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c 113 The Motorized Snow Vehicles Act, 1974

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CHAPTER 113

The Motorized Snow Vehicles Act, 1974*Assented to December 20th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*; R.S.O. 1970,
c. 186
- (b) "driver's licence" means a valid and subsisting licence to drive a motor vehicle on a highway issued under the authority of *The Highway Traffic Act*; R.S.O. 1970,
c. 202
- (c) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow;
- (g) "permit" means a permit issued under section 2;
- (h) "public trail" means the whole of any motorized snow vehicle trail established and maintained in whole or in part by public funds;
- (i) "registration number" means a number or combination of letters and numbers allocated to a motorized snow vehicle by the Ministry on the registration thereof;

- (j) "regulations" means the regulations made under this Act;
- (k) "serviced roadway" means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulder, and, where a highway includes two or more separate serviced roadways, the term "serviced roadway" refers to any one serviced roadway separately and not to all of the serviced roadways collectively;
- (l) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings. R.S.O. 1970, c. 283, s. 1, *amended*.

Permit
required

2.—(1) The owner of a motorized snow vehicle shall not,

- (a) drive the motorized snow vehicle; or
- (b) cause or permit the motorized snow vehicle to be driven,

except under the authority of a permit for the motorized snow vehicle issued or validated under subsection 3 or except on lands occupied by the owner of the motorized snow vehicle. R.S.O. 1970, c. 283, s. 5 (1), *amended*.

Dealer
shall
register

(2) Every dealer in motorized snow vehicles who sells a new motorized snow vehicle shall register the motorized snow vehicle on behalf of the purchaser thereof with the Ministry within six days following the sale. *New*.

Issuance
of
permits

(3) Upon registration of a motorized snow vehicle by a dealer pursuant to subsection 2 or by the owner of the motorized snow vehicle and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall issue for the motorized snow vehicle a numbered permit in accordance with the regulations, bearing the registration number of the motorized snow vehicle and provide such evidence of the issue of the permit for display upon the motorized snow vehicle as may be prescribed by the regulations. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Issuance
of
validations
of
permits

(4) Upon the application of the owner of a motorized snow vehicle for which a permit has been issued and upon payment of the fee prescribed by the regulations, the Minister or any person authorized by the Minister shall validate the permit and provide such evidence of validation as may be prescribed by the regulations. *New*.

(5) The Ministry shall maintain,

Records

(a) a numerical index record of all permits issued and in force under this section; and

(b) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

(6) A permit that is issued or validated is in force during the period of time prescribed by the regulations. *New*.

Term of permit

(7) Every motorized snow vehicle, unless exempted under this Act or the regulations, shall have attached to or painted on both sides of the cowl in a clearly visible position a sign showing the registration number of the motorized snow vehicle in the form and manner prescribed in the regulations. *New*.

Registration number to be displayed

(8) Every driver of a motorized snow vehicle who fails to display on the motorized snow vehicle in the form and manner prescribed by the regulations evidence of the issue or validation of the permit, is guilty of an offence. *New*.

Display of evidence of permit

(9) This section does not apply,

Exceptions as to manufacturers, dealers, non-residents

(a) to manufacturers of motorized snow vehicles or to dealers in motorized snow vehicles in relation to motorized snow vehicles,

(i) that are kept for sale and are not driven or permitted to be driven upon a highway, or

(ii) that are not rented or leased or kept for renting or leasing to any person;

(b) to a motorized snow vehicle owned by a person who does not reside in Ontario if the vehicle is registered in some other jurisdiction and has attached to it the number plate furnished by the other jurisdiction. R.S.O. 1970, c. 283, s. 2 (4).

(10) The Minister may give authority to any person to issue permits, to validate permits and to provide evidence of such issue or validation of permits for motorized snow vehicles and may define the duties and powers of such person and may authorize and fix the fee to be retained by the person so authorized for each permit issued or validated. R.S.O. 1970, c. 283, s. 2 (6), *amended*.

Local issuance of permits

Regulations
re permits
and
registration
numbers

(11) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this section with respect to permits and registration numbers and in particular,

- (a) prescribing forms for the purposes of this section and requiring their use;
- (b) respecting the issuance, validation and replacement of permits;
- (c) prescribing the period of time during which permits shall be in force that are issued or validated for motorized snow vehicles;
- (d) prescribing fees for the issuance, validation and replacement of permits and of evidence of the issue or validation of permits;
- (e) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the issue or validation of permits on motorized snow vehicles;
- (f) respecting permits and registration numbers for and the operation of motorized snow vehicles owned by manufacturers or dealers and not kept by them for private use; and
- (g) prescribing the form and manner of displaying registration numbers. *New.*

False
statement

3.—(1) No person shall knowingly make a false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or the regulations. R.S.O. 1970, c. 283, s. 3 (1).

