

NATIONAL ASSEMBLY

SECOND SESSION

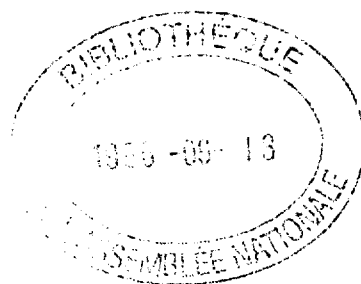
THIRTY-FIFTH LEGISLATURE

Bill 43

An Act respecting off-highway vehicles

Introduction

**Introduced by
Mr Jacques Brassard
Minister of Transport**



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EXPLANATORY NOTES

The purpose of this bill is to regulate the use and operation of off-highway vehicles both on lands in the public domain and on private land.

The bill establishes the rules for off-highway vehicle operators. It sets the minimum age required to operate an off-highway vehicle at 14, and requires a person under 16 years of age to obtain a certificate of competency. It provides that operators of off-highway vehicles who wish to use public highways may do so on certain conditions and are required to hold a driver's licence issued under the Highway Safety Code. Off-highway vehicle owners and off-highway vehicle clubs are required to take out civil liability insurance. The bill determines the equipment that must be installed on off-highway vehicles, sleighs and trailers, prescribes the equipment that must be worn by off-highway vehicle operators and passengers and sets a limit on the number of passengers permitted.

The bill also determines the operating rules for all off-highway vehicle operators. The maximum speed limit is set at 50 km/h for vehicles other than snowmobiles which may operate at 70 km/h, unless a lower speed is posted on an authorized sign or signal. Under the bill, off-highway vehicles may not be operated on public highways except in the cases determined by law.

The bill permits off-highway vehicles to be operated on land in the public domain subject to certain conditions, restrictions and prohibitions and subject to prior authorization. As for private land, the bill provides that express authorization must first be obtained.

The bill determines rules pertaining to the establishment and operation of trails by off-highway vehicle clubs and imposes on them certain obligations with respect to the laying out and maintainance of the trails and the signs and signals erected on them. Various measures concerning law enforcement and the recruiting of trail security officers are also contained in the bill.

Lastly, the bill confers regulatory powers on the Government, primarily for the purposes of safety standards, and contains various penal provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

Bill 43

An Act respecting off-highway vehicles

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to the following off-highway vehicles:

(1) a snowmobile whose net mass does not exceed 450 kilograms and whose width does not exceed 1.17 metres, equipment included;

(2) a motorized all-terrain vehicle equipped with handlebars and at least two wheels, that is designed to be straddled and whose net mass does not exceed 600 kilograms;

(3) such other motorized vehicles designed to travel off a public highway as are determined by regulation.

This Act does not apply, however, to vehicles authorized pursuant to the Highway Safety Code (R.S.Q., chapter C-24.2) to travel on public highways.

On competition circuits laid out and used for the competition of motor vehicles subject to the Act respecting safety in sports (R.S.Q., chapter S-3.1), only the requirement for the operator to be at least 14 years of age applies.

CHAPTER II

MANDATORY EQUIPMENT

2. No off-highway vehicle shall be operated without the following regulatory equipment:

- (1) one white headlight;
- (2) one red tail-light;
- (3) one red stop light at the rear;
- (4) one rear-view mirror firmly attached to the left side of the vehicle;
- (5) an exhaust system;
- (6) a braking system;
- (7) a speedometer;
- (8) any other equipment determined by regulation.

Subparagraphs 3, 4 and 7 of the first paragraph apply only to vehicles built after 1 January 1998.

3. No sleigh or trailer shall be towed by an off-highway vehicle unless it is equipped with the following regulatory equipment:

- (1) one red stop light at the rear;
- (2) two red reflectors at the rear as far apart as practicable;
- (3) two red left and right side reflectors situated at an equal distance from the front and the rear;
- (4) a rigid tow bar designed to prevent overturning or swerving, which pivots 90 degrees on either side and allows pitching without compromising the overall stability;
- (5) any other equipment determined by regulation.

