

Motorized Snow Vehicles Act

R.S.O. 1990, CHAPTER M.44

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Definitions

1. In this Act,

“conservation officer” means a conservation officer under the *Fish and Wildlife Conservation Act, 1997*; (“agent de protection de la nature”)

“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*; (“permis de conduire”)

“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; (“voie publique”)

“median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground; (“terre-plein central”)

“Minister” means the Minister of Transportation; (“ministre”)

“Ministry” means the Ministry of Transportation; (“ministère”)

“motorized snow vehicle” means a self-propelled vehicle designed to be driven primarily on snow; (“motoneige”)

“permit” means a permit issued under section 2; (“permis”)

“registration number” means a number or combination of letters and numbers allocated to a motorized snow vehicle by the Ministry on the registration thereof; (“numéro d’immatriculation”)

“regulations” means the regulations made under this Act; (“règlements”)

“school bus” means a school bus as defined in section 175 of the *Highway Traffic Act*; (“autobus scolaire”)

“serviced roadway” means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the ploughed portion of 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; (“chaussée entretenue”)

“trail” means the whole of any trail established and maintained by a recreational organization for the use of motorized snow vehicles; (“piste”)

“trail permit” means a permit issued under section 2.1; (“permis de conduire sur une piste”)

“validate” means render in force for the period of time prescribed by the regulations, and “validation” and “validated” have corresponding meanings. (“valider”, “validation”, “validé”) R.S.O. 1990, c. M.44, s. 1; 1997, c. 41, s. 122; 2000, c. 30, s. 1.

Permit and registration requirements

Permit needed for driving

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. 1990, c. M.44, s. 2 (1).

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. R.S.O. 1990, c. M.44, s. 2 (2).

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 Minister 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. 1990, c. M.44, s. 2 (3); 2000, c. 30, s. 2 (1).

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. R.S.O. 1990, c. M.44, s. 2 (4).

Records

- (5) The Ministry shall maintain,
 - (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. 1990, c. M.44, s. 2 (5).

Term of permit

(6) A permit that is issued or validated is in force during the period of time prescribed by the regulations. R.S.O. 1990, c. M.44, s. 2 (6).

Registration number to be displayed

(7) Every motorized snow vehicle, unless exempted under this Act or the regulations, shall have attached to or painted on both sides of the cowling 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. R.S.O. 1990, c. M.44, s. 2 (7).

Display of evidence of permit

(8) Every driver of a motorized snow vehicle shall display evidence of the issue or validation of the permit on the motorized snow vehicle in the form and manner prescribed by the regulations. 2000, c. 30, s. 2 (2).

Offence for failing to have a permit

(8.1) Every driver of a motorized snow vehicle who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2000, c. 30, s. 2 (3).

Exceptions as to manufacturers, dealers, non-residents

(9) This section does not apply,

- (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. 1990, c. M.44, s. 2 (9).

Local issuance of permits

(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, despite section 2 of the *Financial Administration Act*, may authorize and fix the fee to be retained by the person so authorized for each permit issued or validated. R.S.O. 1990, c. M.44, s. 2 (10); 2000, c. 30, s. 2 (4).

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. R.S.O. 1990, c. M.44, s. 2 (11).

Trail permit required

2.1 (1) No person shall drive a motorized snow vehicle upon a prescribed trail except under the authority of, and in accordance with, a trail permit for the motorized snow vehicle issued under subsection (2) or except on lands occupied by the owner of the motorized snow vehicle. 2000, c. 30, s. 3.

Issuance of trail permits

(2) Upon the application of the owner of a motorized snow vehicle and payment of the required fee, the Minister or any person authorized by the Minister shall,

- (a) issue for the motorized snow vehicle a numbered trail permit in accordance with the regulations; and
- (b) provide such evidence of the issue of the trail permit for display upon the motorized snow vehicle as may be prescribed by the regulations. 2000, c. 30, s. 3.

Validity of trail permit

(3) A trail permit is valid during the period of time prescribed by the regulations. 2000, c. 30, s. 3.

