

Road Trails Act

CHAPTER 4 OF THE ACTS OF 2023



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An Act Respecting the Operation of Off-highway Vehicles on Designated Highways

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Short title

1 This Act may be cited as the *Road Trails Act*. 2023, c. 4, s. 1.

SEPTEMBER 29, 2023

Purpose

2 The purpose of this Act is to enable the operation of off-highway vehicles on designated parts of highways to allow for trail and amenity connectivity. 2023, c. 4, s. 2.

Interpretation

3 In this Act,

“all-terrain vehicle” means a vehicle that is

- (a) equipped with four or more wheels, all of which are normally in contact with the ground;
- (b) equipped with a steering wheel or handlebars for steering control; and
- (c) designed for the transportation of persons, property or equipment exclusively on marshland, open country or other unprepared surfaces,

but does not include a snow vehicle;

“conveyance” means any thing in, on or by which any person or property is or may be transported or drawn on a highway and includes

- (a) a vehicle;
- (b) a bicycle;
- (c) a personal transporter;
- (d) a pedicab;
- (e) a rickshaw;
- (f) an animal being ridden, herded, led or driven;
- (g) an off-highway vehicle;
- (h) a recreational apparatus; and
- (i) any other thing prescribed by the regulations,

but does not include a mobility aid;

“designated trail” means a trail or any part of a trail on public or private land designated under subsection 12D(1) of the *Off-highway Vehicles Act*;

“ditch” means the area between the boundary of a highway and the line of the shoulder farthest removed from the travelled portion of the highway;

“driver” includes the operator of an off-highway vehicle and, where applicable, the operator of any vehicle;

“highway” means

- (a) a public highway, street, lane, road, alley, park, beach or place including the bridges thereon; and
- (b) private property that is designed to be and is accessible to the general public for the operation of a motor vehicle;

“Minister” means the Minister assigned responsibility for this Act;

“municipality” means a town, a county or district municipality or a regional municipality;

“off-highway vehicle” means

- (a) an all-terrain vehicle;
- (b) a dirt bike;
- (c) a dune buggy;
- (d) a four-wheel-drive or low-tire-pressure vehicle;
- (e) a snow vehicle; or
- (f) a vehicle belonging to a class of vehicles designated as off-highway vehicles by the regulations,

but does not include a vehicle registered under the *Motor Vehicle Act* or a vehicle or class of vehicles exempted from this Act by the regulations;

“peace officer” includes a member of the Royal Canadian Mounted Police, a police officer appointed by a municipality, a motor vehicle inspector appointed under the *Motor Vehicle Act* or the *Motor Carrier Act* and a conservation officer as defined in the *Forests Act*;

“Registrar” means the Registrar appointed under the *Motor Vehicle Act*;

“road trail” means the shoulder and travelled portion of a highway designated under Section 5 or by a municipal bylaw, but does not include a ditch;

“seat belt” means a device or assembly securely fastened to the off-road vehicle by the vehicle manufacturer, composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint, or both of them, capable of restraining the movement of a person in order to prevent or mitigate injury to the person;

“sheriff” means a sheriff as defined in the *Motor Vehicle Act*;

“snow vehicle” means a vehicle designed for the transportation of persons, property or equipment exclusively or chiefly on snow or ice, or both;

“vehicle” means any vehicle or other conveyance to which the *Motor Vehicle Act* applies. 2023, c. 4, s. 3.

Application of Motor Vehicle Act and Off-highway Vehicles Act

4 (1) Subject to subsection (2), in the event of a conflict between this Act and the *Motor Vehicle Act* or the *Off-highway Vehicles Act*, this Act prevails.

(2) In the event of a conflict between this Act and the regulations made under Section 307 of the *Motor Vehicle Act* authorizing a project, those regulations prevail.

(3) Except as otherwise provided in this Act, the *Motor Vehicle Act* and the regulations made under that Act applicable to motor vehicles apply to

the operation of an off-highway vehicle on a road trail, except those provisions that by their very nature can have no application. 2023, c. 4, s. 4.