Subparagraph 1 of the first paragraph applies only to a sleigh or trailer towed by an off-highway vehicle built after 1 January 1998.

4. The width of a sleigh or trailer towed by an off-highway vehicle, equipment included, shall not exceed 1.5 metres.

5. No person may be transported in a sleigh or trailer towed by an off-highway vehicle except in a sleigh or trailer manufactured according to regulatory standards.

Until the coming into force of such standards, the first paragraph does not apply to the transportation of persons in a sleigh towed by a snowmobile.

6. No equipment required by sections 2 and 3 and no equipment installed by the manufacturer and necessary for the operation of an off-highway vehicle, sleigh or trailer shall be removed.

No other modification shall be made to the vehicle if the modification is susceptible of reducing its stability or braking capacity or of increasing its accelerating power.

7. All equipment prescribed by this Act or the regulations shall be kept in good working order.

CHAPTER III

AREAS OF USE

DIVISION I

GENERAL PROVISIONS

8. An off-highway vehicle may be operated on lands in the public domain, subject to the conditions, restrictions and prohibitions imposed:

(1) by the following Acts: the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01), the Forest Act (R.S.Q., chapter F-4.1), the Mining Act (R.S.Q., chapter M-13.1), the Parks Act (R.S.Q., chapter P-9), the Environment Quality Act (R.S.Q., chapter Q-2), the Watercourses Act (R.S.Q., chapter R-13), the Ecological Reserves Act (R.S.Q., chapter R-26.1), the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1) and the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);

(2) by government regulation or municipal by-law, elsewhere than in areas subject to the conditions, restrictions or prohibitions 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 abovementioned Act, the operation is subject to the authorization of the holder of the right unless otherwise provided in the abovementioned Acts.

Where a government regulation is inconsistent with a municipal by-law, the former shall prevail.

9. An off-highway vehicle may be operated on roads and private roads open to public vehicular traffic. 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.

10. An off-highway vehicle may be operated on the trails of an off-highway vehicle club referred to in section 15. However, the club may, by means of signs or signals that conform to regulatory standards and that are erected at its expense, prohibit off-highway vehicles or restrict their operation to certain types of vehicles, certain classes of persons or certain periods of time, except on trail sections situated on the roads referred to in the first paragraph of section 9 or on the other roads or highways that are not governed by the Highway Safety Code.

11. No off-highway vehicle shall be operated on a public highway within the meaning of the Highway Safety Code.

Notwithstanding the foregoing, 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 the purposes of the work he is performing and provided that the worker complies with the highway traffic rules;

(2) cross a road at right angles, provided that a crossing for off-highway vehicles is indicated by a road sign or signal, that the roadway is not marked off by a solid single or double centre line and that the sight distance of approaching vehicles is at least 200 metres;

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

(4) be operated on the roadway, where authorized by a sign or signal, for a maximum distance of 500 metres to reach a trail referred to in section 15, 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, if all other access to those locations is obstructed, provided that the operator complies with the highway traffic rules;

(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; and

(6) be operated on all or part of a road maintained by the Minister or a municipality and determined by a regulation of the Minister or a by-law of the municipality, on the conditions, during the periods of time and for the types of vehicle determined in the regulation or by-law, provided that the operator complies with the highway traffic rules.

The operation of an off-highway vehicle as provided in subparagraphs 1, 2, 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.

12. No off-highway vehicle may be operated within such distance as is fixed by municipal by-law or, if no distance is fixed, within 30 metres from a dwelling, a facility operated by a health-care institution or an area reserved for cultural, educational, recreational or sports activities, except

(1) with the express authorization of the owner or lessee of the dwelling or reserved area;

(2) on a public highway on the conditions set out in this Act;

(3) on a road or private road open to public vehicular traffic;

(4) on a trail laid out on an abandoned railroad right-of-way and indicated on the development plan of a regional county municipality or urban community; or

(5) in any other place determined by government regulation.