Display of evidence of trail permit

(4) Every driver of a motorized snow vehicle upon a prescribed trail shall display evidence of the issue of the trail permit on the motorized snow vehicle in the form and manner prescribed by the regulations. 2000, c. 30, s. 3.

Local issuance of trail permits

(5) The Minister may give authority to any person to issue trail permits and to provide evidence of such issue of trail permits and may define the duties and powers of such person and, despite section 2 of the *Financial Administration Act*, may authorize the fee to be retained by the person so authorized for each trail permit issued. 2000, c. 30, s. 3.

Offence

(6) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2000, c. 30, s. 3.

Fees

(7) The Minister may establish fees for the issuance and replacement of trail permits and for evidence of the issue of trail permits. 2000, c. 30, s. 3.

Regulations re trail permits

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

- (a) prescribing trails or classes of trails, or parts of trails or classes of trails, on which trail permits are required;
- (b) respecting the issuance and replacement of trail permits;
- (c) prescribing the term of validity of trail permits;
- (d) governing the form and manner of displaying evidence of the issue of trail permits on motorized snow vehicles;
- (e) prescribing records to be kept by the Ministry, or by a person authorized under subsection (5) to issue trail permits, with respect to the issuance of trail permits. 2000, c. 30, s. 3.

Administrative requirements

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. 1990, c. M.44, s. 3 (1).

Change of address

(2) Where an owner of a motorized snow vehicle changes his, her or its 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, the owner shall within six days send by registered mail to or file with the Ministry notice of the new address. R.S.O. 1990, c. M.44, s. 3 (2).

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. R.S.O. 1990, c. M.44, s. 3 (3).

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 2 (7) 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. 1990, c. M.44, s. 4.

Driving on King's Highway or secondary highway

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. R.S.O. 1990, c. M.44, s. 5 (1).

Regulations

- (2) The Minister may make regulations designating any part or parts of the King's Highway or a secondary highway,
- (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. 1990, c. M.44, s. 5 (2).

Duty of driver when school bus stopped on highway

6. (1) Every driver of a motorized snow vehicle, when approaching or overtaking on a highway a stopped school bus that has two red signal-lights flashing, shall stop the motorized snow vehicle before reaching the school bus and shall not proceed until the signal-lights are no longer operating. R.S.O. 1990, c. M.44, s. 6 (1).

Exception to subs. (1)

(2) Subsection (1) does not apply to a driver of a motorized snow vehicle on a highway with a median strip who is approaching a school bus that is stopped on the other side of the median strip. R.S.O. 1990, c. M.44, s. 6 (2).

Municipal by-laws, etc.

7. (1) REPEALED: 2002, c. 17, Sched. F, Table.

Local municipality may pass by-laws

(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. 1990, c. M.44, s. 7 (2).

Application of subs. (2)

(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. 1990, c. M.44, s. 7 (3).

Upper-tier municipality may pass by-laws

(4) The council of an upper-tier 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. 1990, c. M.44, s. 7 (4); 2002, c. 17, Sched. F, Table.

Upper-tier municipality may pass prohibiting by-laws

(5) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of an upper-tier municipality by a by-law passed under subsection (4), 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. R.S.O. 1990, c. M.44, s. 7 (5); 2002, c. 17, Sched. F, Table.

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. R.S.O. 1990, c. M.44, s. 7 (6).

Enforcement

(7) Part XIV of the *Municipal Act, 2001* or Part XV of the *City of Toronto Act, 2006*, as the case may be, applies to by-laws passed under this section. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 32.

Crossing roadway

8. 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. R.S.O. 1990, c. M.44, s. 8.

Driving requirements

Driving along highway

- 9.** (1) Subject to subsection (2), no person shall drive a motorized snow vehicle along a highway unless,
- (a) the person has attained the full age of sixteen years; and
 - (b) the person holds a driver's licence; or
 - (c) the person holds a motorized snow vehicle operator's licence; or
 - (d) the person is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes the person to drive a motorized snow vehicle. R.S.O. 1990, c. M.44, s. 9 (1).

