

Bill 71

**An Act respecting off-highway vehicles**

Section 4

**AMENDMENT:**

Insert “on private land elsewhere than on a trail” after “tested” in subparagraph 1 of the first paragraph.

Adopté  
APC

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Section 15

**AMENDMENT:**

Add “, including for measures to compensate for damage caused to owners of farm land on which trails have been laid out or which is situated in the neighbourhood of trails” after “such disputes” at the end of paragraph 4.

*Adopté  
APC*

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Section 19

**AMENDMENT:**

1. In the second paragraph:

(a) Replace “the reality or remoteness of certain communities” by “the reality of certain communities or their remoteness from the road network”.

(b) Add “The different standards so fixed may, subject to a verification of those qualifications and aptitudes, provide for an age lower than that fixed in section 16.” at the end.

2. Insert “, after consulting with the Société de l’assurance automobile du Québec,” after “determine” in the introductory clause of the third paragraph.

Adopté  
APC

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Section 24

**AMENDMENT:**

Replace by:

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

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

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

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

Adopté  
APC

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Section 25

**AMENDMENT:**

Replace the third paragraph by:

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

Adopté  
APC

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Section 21

**AMENDMENT:**

Replace subparagraph 2 of the first paragraph of section 21 by the following subparagraph:

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

*Adopté  
APC*

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Section 31

**AMENDMENT:**

Replace the first paragraph by:

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

Adopté  
APC

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Section 33

**AMENDMENT:**

1. Replace “referred to in” in the first paragraph by “covered by”.
2. Replace “proceedings to contest” in subparagraph 5 of the second paragraph by “contestation proceedings”.

Adopté  
APC



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Section 47

**AMENDMENT:**

Insert "or rural" after "natural" in the first paragraph.

Adopté  
APC

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Section 48

**AMENDMENT:**

1. Replace the first paragraph by the following paragraphs:

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

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

2. Insert "natural" after "undeveloped" in the second paragraph.

Adopté  
APL

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Section 52

**AMENDMENT:**

Replace the fourth paragraph by:

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

Adopté  
APC

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Section 54

**AMENDMENT:**

In the first paragraph:

1. Replace subparagraph 1 by:

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

2. Replace “850 kg” in subparagraph 2 by “950 kg”.

*Adopté  
APC*

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Section 56

**AMENDMENT:**

Insert after the first paragraph:

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

Adopté  
APC

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Heading of subdivision 5 of Division II of Chapter III and section 62.1

**AMENDMENT:**

Replace what precedes section 63 by:

§5. — *Excessive noise and exhaust system*

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

Adopté  
APC

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Section 63

**AMENDMENT:**

1. Add “that complies with the standards prescribed by government regulation” at the end of the first paragraph.
2. Insert “, does not comply with the standards” after “defective” in the third paragraph.

Adopté  
APC

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Section 112

**AMENDMENT:**

Replace paragraph 5 by:

(5) a vehicle operator who operates a vehicle in contravention of section 62.1 or section 63;

(5.1) an owner who allows a person to operate a vehicle that is not compliant with section 63, or tolerates a person doing so, or who allows or causes repairs or modifications to be carried out in contravention of section 63;

(5.2) a person who sells or distributes equipment in contravention of section 63;

(5.3) a repairer or person who carries out work on a vehicle in contravention of section 63 or the second paragraph of section 66;

Adopté  
APC



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Section 113

**AMENDMENT:**

1. Replace “section 63 or 64” and “of section 63 or 66” in paragraph 2 by “section 64” and “of section 66”, respectively.
2. Replace “of section 63 or 66” in paragraph 3 by “of section 66”.

Adopté  
APC

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Section 117

**AMENDMENT:**

Insert “, section 59, 61 or 63” after “section 52” in paragraph 2.

*Adopté  
APC*

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Section 138.1

**AMENDMENT:**

Insert after section 138:

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

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

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

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

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

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

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

Adopté  
APC

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Section 138.2

**AMENDMENT:**

Insert after section 138.1:

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

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

*Adopté  
APC*

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Section 138.3

**AMENDMENT:**

Insert after section 138.2:

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

**“DIVISION 6.1**

**“TRANSITIONAL PROVISIONS**

**“28.2.** Despite section 11.2.4, if the exhaust system of a snowmobile is not compliant with that section on *(insert the date of assent to this Act)*, the owner has one year after that date to make it compliant with that section.”

Adopté  
APC

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Section 72

**AMENDMENT:**

In the second paragraph:

1. In subparagraph 4, insert “of an off-highway vehicle club” after “trail” and replace “all other access” by “the most direct access”.
2. Add “; the operation that may be authorized by such a by-law is limited to that allowing the most direct access to a club’s trail or to any of the areas referred to in subparagraphs 1 and 4” at the end of subparagraph 6.

Adopté  
APC

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Section 75

**AMENDMENT:**

Strike out "immediate" in the second paragraph.

Adopté  
APC

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Section 70

**AMENDMENT:**

Replace “certain classes of persons,” in the first paragraph by “certain classes of operators, certain purposes for which vehicles are operated”.

Adopted  
APC



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Section 76

**AMENDMENT:**

Replace by:

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

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

Adopté  
APC

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Section 83

**AMENDMENT:**

Add at the end of section 83:

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

Adopté  
APC

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Section 95

**AMENDMENT:**

1. Replace “persons responsible for trail maintenance” in the first paragraph by “maintenance authorities”.
2. Replace “person responsible for trail maintenance” in the second paragraph by “maintenance authority”.

Adopté  
APC

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Section 97

**AMENDMENT:**

1. In the first paragraph,

(a) Insert “and elsewhere than in a dwelling house” after “at any reasonable time” in subparagraph 1.

(b) Insert after subparagraph 9:

(10) require a lessor, a club, a person offering guide services or any other person or enterprise whose activities are governed by this Act to provide any information relating to the application of its provisions and to produce any relevant document.

2. Replace “referred to in” in the second paragraph by “governed by”.

3. Insert “on the same conditions as a peace officer,” after “in addition,” in the third paragraph.

Adopté  
APC

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Section 109

**AMENDMENT:**

Replace by:

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

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

Adopté  
APC

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Section 129.1

**AMENDMENT:**

Insert after section 129:

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

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

Adopté  
APC