following persons are trail security officers:

(1) the persons recruited as such by an off-highway vehicle club or an association of such clubs who satisfy the conditions determined by government regulation; and

(2) members of an Aboriginal community designated under an agreement for the purposes of this Act entered into between the Minister and an Aboriginal group or group of Aboriginal groups within the meaning of section 6.

Any peace officer may act as an inspector to ascertain compliance with this Act.

98. For the purpose of ascertaining compliance with this Act and the regulations, a peace officer and an inspector appointed under the Act respecting the Ministère des Transports may, as part of their inspection,

(1) enter, at any reasonable time and elsewhere than in a dwelling house, the premises of a lessor of off-highway vehicles or an off-highway vehicle club that lays out or operates a trail to examine and make copies of books, registers, accounts, records and other documents containing information relating to the obligations imposed on the lessor or club by this Act;

(2) travel to any area in which an off-highway vehicle or a maintenance vehicle is being operated or is stopped;

(3) when recognizable as such at first sight, require the operator of an off-road vehicle or maintenance vehicle to stop the vehicle for an inspection of it, to verify equipment or to ask for a document that the officer or inspector is entitled to require;

- (4) take photographs of the area, vehicles and other things;
- (5) require a vehicle operator to produce proof of age and, where applicable, the vehicle operator's training certificate;
- (6) require a vehicle operator to produce the driver's licence required under this Act;
- (7) if applicable, require a person acting or offering to act as a guide to produce a document certifying that they have successfully completed the training required under this Act;
- (8) require the production of the vehicle registration certificate issued under the Highway Safety Code and the civil liability insurance certificate;
- (9) require, where applicable, the production of documents issued by an association of off-highway vehicle clubs certifying that the owner of an off-highway vehicle stopped on a trail is the holder of a valid right of access; and
- (10) require a lessor, a club, a person offering guide services or any other person or enterprise whose activities are governed by this Act to provide any information relating to the application of its provisions and to produce any relevant document.

For the purposes of subparagraph 2 of the first paragraph, peace officers and inspectors who have reasonable grounds to believe that activities governed by this Act are being or have been engaged in may, in the exercise of their functions, enter upon and pass over private land, in places other than dwelling houses, to conduct inspections.

A trail security officer may, on the same conditions, exercise the powers provided for in subparagraphs 3 to 9 of the first paragraph with respect to the trail or trails to which the officer is assigned. A trail security officer recruited by an association of off-highway vehicle clubs may, in addition, on the same conditions as a peace officer, exercise the powers provided for in subparagraph 2 of the first paragraph.

A person who has the custody or possession of or control over the documents specified in the first paragraph must, on demand, surrender the documents for examination to the person conducting the inspection.

On completion of the examination, the peace officer, inspector or trail security officer must return the documents, except in the case of a driver's licence that the peace officer is authorized to seize under the Highway Safety Code.

99. If, in the course of a verification, a peace officer has reasonable grounds to believe that an offence under this Act or the regulations has been committed, the peace officer may seize any thing that may constitute evidence of the offence.

The provisions of the Code of Penal Procedure (chapter C-25.1) pertaining to things seized apply, with the necessary modifications, to things seized under this section.

100. On the same conditions, a peace officer, inspector or trail security officer may move a vehicle or cause it to be moved, or impound a vehicle or cause it to be impounded, to stop the commission of an offence.

The owner may not recover possession of the vehicle except on payment, to the person who has custody of the vehicle, of the actual costs of moving and impounding.

101. A trail security officer is not authorized to exercise the powers provided for in articles 84 to 86 of the Code of Penal Procedure nor, despite articles 87 and 98 of that Code, to make arrests or searches.

102. Peace officers, inspectors and trail security officers must, on request, identify themselves and show their badge or the certificate attesting their capacity.

103. No information obtained by a trail security officer in the performance of duties may be disclosed except for the purposes of this Act.