Driving across highway

- (2) No person shall drive a motorized snow vehicle across a highway unless,
- (a) the person has attained the full age of sixteen years; and
 - (b) the person 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 the person to drive a motorized snow vehicle. R.S.O. 1990, c. M.44, s. 9 (2).

Driving on trails

- (3) No person shall drive a motorized snow vehicle upon a trail unless,
- (a) the person has obtained the full age of twelve years; and
 - (b) the person 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 the person to drive a motorized snow vehicle. R.S.O. 1990, c. M.44, s. 9 (3).

Operator's licences

10. (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. R.S.O. 1990, c. M.44, s. 10 (1).

Examinations

(2) An applicant for a motorized snow vehicle operator's licence shall submit to such examinations as are prescribed by the regulations. R.S.O. 1990, c. M.44, s. 10 (2).

Local issuance of licences

(3) The Minister may give authority to any person to issue motorized snow vehicle operator's licences and may define the duties and powers of such person and, despite section 2 of the *Financial Administration Act*, may authorize and fix the fee to be retained by the person so authorized for each motorized snow vehicle operator's licence issued. 2000, c. 30, s. 4.

(4) REPEALED: 2000, c. 30, s. 4.

Crown liability, delegation

Crown not liable for delegate's acts

10.1 (1) No action or other proceeding shall be instituted against the Crown, the Minister or any employee of the Ministry,

- (a) for any act done in good faith in the execution or intended execution of a power or duty delegated under subsection 2 (10), 2.1 (5) or 10 (3) or for an alleged neglect or default in the execution in good faith of a power or duty delegated under those subsections; or
- (b) for any tort committed by a delegate or an employee or agent of a delegate in relation to a power or duty delegated under subsection 2 (10), 2.1 (5) or 10 (3). 2000, c. 30, s. 5.

Crown not liable for delegation

(2) No action or other proceeding shall be instituted against the Crown, the Minister or any officer or employee of the Ministry for any act done in good faith in the execution or intended execution of a power or duty under subsection 2 (10), 2.1 (5) or 10 (3) or for any alleged neglect or default in the execution in good faith of a power or duty under those subsections. 2000, c. 30, s. 5.

Exception

(3) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (2) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (2) to which it would otherwise be subject. 2000, c. 30, s. 5.

Application of certain Acts

11. The *Highway Traffic Act*, except Part XII, and the *Motor Vehicle Accident Claims Act*, except section 6, do not apply to a motorized snow vehicle or to the driving thereof. R.S.O. 1990, c. M.44, s. 11.

Insurance

12. (1) No person shall drive a motorized snow vehicle unless the vehicle 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 unless the vehicle is so insured. 2000, c. 30, s. 6 (1).

Production of evidence of insurance

(2) The driver of a motorized snow vehicle who drives or permits the driving of the motorized snow vehicle shall, upon the request of a police officer or conservation officer, produce evidence that the vehicle is insured under a motor vehicle liability policy in accordance with the *Insurance Act*. 2000, c. 30, s. 6 (1).

Offence for failure to have insurance

(3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2000, c. 30, s. 6 (1).

Offence for producing false evidence

(4) Every driver of a motorized snow vehicle who produces false evidence when required to produce evidence under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1990, c. M.44, s. 12 (4).

Exemption

(5) This section does not apply to a person driving a motorized snow vehicle on land occupied by the owner of the vehicle. R.S.O. 1990, c. M.44, s. 12 (5).

Application of Part VI of *Insurance Act*

(6) A motorized snow vehicle shall be deemed to be a motor vehicle for the purposes of Part VI of the *Insurance Act*. 2000, c. 30, s. 6 (2).

Duty to report accident

13. (1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries or in damage to property apparently exceeding \$400, report the accident forthwith to the nearest police officer and furnish the police officer with information in respect of,

- (a) the names and addresses of the persons involved;
- (b) the date and location of the occurrence; and
- (c) the circumstances under which the accident occurred. R.S.O. 1990, c. M.44, s. 13 (1); 2002, c. 17, Sched. F, Table.