13. No authorization under this Act to operate an off-highway vehicle shall have the effect of exempting the operator of the vehicle from the obligation to comply with any condition, restriction or prohibition imposed by the competent authorities, including the payment of duties.

The provisions of this Act or of a municipal by-law that prohibit or restrict such operation do not apply

(1) to vehicles used by peace officers in the performance of their duties; and

(2) to vehicles used by trail security officers, by a worker in the performance of work being carried out, or by any other person for emergency or rescue operations, except on a public highway within the meaning of the Highway Safety Code.

14. No cause of civil action lies for any damage arising from the operation of a vehicle to which this Act applies on land in the public domain off a trail referred to in section 15 and resulting from a defective layout, sign or signal or from the faulty maintenance of an area of use referred to in this Act.

DIVISION II

OFF-HIGHWAY VEHICLE CLUB TRAILS

15. 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 land in the public domain, according to law, to the express authorization of the Minister or the body having authority over the land or responsible for the management or administration of 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.

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

In addition, the club is responsible for safety and shall see that the provisions of this Act and the regulations are complied with, in particular by means of trail security officers.

17. Every off-highway vehicle club laying out or operating a trail shall each year take out civil liability insurance in an amount of not less than \$2,000,000.

CHAPTER IV

OFF-HIGHWAY VEHICLE OPERATING RULES

DIVISION I

OPERATORS' RULES

18. Every operator of an off-highway vehicle must be 14 years of age or over.

If the operator is under 16 years of age, he must hold a certificate obtained from an officer authorized by the Government and that attests that the operator has the competence and knowledge required to operate an off-highway vehicle, unless the operator is otherwise authorized to operate an off-highway vehicle under legislation in force in his place of residence.

To operate an off-highway vehicle on a public highway as provided in this Act, a person must hold a licence authorizing him under the Highway Safety Code to drive a road vehicle on such a highway and must comply with the conditions and restrictions attached to the licence.

19. The owner of any off-highway vehicle shall hold a civil liability insurance contract in an amount of not less than \$500,000 that covers bodily injury and property damage caused by the vehicle.

20. The operator of an off-highway vehicle shall carry with him the vehicle registration certificate issued under the Highway Safety Code, the civil liability insurance certificate, proof of age and, where applicable, the certificate of competence or the authorization to drive the vehicle.

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

21. No operator of an off-highway vehicle shall carry a number of passengers in or on the vehicle greater than the capacity specified by the manufacturer.

In the absence of such specification, an operator shall not carry more than one passenger on a snowmobile and shall not carry any passenger on other off-highway vehicles.

A passenger or additional passenger may be transported if the vehicle has additional equipment that is designed for that purpose and that is installed according to the manufacturer's specifications.

22. No person shall tow more than one sleigh or trailer with an off-highway vehicle.

23. No person shall ride in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle unless he is wearing footwear and the following regulatory equipment:

- (1) a protective helmet;
- (2) safety glasses if the protective helmet has no visor;
- (3) any other equipment prescribed by regulation.

24. No person shall consume alcoholic beverages in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle.

DIVISION II

TRAFFIC RULES

25. The operator of an off-highway vehicle shall comply with the signs or signals posted in accordance with this Act and the regulations and shall obey the orders or signals of a peace officer or trail security officer responsible for directing traffic. In case of contradiction between the posted signs or signals and an officer's orders or signals, the latter shall prevail.

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

27. Subject to any regulatory sign or signal that prescribes a lower rate of speed on a trail referred to in section 15 or on a road or private road open to public vehicular traffic, the maximum rate of speed for a snowmobile is 70 km/h and the maximum rate of speed for any other off-highway vehicle is 50 km/h.

The first paragraph does not apply on a public highway.