104. No action may be brought against a peace officer, inspector or trail security officer in relation to official acts performed in good faith in the performance of their duties under this Act.

CHAPTER VI

MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

105. A monetary administrative penalty of \$125 may be imposed

(1) on any person who, in contravention of section 24, fails to show to a person authorized to ask for it a document certifying successful completion of the training required by that section;

(2) on an operator of a off-highway vehicle or a maintenance vehicle who, in contravention of section 27, fails to show to a person authorized to request it any document specified in that section;

(3) on a passenger of an off-highway vehicle or a maintenance vehicle who, in contravention of section 34, consumes alcoholic beverages, cannabis or any other drug in or on the vehicle;

(4) on an occupant of an off-highway vehicle or a maintenance vehicle who, in contravention of the third paragraph of section 50, fails to wear, properly, the seat belt with which their place to sit is equipped;

(5) on an occupant of an off-highway vehicle or a maintenance vehicle, sleigh or trailer who, in contravention of section 52, fails to wear a helmet or safety glasses as required under that section;

(6) on an operator of an off-highway vehicle or a maintenance vehicle who,

(a) in contravention of section 54, operates, on a trail, a vehicle exceeding the maximum authorized width, or

(b) in contravention of section 58, operates a vehicle without keeping the white headlight or headlights and the red tail-light or tail-lights on; and

(7) on an operator of an off-highway vehicle who, in contravention of section 75, operates a vehicle outside the permitted hours.

The monetary administrative penalties collected under this Act are credited to the Land Transportation Network Fund established by the Act respecting the Ministère des Transports.

The Government may, by regulation, determine the provisions, other than those referred to in the first paragraph, regarding which non-compliance may give rise to monetary administrative penalties and fix the amounts of the applicable penalties, which may not exceed \$250 in the case of a natural person or \$350 in any other case.

106. A monetary administrative penalty is imposed by a person designated by the Minister by the notification of a notice of claim to the person concerned.

The person concerned must have already been informed of the failure of which the person is accused by a notice of non-compliance mentioning that the failure may give rise to a monetary administrative penalty and penal proceedings. If circumstances permit, the notice may offer the person the opportunity to remedy the failure, and specify the time limit and the person to whom the person must report.

The notice of claim of a monetary administrative penalty must specify

(1) the failure to comply;

(2) the amount of the monetary administrative penalty to be paid, the payment terms and the time limit for paying, which cannot be less than 30 days after notification of the notice;

(3) the right of the person concerned to apply for a review of a decision imposing a monetary administrative penalty within 30 days after notification of the decision; and

(4) the person's right to contest, before the Administrative Tribunal of Québec, a review decision confirming the imposition of a monetary administrative penalty.

Unless a longer time limit was provided in the notice, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002) from the 31st day after notification of the notice.

The notice of contravention must also include information on the procedure for recovery of the amount claimed, including information relating to the issuance of the recovery certificate provided for in section 111.

Prescription is interrupted as of the date of notification of the notice.

107. The Minister designates the persons who may impose monetary administrative penalties under this Act and the persons responsible for the applications for review.

The persons responsible for applications for review must not come under the same administrative authority as the persons responsible for imposing the penalties.

108. An application for the review of a monetary administrative penalty imposed under this Act must be sent in writing to the Minister by the person concerned within 30 days after notification of the notice of claim provided for in section 106.

After giving the applicant an opportunity to submit observations and, where applicable, to produce any documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record, unless the person considers it necessary to proceed in some other manner. The person may confirm, quash or vary the decision under review.

A review decision that confirms the imposition of a monetary administrative penalty under this Act or the regulations may be contested before the Administrative Tribunal of Québec by the person concerned within 30 days after notification of the decision rendered by the person designated by the Minister.

The review decision must be written in clear, concise terms, with reasons given; it must be notified to the person concerned and state that the person has the right to contest the decision before the Tribunal within 30 days of its notification.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued.

109. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

If two years have passed since the date of the failure to comply, no monetary administrative penalty may be imposed.