Disposition of report

(2) A police officer receiving a report of an accident under subsection (1) shall forward the report to the Registrar of Motor Vehicles within ten days of receiving it. R.S.O. 1990, c. M.44, s. 13 (2).

Speed limit

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

- (a) 20 kilometres per hour,
 - (i) on a highway where the speed limit established pursuant to the *Highway Traffic Act* is 50 kilometres per hour or less, or
 - (ii) in any public park or exhibition grounds; or
- (b) 50 kilometres 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 50 kilometres per hour, or

(ii) on a trail. R.S.O. 1990, c. M.44, s. 14 (1).

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 trail, public park or exhibition ground under its jurisdiction,

than is prescribed in subsection (1). R.S.O. 1990, c. M.44, s. 14 (2).

Minister may prescribe different rate of speed

(3) The Minister may by regulation prescribe a higher or lower rate of speed upon any trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection (1). R.S.O. 1990, c. M.44, s. 14 (3).

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. R.S.O. 1990, c. M.44, s. 14 (4).

Exception

(5) Speed limits prescribed by this section or any regulation made or by-law passed under this section do not apply to a motorized snow vehicle operated by a police officer or conservation officer in the lawful performance of his or her duties. R.S.O. 1990, c. M.44, s. 14 (5).

Careless driving

15. Every person is guilty of the offence of driving carelessly who drives a motorized snow vehicle without due care and attention or without reasonable consideration for other persons. R.S.O. 1990, c. M.44, s. 15.

Driver's obligations

Driver to carry documents

16. (1) Subject to subsection (2), every driver of a motorized snow vehicle shall carry his or her driver's licence or motorized snow vehicle operator's licence and evidence of the motorized snow vehicle's registration at all times while operating a motorized snow vehicle and shall produce them when demanded by a police officer or conservation officer. 2000, c. 30, s. 7 (1).

Exception

(2) A person shall not be required to carry any document referred to in subsection (1) while operating a motorized snow vehicle on lands occupied by the owner of the motorized snow vehicle. 2000, c. 30, s. 7 (1).

Driver to identify self

(3) Every person who is unable or refuses to produce a document in accordance with subsection (1) or (2), when requested by a police officer or conservation officer, shall give his or her correct name and address to the police officer or conservation officer. R.S.O. 1990, c. M.44, s. 16 (3); 2000, c. 30, s. 7 (2).

Stopping on request

(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 give his or her correct name and address. R.S.O. 1990, c. M.44, s. 16 (4).

Constable may arrest without warrant

(5) Every police officer 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 or conservation officer, on reasonable and probable grounds, believes has committed the contravention. R.S.O. 1990, c. M.44, s. 16 (5).

Stopping for vehicles with red or red and blue lights

17. (1) Every driver of a motorized snow vehicle shall immediately bring the motorized snow vehicle to a standstill for the purpose of complying with section 16 when approached by,

(a) a motorized snow vehicle with a flashing red light;

- (b) a motorized snow vehicle with flashing red and blue lights;
- (c) a motor vehicle with a flashing red light, operated by a police officer or conservation officer; or
- (d) a motor vehicle with flashing red and blue lights, operated by a police officer. 2009, c. 33, Sched. 26, s. 6 (1).

Where on a roadway

(2) Where a driver to whom subsection (1) applies is on a roadway, he or she shall bring the vehicle to a standstill as near as is practicable to the right-hand edge of the roadway and clear of any intersection. R.S.O. 1990, c. M.44, s. 17 (2).

Red light

(3) No person except a police officer or conservation officer shall operate a motorized snow vehicle that is equipped with a lamp that produces flashes of red light. R.S.O. 1990, c. M.44, s. 17 (3).