28. The operator of an off-highway vehicle shall keep the white headlight and the red tail-light turned on while operating the vehicle.

29. The rear-view mirror, headlight, stop light or tail-light of an off-highway vehicle and the light and reflectors of a sleigh or trailer towed by an off-highway vehicle must not be soiled to the point of being inefficient.

30. The operator of an off-highway vehicle shall drive the vehicle as close to the right hand side of the road or trail as is practicable.

The operator may deviate from such position only to avoid an obstruction or to pass another off-highway vehicle. He shall, in such a case, yield to an oncoming off-highway vehicle and give priority to any road vehicle other than an off-highway vehicle.

31. The operator of an off-highway vehicle shall keep the vehicle at a safe distance behind all preceding vehicles, having regard to speed, traffic density, atmospheric conditions and road or trail conditions.

32. An operator of an off-highway vehicle intending to turn left onto a road or trail on which traffic can travel in both directions shall yield to oncoming traffic that is so close that it constitutes a hazard.

33. No person shall use a trail referred to in section 15 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 to cross as safely and as directly as possible without interfering with traffic.

That prohibition does not apply on a trail section situated on the negotiable portion of a road open to public vehicular traffic.

34. No person shall damage or obstruct a trail or interfere with traffic on a trail.

35. No person, except a peace officer, trail security officer or the maintenance personnel of a trail referred to in section 15, shall use an off-highway vehicle equipped with a rotating lamp or flashing lights.

Only a vehicle used by a peace officer may be equipped with a blue rotating lamp or flashing lights.

A vehicle used by a trail security officer may be equipped with a red rotating lamp or flashing lights.

Every maintenance vehicle in use on a trail referred to in section 15 must be equipped with an amber rotating lamp or flashing lights in operation.

36. Any rate of speed and any action susceptible of endangering the life or safety of persons or of causing damage to property is prohibited while an off-highway vehicle is being used or a sleigh or trailer is being towed by an off-highway vehicle.

CHAPTER V

ENFORCEMENT

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

(1) the inspectors and investigators appointed under the Act to ensure safety in guided land transport (R.S.Q., chapter S-3.3);

(2) the persons recruited by an off-highway vehicle club who satisfy the conditions determined by regulation.

38. For the purpose of ensuring compliance with this Act and the regulations, a peace officer may, in the performance of his duties,

(1) enter, at any reasonable time, upon the premises of an off-highway vehicle club laying out or operating a trail to examine and make copies of books, registers, accounts, records and other documents containing information relating to the obligations imposed upon the club by this Act;

(2) travel to any place in which an off-highway vehicle is being operated;

(3) order a vehicle to which this Act applies to stop, and inspect the mandatory equipment of the vehicle and, where applicable, of the sleigh or trailer;

(4) require the operator of an off-highway vehicle to produce proof of age and, where applicable, the certificate of competence or the authorization to drive;

(5) require the operator of an off-highway vehicle who is using a public highway to produce his driver's licence;

(6) require the vehicle registration certificate issued under the Highway Safety Code and the civil liability insurance certificate to be produced.

A trail security officer may, on the same conditions, exercise the powers referred to in subparagraphs 3, 4 and 6 of the first paragraph.

Every person who has the custody or possession of or control over such documents shall, on demand, surrender the documents for examination to the person conducting the inspection.

Upon completion of the examination, the peace officer or trail security officer shall 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.

39. 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, he may seize any thing that may constitute evidence of the offence.

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

40. On the same conditions, a peace officer and a trail security officer may impound a vehicle or cause it to be impounded or store a vehicle or cause it to be stored 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 impounding or storing.

41. A trail security officer is not authorized, notwithstanding article 98 of the Code of Penal Procedure, to make searches.

42. A peace officer and a trail security officer must, on request, identify themselves and show their badge or the certificate attesting their capacity.

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

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

45. The clerk of a court of justice or a person under his authority shall send notice to the Société de l'assurance automobile du Québec of any conviction for an offence under section 19.