110. No decision to impose a monetary administrative penalty may be notified to a person for a failure to comply with a provision of this Act or a regulation if a statement of offence has already been served on the person for a failure to comply with the same provision on the same day and based on the same facts.

In addition, no accumulation of monetary administrative penalties may be imposed on a person for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts.

111. The Minister may issue, in a definitive manner, a recovery certificate for an amount owing under this division and file it at the office of the competent court, together with the decision establishing the amount of the debt, so that the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

The provisions of sections 203 to 207 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2) relating to the recovery of amounts owing as a result of the imposition of a monetary administrative penalty apply, with the necessary modifications, to the issuance of a certificate and to the process for the recovery of amounts owing under this division.

The Minister may, by agreement, delegate to another minister or to a body all or some of the powers relating to the recovery of an amount owing under this division.

DIVISION II

PENAL PROVISIONS

112. The following are guilty of an offence and are liable to a fine of \$450 to \$900 in the case of a natural person and \$2,500 to \$25,000 in any other case:

(1) a minor who operates an off-highway vehicle or a maintenance vehicle when under the prescribed age, in contravention of the first paragraph of section 16; when not holding the training certificate required to operate such a vehicle, in contravention of the second paragraph of section 16; or when in contravention of the conditions and requirements imposed by section 21;

(2) a person having authority over a minor and the control of an off-highway vehicle or a maintenance vehicle who allows the minor to operate the vehicle or tolerates the minor doing so when the minor is under the prescribed age, in contravention of the first paragraph of section 16; when the minor does not hold the training certificate required to operate such a vehicle, in contravention of the second paragraph of section 16; or when the minor operates such a vehicle in contravention of the conditions and requirements imposed by section 21;

(3) an owner or custodian of an off-highway vehicle or maintenance vehicle used by a minor who allows the minor to operate the vehicle or tolerates the minor doing so when the minor is under the prescribed age or when the minor does not hold the training certificate required to operate such a vehicle, in contravention of the first or second paragraph of section 16, or when the minor operates such a vehicle in contravention of the conditions and requirements imposed by section 21;

(4) an operator who contravenes any of sections 30, 32 and 34 or who tolerates a practice prohibited by the first or second paragraph of section 51; and

(5) an off-highway vehicle club that lays out or operates a trail in contravention of section 79.

113. The following are guilty of an offence and are liable to a fine of \$350 to \$700 in the case of a natural person and \$2,000 to \$20,000 in any other case:

(1) an operator who contravenes section 10, who contravenes the requirement to hold the driver's licence prescribed by the first paragraph of section 16, or who contravenes the first or second paragraph of section 31, or any of sections 37, 38, 40, 45, 49, 52 and 70, or the first paragraph of section 73;

(2) a person having authority over a minor and the control of an off-highway vehicle or a maintenance vehicle who allows the minor to contravene the first paragraph of section 16 by operating such a vehicle without holding the required driver's licence, or tolerates the minor doing so;

(3) a passenger of an off-highway vehicle who contravenes section 45 or the first or second paragraph of section 51;

(4) a person who operates a vehicle that is not equipped with a brake system required under section 61 or an owner of such a vehicle who allows a person to operate the vehicle or tolerates the person doing so;

(5) a vehicle operator who operates a vehicle in contravention of section 63 or section 64;

(6) an owner who allows a person to operate a vehicle that is not compliant with section 64, or tolerates a person doing so, or who allows or causes repairs or modifications to be carried out in contravention of section 64;

(7) a person who sells or distributes equipment in contravention of section 64;

(8) a repairer or person who carries out work on a vehicle in contravention of section 64 or the second paragraph of section 67;

(9) an operator or passenger of an off-highway vehicle who contravenes section 72; and

(10) an off-highway vehicle club that lays out or operates a trail in contravention of section 74 or fails to take out civil liability insurance as required under section 90.