Designation of road trail

5 (1) The Minister may by regulation, with the approval of the Minister of Public Works, designate a highway or part of a highway as a road trail.

(2) A municipality may, by bylaw, designate a highway or part of a highway that is not a road owned by the Crown in right of the Province as a road trail.

(3) A designation under subsection (1) or (2) may not include a controlled-access highway or part of a controlled-access highway. 2023, c. 4, s. 5.

Operation on road trail

6 (1) Notwithstanding Section 11 of the *Motor Vehicle Act*, a driver may operate an all-terrain vehicle, a dirt bike, or another off-highway vehicle of a class prescribed by the regulations, on a highway or part of a highway that is designated as a road trail under Section 5, if the driver meets all requirements under this Act and the *Off-highway Vehicles Act*.

(2) For greater certainty, nothing in this Act allows an off-highway vehicle to be operated on the roadway or shoulder of a controlled-access highway. 2023, c. 4, s. 6.

Due care and caution

7 Every driver of an off-highway vehicle on a road trail shall exercise due care and caution at all times when operating the vehicle. 2023, c. 4, s. 7.

Licence required

8 No driver shall operate an off-highway vehicle on a road trail unless that driver is the holder of a valid driver's licence issued under the *Motor Vehicle Act* that is not a learners class driver's licence. 2023, c. 4, s. 8.

Must carry and present licence

9 Every driver shall carry the driver's valid driver's licence at all times when operating an off-highway vehicle on a highway and shall produce the licence at all reasonable times on the demand of a peace officer. 2023, c. 4, s. 9.

Third-party liability insurance

10 (1) No driver shall operate an off-highway vehicle on a road trail unless that driver carries third-party liability insurance in at least the amount required by the regulations.

(2) A driver shall carry proof of insurance at all times while operating an off-highway vehicle on a road trail and shall produce the proof of insurance at all reasonable times on the demand of a peace officer. 2023, c. 4, s. 10.

Assumption of risk

11 (1) Notwithstanding any other enactment, a driver or passenger on an off-highway vehicle on a road trail is deemed to have willingly assumed all risks related to the operation of the vehicle on the road trail.

(2) For greater certainty, neither the Minister, the Crown in right of the Province, nor any department or official of the Government nor any municipality is liable for any damage, death or injury resulting from the operation of an off-highway vehicle on a road trail. 2023, c. 4, s. 11.

Seat belts required

12 (1) Where an off-highway vehicle is equipped with a seat belt, each driver and passenger for whom a seat belt is available shall wear the seat belt at all times while the vehicle is being operated on a road trail, other than when the vehicle is in reverse.

(2) No person shall remove or disable a seat belt on an off-highway vehicle that was installed by the manufacturer as original equipment. 2023, c. 4, s. 12.

Helmets required

13 Every driver and passenger on an off-highway vehicle shall wear a helmet that meets the requirements set out in the regulations and with the chin strap of the helmet securely fastened under the chin at all times while the vehicle is on a road trail. 2023, c. 4, s. 13.

Passengers under 16

14 A driver shall not permit a passenger under the age of 16 years to be a passenger on an off-highway vehicle on a road trail unless the passenger is wearing a seat belt as required by subsection 12(1) and a helmet as required by Section 13. 2023, c. 4, s. 14.

Lighting requirements

15 (1) An off-highway vehicle operated on a road trail must be equipped with headlamps and a rear-facing red light that meet the requirements set out in the regulations.

(2) Headlamps must be activated at all times while an off-highway vehicle is being operated on a road trail.

(3) No off-highway vehicle operated on a road trail may be equipped with front-facing red lights.

(4) Nothing in this Section applies to a vehicle used in an official purpose by

- (a) a police department;
- (b) a fire department;
- (c) the Department of Natural Resources and Renewables;

or

- (d) an entity prescribed by the regulations. 2023, c. 4, s. 15.