Change of
address

(2) Where an owner of a motorized snow vehicle changes his address as stated in an application for a permit or for a validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. R.S.O. 1970, c. 283, s. 3 (2), *amended*.

Change of
ownership

(3) Every person who sells or purchases a motorized snow vehicle shall, within six days of the sale or purchase, forward to the Ministry on the prescribed form a notice of the sale or purchase. *New.*

Registration
number to be
kept clean,
unobstructed

4. When a motorized snow vehicle is being driven, the registration number required to be displayed under subsection

7 of section 2 shall be kept free of dirt, snow and ice, in good repair and the view thereof shall not be obscured or obstructed by any part of the motorized snow vehicle or any equipment or attachment thereon or by the load carried thereon. R.S.O. 1970, c. 283, s. 4 (1), *amended*.

5.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle upon the serviced roadway of the King's Highway or of a secondary highway except to cross. *New.*

Driving on King's Highway or secondary highway

(2) The Minister may make regulations designating any part or parts of the King's Highway or a secondary highway,

Regulations

(a) across the serviced roadway of which no motorized snow vehicle may be driven;

(b) upon which motorized snow vehicles may be driven; or

(c) upon which motorized snow vehicles may not be driven. R.S.O. 1970, c. 283, s. 5 (2), *amended*.

6.—(1) In this section "local municipality" means a city, town, village or township. *New.*

Interpretation

(2) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. R.S.O. 1970, c. 283, s. 6 (1).

Local municipality may pass by-laws

(3) Where a by-law is passed under subsection 2, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. R.S.O. 1970, c. 283, s. 6 (2).

Application of subs 2

(4) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. R.S.O. 1970, c. 283, s. 6 (3).

County or municipalities may pass by-laws

(5) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county or of a district, metropolitan or regional municipality by a by-law passed under subsection 2, the council of the municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across the highway or any part thereof. *New.*

County or municipalities may pass prohibiting by-laws

Territory
without
municipal
organization

(6) The Lieutenant Governor in Council may make regulations regulating, governing or prohibiting the operation of motorized snow vehicles upon serviced roadways in territories without municipal organization.

Application
of R.S.O.
1970, c. 284

(7) Part XXI of *The Municipal Act* applies to by-laws passed under this section. R.S.O. 1970, c. 283, s. 6 (5).

Crossing
roadway

7. No person shall drive a motorized snow vehicle across a serviced roadway except at an angle of approximately 90 degrees to the direction of the serviced roadway. *New.*

Driving
along
highway

8.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle along a highway unless,

- (a) he has attained the full age of sixteen years; and
- (b) he holds a driver's licence; or
- (c) he holds a motorized snow vehicle operator's licence; or
- (d) he is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. R.S.O. 1970, c. 283, s. 7 (1), *amended.*

Driving
across
highway

(2) No person shall drive a motorized snow vehicle across a highway unless,

- (a) he has attained the full age of fourteen years; and
- (b) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle.

Driving on
public
trails

(3) No person shall drive a motorized snow vehicle upon a public trail unless,

- (a) he has attained the full age of twelve years; and
- (b) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. *New.*

9.—(1) The Minister may issue a motorized snow vehicle operator's licence to any person who has attained the full age of twelve years and who meets the requirements of this Act and the regulations authorizing the person to drive a motorized snow vehicle, subject to any conditions and for the period of time prescribed by the regulations. Minister
may issue
licence

(2) An applicant for a motorized snow vehicle operator's licence shall submit to such examinations as are prescribed by the regulations. *New.* Examin-
ations

10. The provisions of *The Highway Traffic Act*, except Part XI, and of *The Motor Vehicle Accident Claims Act* do not apply to a motorized snow vehicle or to the driving thereof. R.S.O. 1970, c. 283, s. 8. Application
of
R.S.O. 1970,
cc. 302, 281

11.—(1) No person shall drive a motorized snow vehicle upon a highway or public trail unless he is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, and the owner of a motorized snow vehicle shall not permit any person to drive the vehicle upon a highway or public trail unless the driver is so insured. Insurance