Red and blue lights

(4) No person except a police officer shall operate a motorized snow vehicle that is equipped with lamps that produce flashes of red and blue lights. 2009, c. 33, Sched. 26, s. 6 (2).

Power of police officer to stop

17.1 (1) A police officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a motorized snow vehicle to stop and the driver of a motorized snow vehicle, when signalled or requested to stop by a police officer, shall immediately come to a safe stop. 2000, c. 30, s. 8.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable, subject to subsection (3),

- (a) to a fine of not less than \$1,000 and not more than \$10,000;
- (b) to imprisonment for a term of not more than six months; or
- (c) to both a fine and imprisonment. 2000, c. 30, s. 8.

Escape by flight

(3) If a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person wilfully continued to avoid police when a police officer gave pursuit,

- (a) the person is liable to a fine of not less than \$5,000 and not more than \$25,000, instead of the fine described in clause (2) (a);
- (b) the court shall make an order imprisoning the person for a term of not less than 14 days and not more than six months, instead of the term described in clause (2) (b); and
- (c) the court shall make an order suspending the person's driver's licence or motorized snow vehicle's operator's licence,
 - (i) for a period of five years, unless subclause (ii) applies, or
 - (ii) for a period of not less than 10 years, if the court is satisfied on the evidence that the person's conduct or the pursuit resulted in the death of or bodily harm to any person. 2000, c. 30, s. 8.

Lifetime suspension

(4) An order under subclause (3) (c) (ii) may suspend the person's driver's licence or motorized snow vehicle operator's licence for the remainder of the person's life. 2000, c. 30, s. 8.

Suspension in addition

(5) Except in the case of a suspension for the remainder of the person's life, a suspension of a driver's licence under clause (3) (c) is in addition to any other period for which the person's driver's licence is suspended and is consecutive to that period. 2000, c. 30, s. 8.

Notice of suspension

(6) Subject to subsection (7), in a proceeding for a contravention of subsection (1) in which it is alleged that the person wilfully continued to avoid police when a police officer gave pursuit, the clerk or registrar of the court, before the court accepts the plea of the defendant, shall orally give a notice to the person to the following effect:

“The Motorized Snow Vehicles Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver’s licence or motorized snow vehicle operator’s licence shall be suspended for five years.”

2000, c. 30, s. 8.

Same: death or bodily harm

(7) In a proceeding for a contravention of subsection (1) in which it is alleged that the person wilfully continued to avoid police when a police officer gave pursuit and that the person’s conduct or the pursuit resulted in the death of or bodily harm to any person, the clerk or registrar of the court, before the court accepts the plea of the defendant, shall orally give a notice to the person to the following effect:

“The Motorized Snow Vehicles Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver’s licence or motorized snow vehicle operator’s licence shall be suspended for not less than 10 years and that it may be suspended for the remainder of your life.”

2000, c. 30, s. 8.

Same

(8) The suspension of a driver’s licence or motorized snow vehicle operator’s licence shall not be held to be invalid by reason of failure to give the notice provided for in subsection (6) or (7). 2000, c. 30, s. 8.

Appeal of suspension

(9) An appeal may be taken from an order under clause (3) (c) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (2). 2000, c. 30, s. 8.

Stay of order on appeal

(10) Where an appeal is taken from an order under subsection (9), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. 2000, c. 30, s. 8.

Driving while licence suspended

(11) Every person who drives a motorized snow vehicle while his or her driver’s licence is suspended under this section or under any other Act or while his or her motorized snow vehicle operator’s licence is suspended under this section is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not less than \$1,000 and not more than \$5,000; and

(b) for each subsequent offence, to a fine of not less than \$2,000 and not more than \$5,000,

or to imprisonment for a term of not more than six months, or to both. 2000, c. 30, s. 8.

Subsequent offence

(12) Where a person who has previously been convicted of an offence under subsection (11) is convicted of the same offence within five years after the date of the previous conviction, the offence for which he or she is last convicted shall be deemed to be a subsequent offence for the purpose of clause (11) (b). 2000, c. 30, s. 8.