Side mirror required

16 An off-highway vehicle must be equipped with a left-hand side mirror that meets the requirements set out in the regulations while the vehicle is being operated on a road trail. 2023, c. 4, s. 16.

Noise level

17 No driver shall operate an off-highway vehicle if the noise level of the vehicle is higher than the level originally set by the manufacturer because of the removal of the muffler or other noise-dampening device or the modification of the muffler or other noise-dampening device so as to increase the noise level. 2023, c. 4, s. 17.

Indication of turns

18 The driver of an off-highway vehicle shall, while the vehicle is on a road trail,

- (a) where the vehicle is not equipped with turn signal lights, signify
- (i) a left turn by extending the driver's left hand and arm horizontally from the vehicle, and
 - (ii) a right turn by either
 - (A) extending the driver's left hand and arm out and upward from the vehicle so that the upper and lower parts of the arm are at right angles, or
 - (B) extending the driver's right hand and arm out horizontally from the vehicle;
- (b) where the vehicle is equipped with signal lights that are visible from behind and in front of the vehicle, signify a right or left turn by either
- (i) activating the appropriate turn signal light, or
 - (ii) extending the driver's hand and arm as described in clause (a); and
- (c) signify a stop or decrease in speed by extending the driver's left hand and arm out and downward from the vehicle so that the upper and lower parts of the arm are at right angles, unless the vehicle is equipped with a visible red light at the rear that is activated when the driver operating the vehicle applies the brakes. 2023, c. 4, s. 18.

Required equipment

19 An off-highway vehicle being operated on a road trail must be equipped with any equipment prescribed by the regulations as being required for an off-highway vehicle of its class. 2023, c. 4, s. 19.

Prohibitions respecting operation

20 (1) No driver shall operate an off-highway vehicle on a highway unless the driver is

- (a) operating the vehicle lawfully on a road trail; or
- (b) permitted to operate the vehicle on a highway under the *Off-highway Vehicles Act* or the regulations made under that Act.

(2) Where the use of a road trail is restricted to a class or classes of off-highway vehicle, no driver shall operate an off-highway vehicle of a non-permitted class on the road trail.

(3) Where a road trail is restricted

- (a) for use only at certain times of day or certain times of year; or
- (b) for use by a class or classes of off-highway vehicle only at certain times of day or certain times of year,

no driver shall operate an off-highway vehicle in contravention of those restrictions.

(4) No driver shall travel in a bicycle lane while operating an off-highway vehicle.

(5) No driver shall use an off-highway vehicle to tow another vehicle on a road trail.

(6) No driver shall operate an off-highway vehicle on a road trail at a rate of speed greater than 25 kilometres per hour.

(7) No driver shall operate an off-highway vehicle on a road trail in the period between 30 minutes after sunset and 30 minutes before sunrise. 2023, c. 4, s. 20.

Prohibitions respecting passengers

21 (1) No driver shall operate an off-highway vehicle on a road trail with a passenger who is under nine years of age.

(2) No driver shall use an off-highway vehicle to transport a passenger on a road trail unless the driver and passenger meet all requirements prescribed by the regulations and the vehicle is equipped with the equipment prescribed by the regulations. 2023, c. 4, s. 21.

Prohibitions respecting blocking trails

22 (1) No person shall stand or park any vehicle in a manner that blocks others from accessing or leaving a designated trail or a road trail from a highway.

(2) No person shall erect any barrier, obstacle or structure that blocks others from accessing or leaving a designated trail or a road trail from a highway. 2023, c. 4, s. 22.

