



Draft Overview of the Off-Road Vehicle Act

Purpose

The purpose of this overview of the *Off-Road Vehicle Act* is to provide a reference guide that complements the public information on the ministry's ORV Management Framework website (<https://www.for.gov.bc.ca/mof/orv/>); this includes:

- “Frequently Asked Questions (https://www.for.gov.bc.ca/mof/orv/QA_ORV_Act.pdf);
- Order-in-Council (OIC) with the amendments to the *Off Road Vehicle Regulation* (https://www.for.gov.bc.ca/mof/orv/OIC_New_ORV_Laws_2015.pdf);
- the web-link to ICBC registration services for ORVs (<http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>); and
- ICBC Bulletin #11 and #13 which provides a summary of ORV registration for enforcement and road safety partners: <http://partners.icbc.com/insurance-services/vehreg-bulletins.asp>.

Note: if there is a conflict between what is stated in this overview document and the *ORV Act* or *Regulation*, the *ORV Act* or *Regulation* prevails to the extent of the conflict. Please also note that if the copy of the *ORV Act* and *ORV Regulation* on the BC Laws website (<http://www.bclaws.ca/>) is not dated after November 1, 2015, please refer to the copy of the above OIC as a reference.

Background

On November 10, 2009, Government announced an Off-Road Vehicle (ORV) Management Framework. A key goal of the ORV framework is to develop policy that will encourage safe and responsible riding in British Columbia.

Milestones which led to the ORV framework decision include:

- In 2005, the former Coalition for Licensing and Registration of Off-Road Vehicles in BC, comprised of ten stakeholder associations, produced a report with 47 recommendations to address longstanding ORV management issues in BC.
- In 2006, the Coroners Service of British Columbia, Child Death Review Unit, recommended an improved ORV regulatory framework to help address ORV accidents resulting in injuries to youth and deaths.
- Over the years, the Union of British Columbia Municipalities (UBCM) has passed ten resolutions requesting an improved ORV management regime in BC.

In June 2010, an ORV Joint Advisory Group¹ was established by the Ministry of Forests, Lands and Natural Resource Operations (FLNR) to provide provincial stakeholder associations with a forum to discuss interests, issues and ideas to support the development of the new ORV laws.

¹ Stakeholder associations include: Backcountry Lodges of BC Association; BC Cattlemen's Association; BC Commercial Snowmobile Operators Association; BC Nature; BC Off Road Motorcycle Association; BC Snowmobile Federation; BC Wildlife Federation; Canadian Off Highway Vehicle Distributors Council (represents manufacturers); Grasslands Conservation Council of BC; Guide Outfitters Association of BC; HeliCat

Through extensive dialogue with stakeholders, agencies and ministries over the years, we have learned that ORV issues are complex and achieving consensus among the range of parties was challenging. As time progressed, we also found that there were many aspects of shared interest and a common ground. The result of this hard work is the new *Off-Road Vehicle Act*.

On March 24, 2014, Bill 13, the *Off-Road Vehicle Act*, achieved Royal Assent and is being implementing by regulation in stages; key milestones are:

- November 17, 2014, voluntary registration.
- June 1, 2015, the *Motor Vehicle (All Terrain) Act* was repealed and the *ORV Act* came into force.
- November 1, 2015, mandatory ORV registration and safety laws commence for ORVs used or operated on Crown land, including resource roads.

Scope

- The *Off Road Vehicle (ORV) Act* and *ORV Regulation* applies to prescribed classes of ORVs used or operated on Crown land and prescribed private lands. There are no prescribed classes of private land at this time.
- ORVs are used for work or pleasure purposes. The ORV sector includes: mining, oil/gas, ranching, farming, forestry and sport/tourism.
- Under section 2 of the *ORV Regulation*, a prescribed class of ORV with a manufacturers rated carrying capacity under 4,536 kg (10,000 lbs) and includes the following (as defined under section 1 of the *ORV Regulation*): all-terrain vehicle (ATV), motorcycles, off-road side-by-side vehicles, snowmobiles, and on-highway motor vehicles. "On-highway motor vehicle" means a vehicle, other than a motorcycle, designed to conform to the standards prescribed under the *Motor Vehicle Safety Act (Canada)* for motor vehicles designed for use on a highway.