114. The following are guilty of an offence and are liable to a fine of \$250 to \$500 in the case of a natural person and \$1,000 to \$15,000 in any other case:

(1) any person who contravenes section 22 or 24, the fourth paragraph of section 50, or any of sections 57, 86, 87 and 88;

(2) a vehicle owner who contravenes section 25 or the first paragraph of section 35, who allows a person to operate a vehicle that is not compliant with section 65, or tolerates a person doing so, or who allows or causes repairs or modifications to be carried out in contravention of section 67;

(3) an operator who contravenes the first or second paragraph of section 28, the second paragraph of section 35, the first paragraph of section 43, or any of sections 44, 47, 48 and 50, the third paragraph of section 51, or any of sections 58, 59, 60 and 75, or who operates a vehicle that is not compliant with section 65 or was repaired or modified in contravention of section 67;

(4) a passenger of an off-highway vehicle who contravenes the second paragraph of section 43, section 47, the third paragraph of section 50, or the first paragraph of or subparagraph 2 of the third paragraph of section 52;

(5) an operator or passenger of a non-motorized vehicle who contravenes section 72; and

(6) an off-highway vehicle club that contravenes the second paragraph of section 82 or the first paragraph of section 89.

115. The following are guilty of an offence and are liable to a fine of \$150 to \$300 in the case of a natural person and \$600 to \$6,000 in any other case:

(1) a person who contravenes any of sections 29, 42, 84 and 85;

(2) an operator who contravenes section 54 or 62;

(3) a passenger of an off-highway vehicle who contravenes section 34;

- (4) an operator of an off-highway vehicle who contravenes section 66; and
- (5) a pedestrian who contravenes section 72.

116. A lessor or enterprise who fails to comply with the requirements applicable to them under section 23 of this Act in relation to the keeping of a register is guilty of an offence and is liable to a fine of \$75 to \$150 in the case of a natural person and \$400 to \$2,000 in any other case.

117. Any person who, in contravention of section 36 or 39, operates an off-highway vehicle or a maintenance vehicle at a speed in excess of the prescribed maximum speed is guilty of an offence and is liable to a fine of \$30 plus,

- (1) if the speed exceeds the speed limit by 1 to 20 km/h, \$15 for each 5 km/h by which the speed exceeds the speed limit;

- (2) if the speed exceeds the speed limit by 21 to 30 km/h, \$20 for each 5 km/h by which the speed exceeds the speed limit;

- (3) if the speed exceeds the speed limit by 31 to 45 km/h, \$25 for each 5 km/h by which the speed exceeds the speed limit;

- (4) if the speed exceeds the speed limit by 46 to 60 km/h, \$30 for each 5 km/h by which the speed exceeds the speed limit; or

- (5) if the speed exceeds the speed limit by 61 km/h or more, \$35 for each 5 km/h by which the speed exceeds the speed limit.

If the speeding offence occurs at a location where the maximum prescribed speed is 30 km/h or less, the amounts specified in the first paragraph are increased by \$5.

118. The following are guilty of an offence and are liable to a fine of \$350 to \$700 in the case of a natural person and \$2,000 to \$10,000 in any other case:

- (1) any person who hinders a peace officer, an inspector or a trail security officer in the performance of their duties by concealment, by a false document or by a false declaration or by misleading the officer or inspector by concealing a document from the officer or inspector or by destroying a document or property relevant to an inspection; or

- (2) an operator or passenger of a vehicle who fails to comply with a request from a peace officer, an inspector or a trail security officer made in accordance with the sixth paragraph of section 52, section 59, 61 or 64 or subparagraph 3 of the first paragraph of section 98.

119. In the case of a second or subsequent offence, the fines prescribed by this Act are doubled.

120. The person in whose name a vehicle is registered is responsible for any offence imputable to the owner under this Act.

121. In any proceedings instituted under this Act in respect of a contravention of section 25 or 90, the burden is on the defendants to prove that they held the compulsory liability insurance required under either of those sections.