Operation on shoulder and roadway

- 23** (1) The driver of an off-highway vehicle on a road trail shall
- (a) drive in the same direction as the traffic using the same side of the highway;
 - (b) drive on the shoulder of the highway, except as provided in subsection (2); and
 - (c) when driving on the shoulder of a highway, drive as close to and parallel with the right edge of the shoulder as is safely and practicably possible.
- (2) The driver of an off-highway vehicle may operate the vehicle on a roadway that is a road trail if
- (a) the highway does not have a shoulder;
 - (b) the shoulder of the highway is insufficiently wide for the off-highway vehicle to be driven completely off the roadway;
 - (c) the shoulder is obstructed; or
 - (d) the driver is preparing to make a left turn across the roadway.
- (3) When the driver of an off-highway vehicle operates the vehicle on a roadway as permitted under subsection (2), the vehicle must be driven as much on the shoulder as practicably possible and, where the vehicle is on or partially on the roadway, as close to and parallel with the right edge of the roadway as is safely and practicably possible.
- (4) When entering a roadway or shoulder, the driver of an off-highway vehicle shall yield the right of way to any traffic already in the roadway or shoulder and may only enter the roadway or shoulder when it is safe to do so.
- (5) Except when passing a vehicle, including another off-highway vehicle, the driver of an off-highway vehicle on a road trail shall travel in single file with other vehicles.
- (6) Notwithstanding subsections (1) and (2), the driver of an off-highway vehicle shall drive the vehicle on the roadway when crossing a level railway crossing that intersects a road trail. 2023, c. 4, s. 23.

No passing

- 24** The driver of an off-highway vehicle on a road trail shall not pass any moving vehicle travelling on the same shoulder or the roadway. 2023, c. 4, s. 24.

Procedure for left turn

- 25** (1) Before beginning a left turn, the driver of an off-highway vehicle on a highway must, without interfering with the flow of traffic travelling in the same direction as the vehicle, move away from the shoulder or the right edge of the roadway and be positioned on the roadway in the position from which the left turn is to be made.

(2) After completing a left turn from a highway to another highway, the driver of an off-highway vehicle shall, without interfering with the movement of traffic travelling in the same direction as the vehicle, move to the right edge of the roadway or the shoulder. 2023, c. 4, s. 25.

Duties where accident

26 (1) The driver of an off-highway vehicle directly or indirectly involved in an accident on a road trail shall immediately stop the vehicle at the scene of the accident.

(2) The driver of an off-highway vehicle involved in an accident on a road trail resulting in injury or death to any person or damage to property shall

(a) give the driver's name, address and the registration number, if any, of the driver's vehicle and exhibit the driver's licence of the driver to the person struck or to the driver or occupants of any vehicle collided with or to a witness; and

(b) render to any person injured in the accident reasonable assistance, including the carrying of the injured person to a physician or surgeon for medical or surgical treatment if it is apparent that treatment is necessary or is requested by the injured person and the vehicle is capable of transporting the injured person in a safe manner without causing additional injury.

(3) When an accident on a road trail results in damage to an unattended vehicle or to property upon or adjacent to a highway or designated trail, the driver of every off-highway vehicle involved in the accident shall

(a) take reasonable steps to locate and notify the owner of, or a person who has control over, the unattended vehicle, or the property, of the circumstances of the accident; and

(b) give to the owner or person the name, address and driver's licence number of the driver and the registration number of the vehicle, if any.

(4) Where the driver of the off-highway vehicle involved in an accident is unable to locate and notify the owner or person who has control over the unattended vehicle or the property, the driver shall within 24 hours after the accident give to the chief of police or any regular member of the police force in the case of an accident occurring in a municipality with a police force, or the nearest detachment of the Royal Canadian Mounted Police in the case of an accident occurring elsewhere, the information required by subsection (3) together with a description of the unattended vehicle or the property. 2023, c. 4, s. 26.

Duties where accident causing injury, death or damage

27 (1) The driver of an off-highway vehicle involved in an accident resulting in injury or death to a person, or property damage to an apparent extent of \$2,000 or more, shall, within 24 hours,

(a) where the accident takes place within a municipality with a police force, forward a written report of the accident, or report the accident in person to the nearest detachment of the Royal Canadian

Mounted Police, or to the chief of police or any regular member of the police force of the municipality; or

(b) where the accident takes place other than within a municipality with a police force, forward a written report of the accident or report the accident in person to the nearest detachment of the Royal Canadian Mounted Police.