REGISTRATION

Benefits of a modern registration scheme

- Supports search and rescue efforts in finding lost or injured riders if the abandoned ORV is found first;
- Assists officers in identifying irresponsible ORV riders that endanger others, harm animals or damage sensitive habitat; and
- Assists officers to better track down stolen ORVs (e.g. ICBCs registry data is available 24/7).

Note: prior to purchasing a used ORV, consider searching the Canadian Police Information Centre (CPIC) database to ensure the ORV has not been reported stolen: <http://app.cpic-cipc.ca/English/search.cfm>.

Voluntary registration under the ORV Act commenced on November 17, 2014. As of November 30, 2015, 51,162 ORV have registered in total. In terms of participation rates by class of ORV,

- 73.5% (37,585) all-terrain vehicles;
- 16.5% (8,435) snowmobiles;
- 7.0% (3,624) off-road motorcycles; and
- 3.0% (1,518) side-by-sides.

Mandatory registration

- Starting November 1, 2015, registration and the display of a number plate is mandatory when an ORV is used or operated on Crown land, including resource roads. Registration services under the *ORV Act* is delivered by the Insurance Corporation of BC (ICBC) via a network of over 900 brokers across BC: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>
- Section 14 of the *ORV Act* states that, subject to the *ORV Regulations*, a person must not use or operate, or authorize or permit another person to use or operate, an ORV on Crown land unless one of the following applies:
 - (a) the ORV is registered with ICBC under the *ORV Act*;
 - (b) the ORV is registered and licensed under the *Motor Vehicle Act* or the *Commercial Transport Act*;
 - (c) the ORV,
 - (i) is registered or licensed in a jurisdiction other than BC, and
 - (ii) has displayed on it, in the manner prescribed, the number plate, decal or sticker issued by that jurisdiction in respect of the registration or licensing of the ORV.
- In terms of ORVs registered and licensed with a plate under the *Motor Vehicle Act* (e.g. under ICBC's Restricted Plate Program), ATVs, snowmobiles, motorcycles and side-by-sides are deemed to be in compliance with the registration requirements of the *ORV Act* when operated on Crown land (refer to section 14(b) of the *ORV Act*, section 5 of the *ORV Regulation* and section 1 for the definition of ORVs). On highway motor vehicles do not require registration (refer to section 3(1)(a) of the *ORV Regulation* re exemptions); however, if licensed under the *MVA* or *CTA*, the ORV must display the number plate issued with the license.
- Carry Copy of Registration: under section 15 of the *ORV Regulation*, a person must not use or operate an ORV registered with ICBC on Crown land unless a copy of the certificate of registration is carried in the vehicle or by the ORV operator.
- Display of ICBC Number Plate/Sticker: under section 4 of the *ORV Regulation*, a person must not use or operate, or authorize or permit another person to use or operate an ORV registered with ICBC on Crown land unless the number plate or sticker is clearly displayed in the manner prescribed by regulation: affixed horizontally to the vehicle and be clearly visible on the front, back or left side. In the case of motorcycles, the sticker may be displayed vertically on the left front fork, with the first number or letter at the bottom of the fork.
- To support continuity of ownership, once an ORV is registered under the *ORV Act* and the vehicle is subsequently transferred to a new owner, the new owner must register within 10 days (refer to section 8 of the *ORV Act*). A 10 day notice also applies to a change of name or address (refer to section 7 of the *ORV Act*).
- Snowmobile owners that registered previously under the *Snowmobile Regulation* of the *Motor Vehicle (All Terrain) Act* must re-register under the new *ORV Act* prior to November 17, 2015 in order to operate on Crown land. Transitioning from the previous manual registry to database system ensure officers have 24/7 access to vehicle registration data.