122. In the case of an offence committed by an off-highway vehicle club, an association of clubs or a legal person, any director, officer, representative or employee of the club, association of clubs or legal person who ordered, authorized, consented to or participated in the offence is guilty of an offence and is liable to the penalty prescribed, whether or not the legal person has been prosecuted or found guilty.

123. Anyone who, by an act or an omission, helps or, by encouragement, advice, authorization or order, induces another person to commit an offence under this Act is guilty of an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

124. In determining the fine to be imposed under this Act, the judge may take into account aggravating factors such as

- (1) the seriousness of the harm or the risk of harm to the safety of persons;
- (2) the intentional, negligent or reckless nature of the offence;
- (3) the foreseeable nature of the offence or the failure to follow recommendations or warnings to prevent it;
- (4) the offender's attempts to cover up the offence or failure to try to mitigate its consequences;
- (5) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and
- (6) the offender's failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender's ability to do so.

125. Fines collected as a result of penal proceedings brought under this Act are credited to the Land Transportation Network Fund.

126. Penal proceedings for an offence under a provision of this Act or the regulations may be instituted by a local municipality if the offence is committed in its territory.

Proceedings in respect of such an offence committed in the territory of a municipality may be instituted before the competent municipal court, if applicable.

Despite section 125, the fine belongs to the municipality if the municipality has instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except for the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure and except for the costs payable to the defendant or imposed on the municipality under article 223 of that Code.

127. The clerk of a court of justice or a person under the clerk's authority and the collector of the fines must send notice to the Société de l'assurance automobile du Québec of any conviction for an offence under section 25 in relation to the requirement to hold civil liability insurance.

CHAPTER VII

AMENDING PROVISIONS

HIGHWAY SAFETY CODE

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

“The provisions of this Code regarding the registration and identification of a vehicle by means of a number affixed to it apply to the vehicles referred to in the Act respecting off-highway vehicles (2020, chapter 26).

The rules set out by this Code to ensure safe vehicular traffic are also applicable to off-highway vehicles and maintenance vehicles governed by the Act respecting off-highway vehicles when such vehicles travel in those areas where the Code applies, taking into account the specific equipment and vehicle specifications, and with the other necessary modifications.

In areas where this Code applies, if one of its provisions is inconsistent with a provision of the Act respecting off-highway vehicles, the more restrictive provisions to ensure public safety prevail. In particular, the lowest speed limits prevail.”

129. Section 21 of the Code is amended by replacing “the contribution of off-highway vehicle owners set pursuant to section 49.2 of the Act respecting off-highway vehicles (chapter V-1.2)” in subparagraph 3 of the first paragraph by “the contribution fixed under section 11 of the Act respecting off-highway vehicles (2020, chapter 26), hereinafter called the off-highway vehicle owners' contribution”.

130. Section 31.1 of the Code is amended by striking out “fixed pursuant to section 49.2 of the Act respecting off-highway vehicles (chapter V-1.2)” in the first paragraph.

131. Section 111 of the Code is amended by adding the following paragraph at the end:

“The system of demerit points referred to in this section also includes demerit points prescribed by regulation under section 19 of the Act respecting off-highway vehicles (2020, chapter 26) for an offence against a provision of that Act, where provided for by such a regulation. The points must be entered in the person’s file and be considered in the same manner as the demerit points prescribed under the second paragraph.”

132. Section 189 of the Code is amended by replacing “section 45 of the Act respecting off-highway vehicles (chapter V-1.2)” in the last paragraph by “section 127 of the Act respecting off-highway vehicles (2020, chapter 26)”.

133. Section 421.1 of the Code is amended by replacing “in section 35 of the Act respecting off-highway vehicles (chapter V-1.2)” in the second paragraph by “in the Act respecting off-highway vehicles (2020, chapter 26)”.

134. Section 626 of the Code is amended by replacing “on the conditions and for the periods of time it fixes” in subparagraph 14 of the first paragraph by “in compliance with the conditions and limits prescribed by section 73 of the Act respecting off-highway vehicles (2020, chapter 26)”.