(2) Where the driver of the off-highway vehicle is physically incapable of making a report, and there is a passenger of the vehicle, the passenger shall make the report.

(3) Copies of any report made under subsection (1) must be transmitted by the person receiving the report to the Registrar and to the Provincial Traffic Authority within 24 hours of receiving the report.

(4) Any peace officer who is a witness to or who investigates any accident in which an off-highway vehicle upon a highway is involved, whether or not required to be reported under this Section, shall forward to the Registrar, in addition to any other report that may be required under this Section, a report containing

- (a) full particulars of the accident;
- (b) the names and addresses of the persons involved;
- (c) the extent of the personal injuries or property damage, if any;
- (d) whether an information has been laid against a driver in connection with the accident; and
- (e) any other information that may enable the Registrar to determine whether any driver involved in or contributing to the accident should be prosecuted.

(5) The Registrar may require any person involved in an accident, or having knowledge of an accident, or the parties thereto, or of any personal injuries or property damage resulting therefrom, to furnish, and any peace officer to secure, any additional information and make any supplementary reports of the accident as the Registrar may deem necessary to complete the Registrar's records, and to establish, as far as possible, the cause of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

(6) Except as provided in subsections 28(1) and (3), all reports made under this Section are for the information only of

- (a) the Registrar;
- (b) the Department of Public Works;
- (c) where there is no vehicle safety division of the Department, the vehicle safety division of any department of the Government;
- (d) the police force to which the reports are made; and

(e) the vehicle safety division of the municipality to which the reports are made, and no report or any part thereof or any statement contained therein is open to public inspection or admissible in evidence in any trial, civil or criminal, arising out of the accident except as evidence that the report has been made or in connection with a prosecution for making a false statement therein in violation of Section 28. 2023, c. 4, s. 27.

Reports

28 (1) Where a person, an insurance company or the Crown in right of the Province has paid or may be liable to pay for damages resulting from an accident in which an off-highway vehicle is involved, the person, the insurance company or a public officer responsible for risk management for the Government of the Province, as the case may be, and any solicitor, agent or other representative of the person, company or public officer authorized by the person, company or public officer in writing, may obtain from the Registrar a copy of any report made under this Section and, in furnishing a copy of the report, the Registrar is authorized, subject to subsection (2), to disclose any personal information contained in the report.

(2) Before furnishing a copy of a report under subsection (1), the Registrar shall remove from the report any personal information that the Registrar considers to be appropriate to remove.

(3) The Registrar may provide data derived from reports made under this Section to any person conducting research respecting traffic safety or off-highway vehicle safety.

(4) A medical examiner or other official performing like functions shall make a report to the Registrar with respect to any death found to have been the result of an accident involving an off-highway vehicle on a road trail.

(5) The Registrar may require an insurer or other person who pays damages for injury to person or property caused by an off-highway vehicle on a road trail to report the same to the Department of Public Works within seven days after the date of payment and to furnish proof thereof if required by the Department. 2023, c. 4, s. 28.

Failure to report and false statements

29 (1) Any person who fails to report or furnish any information or written statement required by Section 27 or 28 is guilty of an offence.

(2) Every person who knowingly makes any false statement in any report made under Section 27 or 28 is guilty of an offence. 2023, c. 4, s. 29.

Registrar may require copies

30 Notwithstanding the *Personal Health Information Act*, the Registrar may require copies of medical and other reports relating to any incident that occurs on a highway involving an off-highway vehicle to be provided to the Registrar. 2023, c. 4, s. 30.

Municipal bylaws

31 (1) The council of a municipality may make bylaws regulating the operation of off-highway vehicles on road trails designated under subsection 5(2).