Exemptions to Registration

- Under Section 3(1) of the *ORV Regulation*, the following ORVs are exempt from registration on Crown land:
 - a. On-highway motor vehicle, except for motorcycles.
 - b. ORVs owned by a person who is a resident of a jurisdiction in which the ORV cannot be registered or licensed (refer to section 7 of the *ORV Regulations*).

Please note that ORVs that fall under section 3(1) cannot voluntarily register because Part 2 [Registration] and Division 1 [Registration Required] of the *ORV Act*, Part 3, does not apply.

- Under Section 3(2) of the *ORV Regulations*, ORVs that are exempt from registration on Crown land but can voluntarily² register include:
 - a. An ORV where the manufacturer states in the manufacturer's recommendation is designed to be operated by a child 11 years old or younger.
 - b. A golf cart used only on a golf course or to cross a resource road to access one part of the golf course from another part of the course.
 - c. An ORV used in a sporting or competitive event or dealer demonstration, if that event or demonstration is temporarily authorized by a permit (e.g. a special event permit under the *Land Act*).

Cost of Registration Services

- The one-time, user-pay fee for ORV registration under the *ORV Act* is \$48 (Certificate of Registration and the associated number plate/sticker).
- It was anticipated that owners of older ORVs may not have documentation to prove ownership at registration. So, similar to the approach with on-highway vehicles under the *Motor Vehicle Act*, ICBC requires a statutory declaration from ORV owners (this also helps ensure stolen ORVs are not registered). Please note that multiple ORVs owned by the same person may be included on one statutory declaration form as a cost savings. A Notary Public or Service BC, who have agents that are Commissioners for taking Affidavits, can provide this service. Service BC charges \$15 plus tax.

Note: the following ICBC website lists the requirement to register an ORV: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>

- Under the *ORV Regulation*, the prescribed fee to exchange a registration number plate for a sticker is waived only if:
 - (a) ICBC issued a number plate under the *ORV Act* for the ORV between November 17, 2014 and October 31, 2015, and
 - (b) the owner of the ORV returns the number plate to the ICBC between November 1, 2015 and December 31, 2015.
 After Dec. 31, 2015, an \$18 fee will apply to exchange a metal plate for a sticker or vice versa

For information about Provincial Sales Tax (PST), please refer to:

- Ministry of Finance, Bulletin # 2013-011 regarding ORVs: http://www.sbr.gov.bc.ca/documents_library/notices/notice_2013-011.pdf. In general, ORVs purchased prior to July 1, 2010 are not required to provide PST documentation when an ORV is registered under the *ORV Act*.
- Ministry of Finance Bulletin #309 regarding non-residents with ORVs: http://www.sbr.gov.bc.ca/documents_library/bulletins/pst_309.pdf.
- If applicable, the Certificate of Exemption Form for Farmers (FIN 458): https://www.sbr.gov.bc.ca/documents_library/forms/o458fill.pdf

² Note: ICBC will not register toy ORVs.

Transfer of Ownership and Stickers

If an owner plans to sell a registered ORV (transfer ownership) and has a number sticker, it is suggested that the sticker be affixed to something that may be removed if the owners plans to sell the vehicle at a future date³. Stickers used for the manual snowmobile registry under the previous *Motor Vehicle (All Terrain) Act* created challenges for some ORV owners when they sold their vehicle and new owner did not subsequently register the ORV in their name -- the previous registered owner receiving violation tickets for offences committed by the new owner.

Registration number plates can be easily removed without damaging a vehicle paint-job upon transfer of ownership; as a result, it continues to be the preferred option for many vehicle owners. For those that opt for a plate and have concerns about the metal edge, a license plate frame has been used.

Note: if the number sticker cannot be removed from the ORV without damaging it (e.g. so it can be used on your next ORV), it will cost \$18.00 to replace it.