No licence issued during suspension period

(13) A motorized snow vehicle operator’s licence shall not be issued to a person whose driver’s licence or motorized snow vehicle operator’s licence has been suspended under this section or whose driver’s licence has been suspended, cancelled or revoked under any Act until the period of the suspension has expired. 2000, c. 30, s. 8.

Equipment requirements

Muffler in working order

18. (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. R.S.O. 1990, c. M.44, s. 18 (1).

Removing or modifying any component

(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. R.S.O. 1990, c. M.44, s. 18 (2).

Exception in racing area

(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 municipality within which the racing area is located. R.S.O. 1990, c. M.44, s. 18 (3); 2002, c. 17, Sched. F, Table.

Towing**By means of a rigid tow bar**

19. (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. R.S.O. 1990, c. M.44, s. 19 (1).

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. R.S.O. 1990, c. M.44, s. 19 (2).

Exception for unditching, etc.

(3) This section does not apply to a person while driving a motorized snow vehicle for the sole purpose of unditching a stuck vehicle or conveyance or under an emergency rescue situation or while operating trail maintenance equipment. R.S.O. 1990, c. M.44, s. 19 (3).

Driver shall wear helmet

20. (1) 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 unless he or she is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. R.S.O. 1990, c. M.44, s. 20 (1); 2009, c. 33, Sched. 26, s. 6 (3).

Exemption

(2) This section does not apply to a person driving a motorized snow vehicle on land occupied by the owner of the vehicle. R.S.O. 1990, c. M.44, s. 20 (2).

Vehicle shall bear National Safety Mark

21. (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 Vehicle Safety Act* (Canada), or that does not bear the National Safety Mark referred to therein. R.S.O. 1990, c. M.44, s. 21 (1).

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. M.44, s. 21 (2).

Risks willingly assumed

22. Every person who is driving or riding on a motorized snow vehicle or is being towed by a motorized snow vehicle on any premises shall be deemed, for the purposes of subsection 4 (1) of the *Occupiers' Liability Act*, to have willingly assumed all risks where,

- (a) no fee is paid for the entry or activity of the person, other than a benefit or payment received from a government or government agency or a non-profit recreation club or association; and
- (b) the person is not being provided with living accommodation by the occupier. R.S.O. 1990, c. M.44, s. 22.

Liability of owner

23. (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 the driver of the motorized snow vehicle with the consent of the owner, the owner is jointly and severally liable. R.S.O. 1990, c. M.44, s. 23 (1).

Idem

(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. R.S.O. 1990, c. M.44, s. 23 (2).

Owner may be convicted

24. The owner of a motorized snow vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, for which the driver of the motorized snow vehicle is subject to be charged unless, at the time of the offence, the motorized snow vehicle was in the possession of a person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence. R.S.O. 1990, c. M.44, s. 24.

Offences and fines

25. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding \$1,000. R.S.O. 1990, c. M.44, s. 25.

Regulations

26. (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 20 and providing for and requiring the identification and marking of such helmets;
- (g) providing for the erection of signs on any highway or trail and prescribing the types of signs and the location of each type of sign;
- (h) designating classes of motorized snow vehicles to which any provisions of this Act or the regulations do not apply;
- (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;
- (l) prescribing standards required to obtain and maintain a motorized snow vehicle operator's licence. R.S.O. 1990, c. M.44, s. 26 (1); 2000, c. 30, s. 9 (1).

Regulation may adopt by reference

(2) Any regulation made under clause (1) (b) or (f) 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. R.S.O. 1990, c. M.44, s. 26 (2).

General or particular

(2.1) A regulation made under any provision of this Act may be general or particular in its application. 2000, c. 30, s. 9 (2).

Classes

(2.2) A regulation made under any provision of this Act may create different classes of persons and motorized snow vehicles and may apply differently to each class created. 2000, c. 30, s. 9 (2).

Driver shall obey signs

(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 (1) (g). R.S.O. 1990, c. M.44, s. 26 (3).

Français

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