(2) A bylaw made under subsection (1) may

(a) restrict the use of a road trail to a class or classes of off-highway vehicles;

(b) restrict the times of day or times of year a road trail may be used, including restricting the times of day or times of year the road trail may be used by certain classes of off-highway vehicles;

(c) prescribe a maximum rate of speed lower than 25 kilometres per hour for the operation of off-highway vehicles on road trails within the municipality or within a specified area of the municipality;

(d) establish speed and noise restrictions for the operation of off-highway vehicles on road trails within a specified distance of certain buildings, types of buildings or areas;

(e) establish traffic rules and restrictions, not less restrictive than those in this Act or the regulations, respecting the operation of off-highway vehicles on specific roads, intersections and road infrastructure;

(f) create offences and prescribe penalties for the violation of bylaws made under this Section.

(3) A municipality shall publicize any designation made under Section 5 or restriction made under clause (2)(a) or (b) in a matter determined by the municipality. 2023, c. 4, s. 31.

Powers of peace officer

32 (1) A peace officer may enforce this Act on any highway or designated trail.

(2) A peace officer may enforce

(a) any enactment, including the *Motor Vehicle Act*, the *Motor Carrier Act* and the *Off-highway Vehicles Act*; and

(b) any municipal bylaw

that relates to the operation of an off-highway vehicle on a highway or designated trail. 2023, c. 4, s. 32.

Peace officer may stop vehicle

33 (1) A driver shall stop an off-highway vehicle on the direction of a peace officer.

(2) A peace officer may stop an off-highway vehicle for the purpose of determining whether this Act, the *Motor Vehicle Act*, the *Motor Carrier Act*, the *Off-highway Vehicles Act*, the *Liquor Control Act*, the *Cannabis Control Act* or a municipal bylaw has been contravened. 2023, c. 4, s. 33.

Seizure of vehicle

34 (1) A peace officer may seize an off-highway vehicle if the peace officer has reasonable and probable grounds to believe that an offence has been committed under this Act, the *Motor Vehicle Act* or the *Off-highway Vehicles Act* and may detain the vehicle until the final disposition of the case at trial or any charges are otherwise disposed of, if the peace officer has reasonable and probable grounds to believe the seizure and detention is necessary to prevent the continuation or repetition of the offence.

(2) Where an off-highway vehicle is seized and detained under this Act, the costs of impounding and storing it must be paid by the person to whom the vehicle is to be released before it is released.

(3) Where the costs of impounding and storing an off-highway vehicle under this Act have not been paid within 30 days of the final disposition as provided in subsection (1), the sheriff shall sell the vehicle in the same manner and in all respects as other goods are sold under execution.

(4) The sheriff shall pay from the money recovered under subsection (3)

(a) the sheriff's fees, commission and poundage expenses;
and

(b) the costs of impounding and storing the off-highway vehicle,

and any surplus that remains to the person entitled thereto.

(5) Where money is levied upon an execution under this Section, the *Creditors' Relief Act* does not apply to the portion of the money obtained by the levying on and selling of the off-highway vehicle under the execution. 2023, c. 4, s. 34.

Owner of vehicle liable

35 (1) The owner of an off-highway vehicle is liable to incur the penalties provided for a violation of this Act or the regulations unless, at the time of the violation, the off-highway vehicle was in the possession of a person without the owner's consent, either expressed or implied.

(2) Where the owner of an off-highway vehicle is present on or in the vehicle at the time of the violation of a provision of this Act or the regulations by another person operating that vehicle, the owner as well as the operator is guilty of the offence. 2023, c. 4, s. 35.

Offences and penalties

36 (1) A person who violates Section 8 or subsection 15(1) or 22(1) or (2) is guilty of an offence and liable on summary conviction to the penalties provided for a category A offence in the *Summary Proceedings Act*.