Out of Province ORVs

- Section 14 (c) of the *ORV Act* states that, subject to the ORV Regulations, a person must not use or operate, or authorize or permit another person to use or operate, an ORV on Crown land unless the off-road vehicle:
 - (i) is registered or licensed in a jurisdiction other than British Columbia (e.g. ORVs from Alberta), and
 - (ii) has displayed on it, in the manner prescribed, the number plate, decal or sticker issued by that jurisdiction in respect of the registration or licensing of the off-road vehicle.
- Under section 6 of the *ORV Regulation*, a person must not use or operate, or authorize or permit another person to use or operate, an ORV on Crown land under section 14 (c) of the Act⁴ (e.g. ORVs from Alberta) unless a plate, decal or sticker issued by a jurisdiction in which the ORV is registered or licensed, and setting out a registration or licence number, is securely fastened to the ORV in accordance with the rules of the jurisdiction.
- Section 7 of the *ORV Regulation* applies to ORVs from jurisdictions without registration (e.g. ATVs from Saskatchewan):
 - (1) A person must not use or operate an ORV to which section 3 (1) (b) [vehicles from jurisdictions without registration] applies on Crown land unless the person carries a copy of one of the following documents: (a) a bill of sale to the current owner; (b) a form transferring ownership of the off-road vehicle to the current owner; (c) a signed statement of a person stating the person is the current owner of the ORV.
 - (2) A person must not use or operate an ORV to which section 3 (1) (b) applies on Crown land unless the person carries a copy of photo identification, stating the current address of the owner of the off-road vehicle, issued to the owner by one of the following: (a) the government of Canada; (b) the government of a province or territory, or an agent of the government of a province or territory, in which the person has a current address; (c) a foreign jurisdiction in which the person has a current address.
 - (3) Photo identification issued by a foreign jurisdiction under subsection (2) (c) must be a valid passport or a driver's licence valid in the jurisdiction in which it is issued.

³ Otherwise, the registration number sticker may be difficult to remove without potentially damaging the sticker or the vehicle. If a sticker is damaged during removal, a replacement sticker can be obtained for \$18 from an ICBC broker.

⁴ The ORV is registered or licensed in a jurisdiction other than BC, and has displayed on it, in the manner prescribed, the number plate, decal or sticker issued by that jurisdiction in respect of the registration or licensing of the ORV.

- (4) A person must not operate an ORV to which section 3 (1) (b) applies unless a vehicle identification number is displayed on the ORV.

Note: it is anticipated that a non-resident operating permit may be available in a couple of years once ICBC has completed its overall computer systems upgrade and the permitting scheme is in place. As a result, provisions related to the non-resident operating permit have not come into force under the *ORV Act* and proof of ownership documentation described in section 7 of the *ORV Regulation* was adopted as an interim measure for non-residents unable to register in their home jurisdiction (e.g. ATVs from Saskatchewan).

Identification

Under section 25 of the *ORV Regulation*, riders that use or operate an ORV on Crown land will be required to carry government issued photo identification to help officers better identify irresponsible ORV riders and establish age; this applies to persons 12 years and older.

Note: Although an on-highway motor vehicle is not required to be registered under the *ORV Act* when used or operated on Crown land (as per section 3(1)(a) of the *ORV Regulation*), if they are registered and licensed under the *Motor Vehicle Act* or *Commercial Transport Act* and issued a plate, they must display the plate (refer to section 5 of the *ORV Regulation*).

SAFE AND RESPONSIBLE USE

The safety and responsible use provisions of the *ORV Act* apply to all classes of ORVs, including on-highway motor vehicles.

Operate an ORV in a safe and responsible manner. Under section 17 of the *ORV Act*,

- (1) A person must not use or operate an ORV on Crown land;
 - (a) in a careless, reckless or negligent manner that may endanger or cause injury to persons or damage to property; or
 - (b) in such a manner as to harass, run over, injure or kill wildlife, livestock or a domestic animal.
- (2) A person must not use or operate an ORV:
 - (a) on the tracks of an operating railway; or
 - (b) on private land without the consent of the owner, lessee or occupant of the private land.