R.S.O. 1970,
c. 284

(2) The driver of a motorized snow vehicle who drives or permits the driving of the motorized snow vehicle on a highway or public trail shall, upon the request of a police officer, constable or conservation officer, produce evidence that the driver thereof is insured under a motor vehicle liability policy in accordance with *The Insurance Act*. Production
of evidence
of insurance

(3) Every driver of a motorized snow vehicle who fails to produce evidence under subsection 2 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offence for
failure to
produce
evidence

(4) Every driver of a motorized snow vehicle who produces false evidence when he is required to produce evidence under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 283, s. 9 (1-4), *amended*. Offence for
producing
false
evidence

12.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property apparently exceeding \$100, report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of, Reporting
of
collision

(a) the names and addresses of the persons involved;

(b) the date and location of the occurrence; and

(c) the circumstances under which the collision occurred.
R.S.O. 1970, c. 283, s. 10 (1), *amended*.

Disposition
of
report

(2) A police officer receiving a report of a collision under subsection 1 shall forward the report to the Registrar of Motor Vehicles within ten days of receiving it. R.S.O. 1970, c. 283, s. 10 (2).

Speed
limit

13.—(1) No person shall drive a motorized snow vehicle at a greater rate of speed than,

(a) 15 miles per hour,

(i) on a highway where the speed limit established pursuant to *The Highway Traffic Act* is 30 miles per hour or less, or

(ii) in any public park or exhibition grounds; or

(b) 30 miles per hour,

(i) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to *The Highway Traffic Act* is greater than 30 miles per hour, or

(ii) on a public trail.

Municipality
may prescribe
different
rate of
speed

(2) The council of a municipality may by by-law prescribe,

(a) a lower rate of speed for motorized snow vehicles upon any highway or part thereof under its jurisdiction; and

(b) a higher or lower rate of speed for motorized snow vehicles upon a public trail, public park or exhibition ground under its jurisdiction,

than is prescribed in subsection 1.

Lieutenant
Governor in
Council may
prescribe
different
rate of
speed

(3) The Lieutenant Governor in Council may by regulation prescribe a higher or lower rate of speed upon any public trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection 1.

By-law
effective

(4) No by-law passed under subsection 2 or regulation made pursuant to subsection 3 becomes effective until signs are erected in accordance with the regulations. *New*.

14.—(1) Subject to subsection 2, every driver of a motorized snow vehicle shall carry his driver's licence or motorized snow vehicle operator's licence with him at all times while he is operating a motorized snow vehicle and shall produce it when demanded by a police officer, constable or conservation officer.

Driver to
carry
licence

(2) A person shall not be required to carry his driver's licence or motorized snow vehicle operator's licence with him while operating a motorized snow vehicle on lands occupied by him.

Exception

(3) Every person who is unable or refuses to produce his licence in accordance with subsection 1, when requested by a police officer, constable or conservation officer, shall identify himself by giving his correct name and address to the police officer, constable or conservation officer.

Driver to
identify
self

(4) Upon the request of the owner or occupier of land upon which a person is operating a motorized snow vehicle, the person operating the motorized snow vehicle shall stop and identify himself by giving his correct name and address.

Stopping
on request

(5) Every police officer, constable or conservation officer, who, on reasonable and probable grounds, believes that a contravention of subsection 3 or 4 has been committed, may arrest without warrant any person whom the police officer, constable or conservation officer, on reasonable and probable grounds, believes has committed the contravention. *New.*

Constable
may arrest
without
warrant

15.—(1) No person shall drive a motorized snow vehicle unless it is equipped with a muffler in good working order and in constant operation and no person shall drive a motorized snow vehicle which has a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon the motorized snow vehicle.

Muffler in
working
order

(2) No person shall drive or permit to be driven any motorized snow vehicle upon which any component or device, which was required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the motorized snow vehicle was manufactured or imported into Canada, has been removed, modified or rendered inoperative.

Removing or
modifying
any
component
R.S.C. 1970,
c. 26,
(1st
Supp.)

(3) Subsections 1 and 2 do not apply to a motorized snow vehicle while it is driven in a racing area sanctioned as such by the council of the local municipality within which the racing area is located. *New.*

Exception
in
racing
area

Towing by
means of
a rigid tow
bar

16.—(1) No person shall drive a motorized snow vehicle which is towing a cutter, toboggan, sled or similar conveyance except by means of a rigid tow bar.