(2) A person who violates subsection 12(1) or (2), Section 14 (where the offence relates to a failure to wear or require a person to wear a seat belt), subsection 15(2) or Section 18 is guilty of an offence and liable on summary

conviction to the penalties provided for a category B offence in the *Summary Proceedings Act*.

(3) A person who violates subsection 15(3) or Section 16 or 17 is guilty of an offence and liable on summary conviction to the penalties provided for a category C offence in the *Summary Proceedings Act*.

(4) A person who violates Section 8 or subsection 20(1), (2) or (3) is guilty of an offence and liable on summary conviction to the penalties provided for a category D offence in the *Summary Proceedings Act*.

(5) A person who violates Section 7 or 10, subsection 20(5), (6) or (7) or Section 23 is guilty of an offence and liable on summary conviction to the penalties provided for a category F offence in the *Summary Proceedings Act*.

(6) A person who violates Section 13 or 14 (where the offence relates to a failure to wear or require a person to wear a helmet), or subsection 21(1) or Section 25 is guilty of an offence and liable on summary conviction to double the penalties provided for a category F offence in the *Summary Proceedings Act*.

(7) A person who violates subsection 20(4) or Section 26, 27 or 29 is guilty of an offence and liable on summary conviction to the penalties provided for a category G offence in the *Summary Proceedings Act*.

(8) A person who violates a provision of the regulations is guilty of an offence and liable on summary conviction to the penalties provided for that offence in the regulations. 2023, c. 4, s. 36.

Regulations

- 37 (1) The Minister may make regulations
- (a) designating a highway or part of a highway as a road trail;
 - (b) restricting the use of a road trail to a class or classes of off-highway vehicles;
 - (c) restricting the conditions, times of day or times of year a road trail may be used, including restricting the times of day or times of year a road trail may be used by certain classes of off-highway vehicles;
 - (d) respecting equipment that must be installed on an off-highway vehicle for it to be allowed for use on a road trail, including prescribing different equipment that must be installed on different classes of off-highway vehicle;
 - (e) respecting equipment that must be installed on an off-highway vehicle for the vehicle to be used to transport a passenger on a road trail, including prescribing different equipment that must be installed on different classes of off-highway vehicle;
 - (f) establishing or adopting standards for equipment and helmets required under this Act.

(2) Regulations made under subsection (1) may adopt by reference or otherwise standards or specifications established or approved by the Canadian Standards Association or other testing organization with or without modifications or variations or may require that any equipment conforms to the standards or specifications established or approved by the Canadian Standards Association or other testing organization or bear the approval of the Canadian Standards Association or other testing organization.

(3) The Minister of Public Works must consent to any designation made under clause (1)(a).

(4) The Governor in Council may make regulations

- (a) prescribing a thing as a conveyance;
- (b) designating a class of vehicles as off-highway vehicles;
- (c) designating a class of off-highway vehicles as a class that may be operated on a road trail;
- (d) prescribing additional restrictions on the operation of a class of off-highway vehicles on road trails;
- (e) respecting the operation of off-highway vehicles or classes of off-highway vehicles on municipal roads;
- (f) respecting third-party liability insurance required for the operation of an off-highway vehicle on a road trail;
- (g) prescribing entities to whose vehicles Section 14 does not apply;
- (h) expanding or restricting the powers of municipalities to make bylaws under this Act;
- (i) respecting fines, including setting categories of fines and fines for specific offences against this Act or the regulations;
- (j) defining any term used but not defined in this Act;
- (k) further defining any term defined in this Act;
- (l) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the purpose of this Act.

(5) The exercise by the Minister or the Governor in Council of the powers contained in this Section is a regulation within the meaning of the *Regulations Act*. 2023, c. 4, s. 37.

Motor Vehicle Act amended

38 to 40 amendments

Off-highway Vehicles Act amended

41 and 42 amendments

Effective date

43 This Act has effect on such day as the Governor in Council orders and declares by proclamation. 2023, c. 4, s. 43.

Proclaimed - September 27, 2023
In force - September 29, 2023