Wear a helmet as described in section 18 of the *ORV Act* and sections 20-22 of the *ORV Regulation*; specifically,

- Section 21 (1): subject to subsection (3), a person must not use, operate or be a passenger on an all-terrain vehicle, motorcycle or snowmobile on Crown land unless the person wears an ORV safety helmet.
- (2) A person must not use or operate an all-terrain vehicle, motorcycle or snowmobile on Crown land with a child as a passenger, unless the child wears an ORV safety helmet.
 - (3) This section does not apply to a person who (a) practises the Sikh religion, and (b) has unshorn hair and habitually wears a turban composed of 5 or more square metres of cloth.

Section 22: an ORV safety helmet must meet one or more of the following requirements, as mended from time to time before or after the making of this regulation:

- (a) certification in accordance with the Snell Memorial Foundation 2005 and 2010 Standard for Protective Headgear For Use with Motorcycles and Other Motorized Vehicles;
- (b) certification in accordance with the Snell Memorial Foundation 2010 Standard for Protective Headgear For Use with Motorcycles and Other Motorized Vehicles;
- (c) conformance with the Federal Motor Vehicle Safety Standard No. 218; Motorcycle helmets (United States of America), also known as FMVSS 218 (49 CFR 571.218);
- (d) approval in accordance with the United Nations Economic Commission for Europe (ECE) ECE Regulation No. 22 - Uniform provisions concerning the approval of protective helmets and of their visors for drivers and passengers of motor cycles and mopeds.

Use lights for low visibility conditions as per section 19 of the *ORV Act* and section 24 of the *ORV Regulation*; specifically, a person must not use or operate an ORV on Crown land between one 1/2 hour after sunset and one 1/2 hour before sunrise, or at any other time when visibility is impaired by the weather, unless:

- (a) the ORVs headlights are illuminated or, if the vehicle does not have installed headlights, detachable white lights are temporarily affixed to the vehicle, illuminated and visible from the front (e.g. an attached bike light would suffice),
- (b) the ORVs tail lights are illuminated or, if the vehicle does not have installed tail lights, detachable red lights are temporarily affixed to the vehicle, illuminated and visible from the back, and
- (c) if the ORV is manufactured with brake or stop lights, the brake or stop lights are illuminated in the manner recommended by the manufacturer.

Wear seatbelts if installed by the manufacturer as described in section 23 of the *ORV Regulation* (e.g. side-by-sides and trucks):

- (1) This section applies to an off-road side-by-side vehicle and to an on-highway motor vehicle on Crown land if a seat belt is installed by the manufacturer.
- (2) A person must not remove, render partially or wholly inoperative or modify a seat belt installed in a vehicle to which this section applies, unless the modification is approved by the manufacturer as a replacement seat belt.
- (3) A person must not use, operate or be a passenger on a vehicle to which this section applies unless the person wears a seat belt.
- (4) A person must not use or operate a vehicle to which this section applies on which there is a passenger who is a child and who occupies a seating position for which a seat belt assembly is installed by a manufacturer, unless the passenger is wearing the complete seat belt assembly in a properly adjusted and securely fastened manner.

Improved safety laws for children as described in section 20 of the *ORV Act* and section 16-19 of the *ORV Regulation* (whereas a child means under 16 years and an adult is 19 or older).

Appropriate vehicle for the child as per Section 16:

- (1) A child must not use or operate an ORV on Crown land unless the child is of an age, height and weight that meets the manufacturer's recommended minimum age, weight and height for the ORV.
- (2) A child must not use or operate an on-highway motor vehicle on Crown land.