CHAPTER VI

REGULATORY PROVISIONS

46. The Government may make regulations

(1) subjecting motor vehicles intended to be operated off public highways to the application of this Act;

(2) exempting certain types of off-highway vehicles and their operators from the application of all or any of the provisions of this Act and determining the conditions and special rules applicable to them;

(3) exempting certain types of vehicles and their operators from the application of all or any of the provisions of this Act where they operate in a territory it determines that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code, and determining the conditions and special rules applicable to them;

(4) prescribing mandatory safety equipment for off-highway vehicles, sleighs and trailers;

(5) establishing standards for the manufacture, installation and use of mandatory equipment for off-highway vehicles, trailers and sleighs;

(6) establishing, for sleighs and trailers, standards for their manufacture, which may vary according to whether they are to be used for the transport of persons or property;

(7) establishing standards relating to the intensity, shape and dimensions of headlights, tail-lights, reflectors, rotating lamps and flashing lights;

(8) in the places it determines on lands in the public domain, elsewhere than in the places subject to the conditions, restrictions and prohibitions referred to in subparagraph 1 of the first paragraph of section 8, prohibiting off-highway vehicles or restricting the operation of them to certain types of vehicles or to certain periods of time and, in the latter cases, determining special operating conditions;

(9) determining the circumstances in which off-highway vehicles may be operated on a public highway, off the roadway and ditch area;

(10) determining the places where off-highway vehicles may be operated, on the conditions it indicates, within 30 metres from a dwelling or reserved area and special operating conditions in those places;

(11) fixing the conditions to be met by persons applying to become trail security officers and fixing the rules of conduct to be observed by each such officer;

(12) establishing standards relating to signs or signals on trails and other areas of use referred to in this Act, including the conditions on which they are to be erected and the properties of the materials to be used to manufacture them;

(13) determining the obligations of the operator of an off-highway vehicle and those of passengers in or on such a vehicle, sleigh or trailer towed by an off-highway vehicle, and prohibiting certain behaviour or certain uses or practices in the area of use it indicates;

(14) establishing standards for protective helmets and safety glasses to be worn by operators and passengers, and for any other prescribed equipment;

(15) determining the regulatory provisions under this section the violation of which constitutes an offence.

The regulatory standards established under this section may include exceptions and may vary according to the types, places of operation or purposes of use of off-highway vehicles determined by the Government.

47. The Minister may, by regulation, allow certain types of off-highway vehicles to be operated on all or part of a public highway maintained by him, on the conditions and for the period of time he indicates.

48. Every local municipality may pass by-laws

(1) fixing the distance within which off-highway vehicles may not be operated pursuant to section 12; and

(2) in the places it determines on lands in the public domain, elsewhere than in the places subject to the conditions, restrictions and prohibitions referred to in subparagraph 1 of the first paragraph of section 8, prohibiting off-highway vehicles or restricting the operation of them to certain types of vehicles or to certain periods of time and, in the latter cases, determining special operating conditions.

49. The power to prohibit or restrict the operation of off-highway vehicles or to prescribe rates of speed lower than the rate fixed in this Act by means of a sign or signal conferred on the owner of a road or private road open to public vehicular traffic or on the maintenance authority and on a club operating a trail 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 serve a notice on the owner, maintenance authority or club, as the case may be, enjoining the offender to take the necessary corrective measures or to remove the non-conforming sign or signal. If the offender does not comply with the notice within 48 hours, the Minister may have the sign or signal removed or replaced at the offender's expense.

CHAPTER VII

PENAL PROVISIONS

50. The owner of an off-highway vehicle that does not conform with the provisions of sections 5 and 7 is guilty of an offence and is liable to a fine of \$100 to \$200.

51. The operator of an off-highway vehicle towing a sleigh or trailer that does not conform with the provisions of sections 3, 4 and 7 is guilty of an offence and is liable to a fine of \$100 to \$200.