Towing on
serviced
roadway
prohibited

(2) No person shall drive a motorized snow vehicle which is towing a person or conveyance on a serviced roadway except to cross the serviced roadway at an angle of approximately 90 degrees to the direction of the serviced roadway.

Exception
for
unditching,
etc.

(3) This section does not apply to a person while he is driving a motorized snow vehicle for the sole purpose of unditching a stuck vehicle or conveyance or under an emergency rescue situation or while he is operating trail maintenance equipment. *New.*

Driver
shall
wear
helmet

17. No person shall drive a motorized snow vehicle or ride on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle on a serviced roadway or public trail unless he is wearing a helmet that complies with the regulations. *New.*

Vehicle
shall
bear
National
Safety
Mark

18.—(1) No person who deals in motorized snow vehicles or cutters designed to be drawn by motorized snow vehicles shall sell or offer to sell a new motorized snow vehicle or cutter manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicles Safety Act* (Canada), or that does not bear the National Safety Mark referred to therein.

R.S.C. 1970,
c. 26
(1st Supp.)

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. *New.*

Occupier's
duty of
care

19. An occupier of land owes no duty of care toward a person who is driving or riding on a motorized snow vehicle or being towed by a motorized snow vehicle upon the land and who is a trespasser or licensee except the duty to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee or do a wilful act with reckless disregard of the presence of the trespasser or licensee. *New.*

Liability
of owner

20.—(1) Where the driver of a motorized snow vehicle who is not the owner thereof is liable for damages respecting damage or injury arising out of the operation by him of the motorized snow vehicle with the consent of the owner, the owner is jointly and severally liable.

(2) Where a motorized snow vehicle is leased, the consent of the lessee of the motorized snow vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motorized snow vehicle. *New.*

21. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or the regulations or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. *New.*

22.—(1) Every person who knowingly or unknowingly trespasses on land while operating a motorized snow vehicle is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500.

(2) Subject to subsection 3, liability under subsection 1 is not affected by reason only that the accused was given permission to be on the land, unless the permission is in writing signed by the owner or occupier of the land.

(3) Subsection 2 does not apply where the land is unpatented Crown land.

(4) For the purpose of subsection 2, written permission given to a club or association shall be deemed to have been given to each member thereof.

(5) For the purpose of subsection 2, written permission for the public in general given to a club or association that is in receipt of public money shall be deemed to have been given to the public in general.

(6) No action or prosecution for a contravention of subsection 1 shall be commenced except at the request of the owner or occupier of the land or his authorized agent. *New.*

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding \$300. R.S.O. 1970, c. 283, s. 13, *amended.*

Regulations

24. —(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing rules for driving motorized snow vehicles upon a highway or any place other than a highway and requiring compliance therewith by every person driving a motorized snow vehicle;
- (b) requiring, prohibiting or regulating the use of any equipment, ornament, device, accessory, material or component in or on any motorized snow vehicle or used in connection therewith and prescribing the specifications therefor;
- (c) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or the regulations, or any statement containing information from the records of the Ministry, and prescribing the amount of such fees;
- (d) prescribing the term of validity of motorized snow vehicle operators' licences;
- (e) prescribing conditions that shall apply to motorized snow vehicle operators' licences;
- (f) prescribing the standards and specifications of helmets referred to in section 17 and providing for and requiring the identification and marking of such helmets;
- (g) providing for the erection of signs on any highway or public trail and prescribing the types of signs and the location of each type of sign;
- (h) designating classes of motorized snow vehicles which are exempt from the provisions of sections 2 and 8;
- (i) designating areas within Ontario to which any provisions of this Act or the regulations do not apply;
- (j) designating classes of persons to whom any provisions of this Act and the regulations do not apply;
- (k) respecting tests to determine the knowledge and competence of applicants for motorized snow vehicle operators' licences; and

- (1) prescribing standards required to obtain and maintain a motorized snow vehicle operator's licence.
R.S.O. 1970, c. 283, s. 12, *amended*.

(2) Any regulation made under clause *b* or *f* of subsection 1 may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is adopted. *New*.

Regulation
may adopt
by reference

(3) Every driver of a motorized snow vehicle shall obey the instructions and directions indicated on any sign erected pursuant to regulations made under clause *g* of subsection 1. *New*.

Driver
shall obey
signs

25. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is repealed.

Repeal

26.—(1) This Act, except subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

27. This Act may be cited as *The Motorized Snow Vehicles Act, 1974*.

Short title