Child must not operate an ORV without a supervising adult as per Section 17:

- (1) Subject to section 18, a child must not use or operate an ORV on Crown land unless supervised by an adult.
- (2) An adult supervises a child under subsection (1) if the adult authorizes and permits the child to use or operate an ORV and agrees to accompany the child for that purpose.
- (3) An adult who supervises a child must:
 - (a) have a valid driver's licence, or be certified by the Canada Safety Council, the Canadian All-Terrain Quad Council of Canada Safety Institute or the Motorcycle Safety Foundation as having completed a training course for the class of off-road vehicle,
 - (b) carry proof of compliance with paragraph (a) and produce it on request of an officer,
 - (c) see, and be able to be seen by, the child at all times the child uses or operates the ORV, and
 - (d) be able to provide immediate direction to the child, either verbally or visually, at all times the child uses or operates the ORV.

When a child may operate an ORV unsupervised – as per section 18,

- (1) A child may use or operate an ORV on Crown land without being supervised by an adult if
 - (a) the child is 14 or 15 years of age, and
 - (b) a parent or guardian of the child states, in writing and in a form satisfactory to the minister, that
 - (i) the child has appropriate training to use or operate the class of ORV, and
 - (ii) the parent or guardian consents to the child using or operating the ORV without adult supervision.
- (2) A child to whom this section applies must not use or operate an off-road vehicle on Crown land or prescribed private land unless the child carries a copy of the written form referred to in subsection (1) (b) on the child's person and produces the copy on request of an officer.

Child as passenger on an ORV - as per section 19:

- (1) A person must not use or operate an ORV with a child as a passenger, on Crown land, unless the ORV is designed to carry a passenger and the child is of an age, weight and height that meets the manufacturer's recommended minimum age, weight and height for that ORV.
- (2) A child must not use or operate an ORV on Crown land with a passenger.
- (3) Despite subsection (2), a child may use or operate an ORV on Crown land with one adult as a passenger if the adult is supervising the child in accordance with section 17 and the ORV is designed to carry a passenger.

A key benefit of the new safety laws under the *ORV Act* will be reduced incidents of ORV injuries and deaths on Crown land.

COMPLIANCE AND ENFORCEMENT

- Key elements of the compliance and enforcement approach to address the safe and responsible use of ORVs on Crown land include:
 - Improving public awareness and education efforts;
 - Optimizing limited resources;
 - Developing better enforcement tools for officers; and
 - Building effective partnerships with stakeholders, municipalities, communities and First Nations.
- BC natural resource ministries, local governments, and law enforcement agencies such as the RCMP will work in concert to deliver this approach. This partnership, led by the Province, will be founded on

a collaborative model that fits with the integrated decision making mandate of provincial Natural Resource Sector (NRS) organizations.

- This integrated approach requires building a strong linkage between achieving compliance and creating a sense of shared stewardship with ORV stakeholders, communities and the public. This approach is expected to result in increased voluntary compliance and will motivate non-compliance reporting. Furthermore, the ministry works with its government partners to build a specific set of ORV compliance actions into its C&E regional work plans, based on a thorough risk assessment. This will be guided by details that include patterns of use, types of use, and field staff knowledge of high-impact areas.
- In addition, the approach to ORV compliance and enforcement will be guided by the following operational principles:
 - Leveraged resources used in a coordinated effort to ensure efficient and effective on-the-ground delivery of compliance actions.
 - Allocation of resources toward the highest priority work (as defined by critical data including a comprehensive risk assessment).
 - Encourage shared stewardship without jeopardizing public safety.
 - Use of education and other tools to clearly communicate ORV use regulations.
 - Timely reporting on compliance outcomes to internal and external stakeholders.
- The recommended C&E approach needs to be flexible enough to allow assessment and response to fit the situation, based on staff expertise and their unique knowledge of an area. The method is founded on best practices such as:
 - Building Effective Partnerships to generate greater stakeholder involvement. This generally results in a higher level of voluntary compliance.
 - Promoting Awareness through education, information and training designed to encourage compliance with ORV use regulations. The result will be a more informed public and better awareness within stakeholder groups with respect to the impacts of non-compliance. Ultimately it will result in changed behaviors.
 - Optimizing Limited Resources. Meet statutory obligations through a concerted collaboration and coordination effort across all NRS agencies that have a compliance and enforcement mandate. Inspection and enforcement activities will be carried out based on a risk assessment, and the need to maintain an effective presence in the field particularly in high use or high impact areas.
 - Developing Better Enforcement Tools. Enforcement is one of the tools that may be used to achieve compliance. It includes administrative responses (warnings and orders), and prosecutorial responses (tickets and court prosecutions). Enforcement actions will only be used where voluntary compliance cannot be achieved. Any changes required to facilitate enforcement action will be considered based on reported ORV compliance outcomes and a review of the suite of ORV use regulations.
- The *Off-Road Vehicle Act* provides improved enforcement tools to better assist officers in addressing irresponsible ORV riders that endanger others, harm animals or damage sensitive habitat such as grasslands and wetlands.
 - On June 1, 2015, the *Motor Vehicle (All Terrain) Act* was repealed and the *Off-Road Vehicle Act* provisions came into force which gives officers the ability to stop, inspect and, where appropriate, seize ORVs for safety or evidence purposes.
 - The maximum fine for each offence has increased from \$500 to \$5,000 and some offences include up to six months in jail.