135. Section 648.4 of the Code is amended, in the first paragraph,

(1) by replacing “snowmobiles with a net mass of 450 kg or less, all-terrain vehicles with a net mass not exceeding 600 kg and off-highway vehicles” in subparagraph 1 by “snowmobiles, all-terrain vehicles and other off-highway vehicles”;

(2) by replacing “snowmobile with a net mass of 450 kg or less, an all-terrain vehicle with a net mass not exceeding 600 kg and an off-highway vehicle” in subparagraph 2 by “snowmobile, an all-terrain vehicle and any other off-highway vehicle”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

136. Schedule IV to the Act respecting administrative justice (chapter J-3), amended by section 19 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1), enacted by section 98 of chapter 5 of the statutes of 2020, is again amended by adding the following paragraphs at the end:

“(34) section 20 of the Act respecting off-highway vehicles (2020, chapter 26);

“(35) section 108 of the Act respecting off-highway vehicles.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

137. Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing subparagraph *a.1* of paragraph 1 by the following subparagraph:

“(a.1) programs and measures covered by section 15 of the Act respecting off-highway vehicles (2020, chapter 26);”.

138. Section 12.32 of the Act is amended by replacing paragraph 0.2 by the following paragraph:

“(0.2) the sums paid by the Société de l’assurance automobile du Québec under section 13 of the Act respecting off-highway vehicles (2020, chapter 26), the amounts determined by the Government under section 14 of that Act, the amounts of the fines and monetary administrative penalties imposed under that Act and, if applicable, the duties exigible according to a regulation made under subparagraph 4 of the first paragraph of section 19 of that Act;”.

139. Section 12.32.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The sums referred to in paragraph 0.2 of section 12.32 are allocated to the financing of the financial assistance programs and the measures provided for in section 15 of the Act respecting off-highway vehicles (2020, chapter 26).”

REGULATION RESPECTING OFF-HIGHWAY VEHICLES

140. The Regulation respecting off-highway vehicles (chapter V-1.2, r. 5) is amended by inserting the following sections after section 11.01:

11.02. The contribution to be paid by off-highway vehicle owners under section 11 of the Act is \$21 for an all-terrain vehicle and \$40 for a snowmobile.

11.03. The minimum amount of civil liability insurance that owners of off-highway vehicles or maintenance vehicles must take out each year under section 25 of the Act is \$1,000,000.

The amount of insurance required of off-highway vehicle clubs under section 90 of the Act is \$5,000,000.”

141. The Regulation is amended by inserting the following sections after section 11.2:

“**11.2.1.** No person may operate a vehicle equipped with a straight or deep-tone exhaust, shortened, pierced or perforated muffler, gutted muffler, by-pass or similar device.

“**11.2.2.** No person may offer for sale a new snowmobile or a demonstrator if its exhaust system is not compliant with the standard entitled *Detailed Standards and Testing Specifications and Procedures*, SSCC/11 Supplement, published by the Snowmobile Safety and Certification Committee, Inc. (the Supplement), including the section of that standard entitled “Snowmobile Exhaust System Identification”, as the standard read during the vehicle’s year of manufacture.

“**11.2.3.** No person may install a muffler or cause a muffler to be installed on a snowmobile if it is not compliant with the standard mentioned in section 11.2.2 as the standard read at the time of the installation or replacement of the muffler.

This section does not apply to the installation or replacement of the muffler of a snowmobile of a model year prior to 2011.

“**11.2.4.** No person may operate a snowmobile that has an exhaust system that is not compliant with the standard mentioned in section 11.2.2 or, where it has been modified, a snowmobile that has a muffler that is not compliant with section 11.2.3.

This section does not apply to snowmobiles of a model year prior to 2011.”