52. The operator of an off-highway vehicle who contravenes any of the provisions of a regulation or by-law referred to in subparagraph 2 of the first paragraph of section 8 is guilty of an offence and is liable to a fine of \$100 to \$200.

53. The operator of an off-highway vehicle who contravenes any of the provisions of the second paragraph of section 20 or of sections 22 and 28 or whose vehicle, sleigh or trailer has equipment that does not conform with the provisions of section 29 is guilty of an offence and is liable to a fine of \$50 to \$100.

54. A person who contravenes any of the regulatory provisions determined pursuant to subparagraph 15 of the first paragraph of section 46 is guilty of an offence and is liable to a fine of \$100 to \$200.

55. A person who modifies or removes equipment in contravention of any of the provisions of section 6 as well as any person who requested, authorized or tolerated the modification or removal is guilty of an offence and is liable to a fine of \$100 to \$200.

56. The operator of an off-highway vehicle who contravenes any of the provisions of sections 5, 11 and 12, the first paragraph of section 20, sections 21, 25 and 30 to 32, is guilty of an offence and is liable to a fine of \$100 to \$200 or, in the case of an offence relating to the maximum posted rate of speed, to a fine of \$250 to \$500.

57. A person who contravenes any of the provisions of sections 23, 24, 26, 33 and 34 is guilty of an offence and is liable to a fine of \$100 to \$200.

58. The owner of an off-highway vehicle who contravenes section 19 is guilty of an offence and is liable to a fine of \$250 to \$500.

59. A person who hinders a peace officer or a trail security officer, either by concealment or false declaration or by concealing or destroying a document relevant to an inspection is guilty of an offence and is liable to a fine of \$250 to \$500.

60. The operator of an off-highway vehicle who contravenes any of the provisions of the second and third paragraphs of section 18, section 27 or the first two paragraphs of section 35 is guilty of an offence and is liable to a fine of \$250 to \$500.

61. A person who contravenes section 36 is guilty of an offence and is liable to a fine of \$250 to \$500.

62. The owner of a maintenance vehicle that is being used on a trail referred to in section 15 without an amber rotating lamp or flashing lights and an operator using such a vehicle when the rotating lamp or flashing lights are not in operation are guilty of an offence and are liable to a fine of \$500 to \$1,000.

63. A club that contravenes any of the provisions of the second paragraph of section 15 or of section 16 is guilty of an offence and is liable to a fine of \$500 to \$1,000.

64. A club that contravenes section 17 is guilty of an offence and is liable to a fine of \$1,000 to \$2,000.

65. In the case of an offence referred to in sections 63 and 64, any director, officer, representative or employee of a club 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 club has been prosecuted or convicted.

66. In the case of an offence committed by a legal person, any director, officer, representative or employee of the 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 convicted.

67. Any person who, having authority over a child or being the owner or custodian of a vehicle, allows a child under 14 years of age to operate an off-highway vehicle or a child under 16 years of age to operate such a vehicle without holding a certificate of competence, or where applicable, without being otherwise authorized to do so, or who tolerates such operation, is guilty of an offence and is liable to a fine of not less than \$500.

68. In the case of a second or subsequent offence, the fine prescribed in sections 50 to 67 is doubled.

69. 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 on its territory.

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

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 366 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.

CHAPTER VIII

AMENDING PROVISIONS

70. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding, at the end, the following paragraph:

“Unless otherwise provided, this Code applies to off-highway vehicles only for the purposes of registration and identification of the vehicle by means of a number affixed to it.”

71. Section 4 of the said Code is amended by inserting, after the definition of “municipality”, the following definition:

““off-highway vehicle” means a vehicle to which the Act respecting off-highway vehicles (1996, chapter *insert here the chapter number of this Act*) applies;”.