- Fines for violation tickets have also increased; for example, careless operation of an ORV increased from \$115 to \$368 and operating an unregistered ORV on Crown land increased from \$58 to \$230. For details about the fine amount for contraventions under the *ORV Act* that come into force on November 1, 2015, please refer to Schedule 2 of the *Violation Ticket Administration and Fines Regulation* under the *Offence Act* (also refer to Appendix 1 for a summary).
- The *Natural Resource Officer Authority Regulation* was also amended to include FLNRs Natural Resource Officers as officers under the *Off-Road Vehicle Act*.
- Please note that, under Section 26 of the *Motor Vehicle Act*, ICBC may, without a hearing, refuse to issue a driver's licence or vehicle license to a person who is indebted to the government because of his or her failure to pay a fine, or a victim's surcharge levy within the meaning of the *Victims of Crime Act*, imposed as a result of a conviction under the *ORV Act*.
- In addition, Section 14.1 of the *Offence Act* enables a violation ticket to be served to out of province persons (residence) who contravened BC provincial laws, including the *ORV Act*.
- Enforcement actions will only be used where voluntary compliance cannot be achieved.

Anyone who witnesses a contravention of the *Off-Road Vehicle Act* is encouraged to call the Natural Resource Violations Hotline at 1 844 NRO-TIPS (1 844 676-8477).

OTHER MATTERS

Insurance: there are no new insurance requirements under the *ORV Act* when an ORV is used or operated on Crown land. The status quo requirement for \$200,000 in third party liability insurance and a valid driver license continues to apply on a Forest Service Road (FSR); this law on FSRs has been in place for decades in BC under the *Forest Service Road Use Regulation of the Forest and Range Practices Act (FRPA)*.

Roads: please note that paved public roads within communities and highways are subject to the insurance and licensing requirements under the *Motor Vehicle Act*. Although some gravel roads are also highways, the majority of gravel roads are typically Forest Service Roads or other types of resource roads on Crown land.

For information about ICBC requirements on highways under the *Motor Vehicle Act*, refer to: <http://www.icbc.com/vehicle-registration/specialty-vehicles/Pages/Off-road-vehicles.aspx>

Also check out ICBC Bulletin #11 and #13 for a helpful summary of ORV registration for enforcement and road safety partners: <http://partners.icbc.com/insurance-services/vehreg-bulletins.asp>.

In general, in order for an ORV to be used or operated for incidental access on highways, the *Motor Vehicle Act* requirements include: a valid driver's licence, ICBC's basic insurance (\$26), an annual vehicle license (\$23), and, where applicable, a police-issued operation permit (\$0).

For information about resource roads on Crown land, including the status of the road, please contact FrontCounter BC: <http://www.frontcounterbc.gov.bc.ca/contact/>. For details about the requirements on a Forest Service Road, including laws about snowmobile access on ploughed roads, please check out BC Laws: *Forest and Range Practices Act* of the *Forest Service Road Use Regulation*: http://www.bclaws.ca/civix/document/id/complete/statreg/70_2004.