142. The Regulation is amended by inserting the following section after section 28:

“**28.0.1.** Every person who contravenes any of the provisions of sections 11.2.1 to 11.2.4 is liable to a fine of \$350 to \$500 in the case of a natural person and \$2,000 to \$15,000 in all other cases.”

143. The Regulation is amended by inserting the following after section 28.1:

“**DIVISION 6.1**

“**TRANSITIONAL PROVISIONS**

“**28.2.** Despite section 11.2.4, if the exhaust system of a snowmobile is not compliant with that section on 10 December 2020, the owner has one year after that date to make it compliant with that section.”

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

144. No legal action founded on neighbourhood annoyances or any other injury relating to noise, odours or other contaminants may be brought for facts occurring between 16 December 2001 and 31 December 2020 if the alleged injury is due to the use of a vehicle to which this Act applies when the vehicle is operated in places authorized under this Act and the regulations.

Legal action may be brought against the operator or owner of an off-highway vehicle, however, if the cause of the injury is the contravention of a provision of this Act or a regulation under this Act or if the injury results from the commission of an intentional or gross fault by the operator or owner in operating the vehicle.

From 29 November 2006, the first paragraph applies only to events occurring as of that date on the trails that form part of the interregional network established by order of the Minister published in the *Gazette officielle du Québec*. Any order altering the network must be made after consulting with the interested regional county municipalities and, if it is interested, any responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1).

For the purposes of the third paragraph, a local municipality whose territory is not included in that of a regional county municipality is considered a regional county municipality. The same holds for a responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire as regards the territory or community it represents.

145. The requirement for a speedometer under section 65 does not apply to vehicles built before 1 January 1998.

146. The Regulation respecting snowmobiles (chapter V-1.2, r. 1) and the Regulation respecting all-terrain vehicles (chapter V-1.2, r. 6) are deemed to be regulations made under this Act to the extent that they are consistent with this Act, and each of their provisions is deemed to be a provision, determined under the first paragraph of section 91, the violation of which constitutes an offence.

Order 1013-99 (1999, G.O. 2, 4285, French only), Décret concernant l'habilitation de deux agents à délivrer des certificats d'aptitude pour conduire un véhicule hors route aux personnes âgées de 14 ans et plus mais de moins de 16 ans, is deemed to be a regulation made by the Minister for the purposes of section 17.

Any regulation made under a provision of the Act respecting off-highway vehicles (chapter V-1.2) remains in force until it is amended or repealed under the provisions of this Act.

147. A person who holds, on 29 December 2020, a civil liability insurance contract required under the Act respecting off-highway vehicles in force on that date is granted until 29 June 2021 to adjust the insurance coverage to comply with the minimum amounts set in section 11.03 of the Regulation respecting off-highway vehicles (chapter V-1.2, r. 5), enacted by section 140 of this Act.

148. The Act respecting off-highway vehicles is replaced by this Act, except for the provisions of sections 2, 2.0.1, 3, 12.1 to 12.1.3, 18.1, 21.1 to 21.3, 21.7, 21.8, 21.10, 22 and 28.1, which remain in force until the first regulation under this Act is made amending the Regulation respecting off-highway vehicles.

In the case of a contravention of any of those provisions, offenders are liable to the fines prescribed by the Act respecting off-highway vehicles, as it read on 9 December 2020.

149. Unless the context indicates otherwise, in any Act or any other document, a reference to the Act respecting off-highway vehicles or to any of its provisions replaced by this Act becomes, as the case may be, a reference to this Act or a reference to the corresponding legislative or regulatory provision.

150. The Minister of Transport is responsible for the administration of this Act.

151. The provisions of this Act come into force on 30 December 2020, except

(1) the requirement to hold a driver's licence under the first paragraph of section 16 and sections 22, 23 and 33, which comes into force on 10 September 2021;

(2) section 20, section 24 and paragraph 34 of Schedule IV to the Act respecting administrative justice (chapter J-3), enacted by section 136 of this Act, which come into force on the date or dates to be set by the Government.