72. Section 14 of the said Code is amended by replacing paragraph 3 by the following paragraph:

“(3) an off-highway vehicle used exclusively on a competition circuit laid out and used for the competition of motor vehicles subject to the Act respecting safety in sports (R.S.Q., chapter S-3.1) and, in the cases provided for by regulation, an off-highway vehicle to which the Act respecting off-highway vehicles applies and a recreation vehicle;”.

73. Section 15 of the said Code is amended by inserting the words “, other than a snowmobile to which the Act respecting off-highway vehicles applies,” after the word “snow” in the first line of paragraph 5.

74. Section 180 of the said Code is amended by inserting the words “including an off-highway vehicle,” after the word “vehicle” in the sixth line of the first paragraph.

75. Section 189 of the said Code is amended by adding, at the end, the following paragraph:

“The Société must also prohibit an off-highway vehicle from being put back into operation upon receiving the notice referred to in section 45 of the Act respecting off-highway vehicles.”

76. Section 421.1 of the said Code is amended

(1) by inserting the words “other than an off-highway trail maintenance vehicle referred to in section 35 of the Act respecting off-highway vehicles” after the word “tracks” in the second line of the second paragraph;

(2) by adding, at the end of the second paragraph, the words “, or to operate an off-highway vehicle on a public highway on the conditions set out in that Act”.

77. Section 550 of the said Code is amended by replacing the words “paragraph 2 of section 189” in the fourth and fifth lines of the first paragraph by the words “subparagraph 2 of the first paragraph and the second paragraph of section 189”.

78. Section 618 of the said Code is amended by replacing paragraph 6 by the following paragraph:

“(6) determine the farm machinery that is exempt from registration and the cases where a vehicle to which the Act respecting off-highway vehicles applies, a tractor owned by a farmer, a recreation vehicle and a vehicle designed to be used mainly on snow, other than a snowmobile to which the Act respecting off-highway vehicles applies, are exempt from registration;”.

79. Section 621 of the said Code is amended by striking out paragraphs 33 and 34.

80. Paragraph 14 of section 626 of the said Code is replaced by the following paragraph:

“(14) permit, on the conditions and for the periods of time it fixes, off-highway vehicles or certain types of off-highway vehicles to be operated on all or part of a public highway it maintains.”

81. Section 627 of the said Code is amended by inserting the words “, the operation of off-highway vehicles on a public highway” after the word “substances” in the sixth line of the first paragraph.

82. Sections 645 and 645.2 of the said Code are repealed.

83. Section 5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, in the first paragraph, the following subparagraph:

“(7) certain provisions of the Act respecting off-highway vehicles (1996, chapter *insert here the chapter number of this Act*) and certain provisions of the regulations under it provided for by regulation.”

84. Section 8 of the said Act is amended by inserting, after subparagraph 4 of the first paragraph, the following subparagraph:

“(5) certain provisions of the Act respecting off-highway vehicles (1996, chapter *insert here the chapter number of this Act*) and certain provisions of the regulations under it provided for by regulation.”

85. Section 162 of the said Act is amended by inserting the words “as well as the provisions of the Act respecting off-highway vehicles (1996, chapter *insert here the chapter number of this Act*) and the regulations thereunder” after the word “thereunder” in the third and fifth lines of paragraph 2.

86. The Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting, after section 8, the following section:

“8.1 This Act and the regulations prevail over any inconsistent provision of the Act respecting off-highway vehicles (1996, chapter *insert here the chapter number of this Act*) and of the regulations thereunder.”

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

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

88. The Regulation respecting snowmobiles (R.R.Q., 1981, chapter C-24, r.21) and the Regulation respecting all-terrain vehicles made by Order in Council 58-88 dated 13 January 1988 are deemed

to be regulations made under this Act to the extent that they are consistent herewith, and each of their provisions is deemed to be a provision determined under subparagraph 15 of the first paragraph of section 46, the violation of which constitutes an offence.

89. The provisions of this Act will come into force on the date or dates fixed by the Government.