Appendix 1: Violation Tickets

Excerpt of the November 1, 2015 amendment to Schedule 2 of the *Violation Ticket Administration and Fines Regulation* under the *Offence Act*:

Provision	Contravention	Victim		
		Fine	Levy	Ticketed Amount
<i>Off-Road Vehicle Act</i>				
section 7 (1)	Fail to change address	\$95	\$14	\$109
section 7 (2)	Fail to change name	\$95	\$14	\$109
section 8 (1) (b)	Fail to deliver notice of transfer	\$95	\$14	\$109
section 11 (1) (a) to (c)	Fail to apply for vehicle identification number	\$95	\$14	\$109
section 11 (3)	Fail to properly apply vehicle identification number	\$95	\$14	\$109
section 12 (1)	Alter, remove or obliterate vehicle identification number	\$150	\$23	\$173
section 13 (1) (a) (i)	Alter or obliterate number plate, decal or sticker	\$150	\$23	\$173
section 13 (1) (a) (ii)	Alter or obliterate registration, permit or other document	\$150	\$23	\$173
section 13 (1) (b) (i)	Use or operate off-road vehicle with altered, obliterated or repainted number plate, decal or sticker	\$150	\$23	\$173
section 13 (1) (b) (ii)	Use or operate off-road vehicle with fictitious number plate, decal, sticker or other document	\$200	\$30	\$230
section 13 (1) (c)	Use or operate off-road vehicle in possession of fictitious or invalid plate, decal, sticker or other document	\$200	\$30	\$230
section 14 (a) and (b)	Use or operate off-road vehicle not registered under ORA or registered or licensed under MVA or CTA	\$200	\$30	\$230
section 14 (c) (i)	Use or operate off-road vehicle without registration or licence from other jurisdiction	\$200	\$30	\$230
section 14 (c) (ii)	Fail to display number plate, decal or sticker of other jurisdiction	\$150	\$23	\$173
section 15 (1) (a)	Fail to carry certificate of registration (or copy)	\$95	\$14	\$109
section 15 (1) (b)	Improper display of number plate, decal or sticker	\$150	\$23	\$173
section 15 (2) (a)	No evidence of licence issued under MVA or CTA	\$95	\$14	\$109
section 15 (2) (b)	Improper display of number plate issued under MVA or CTA	\$200	\$30	\$230
section 15 (3)	Fail to carry documentation issued by other jurisdiction	\$95	\$14	\$109
section 17 (1) (a)	Use or operate off-road vehicle carelessly	\$320	\$48	\$368
section 17 (1) (b)	Harass animals	\$250	\$38	\$288
section 17 (2) (a)	Use or operate on operating railway	\$150	\$23	\$173
section 17 (2) (b)	Use or operate on private land without owner's consent	\$100	\$15	\$115
section 17 (3)	Fail to comply with permit	\$150	\$23	\$173
section 18 (1)	No approved safety helmet	\$120	\$18	\$138
section 18 (2)	Allow minor to be passenger without safety helmet	\$120	\$18	\$138
section 19 (a)	Off-road vehicle not properly equipped with lights	\$95	\$14	\$109
section 19 (b)	Fail to maintain lights	\$95	\$14	\$109
section 19 (c)	Fail to use lights	\$95	\$14	\$109
section 20 (a)	Allow prohibited act by minor	\$200	\$30	\$230
section 20 (b)	Allow minor to contravene permit	\$150	\$23	\$173
section 21 (2)	Fail to stop for officer	\$250	\$38	\$288
section 21 (3) (a)	Fail to identify correct name and address	\$250	\$38	\$288
section 21 (3) (b)	Fail to produce documents and identification	\$150	\$23	\$173
section 25	Obstruct an officer	\$250	\$38	\$288
section 26 (5)	False statement in application or notice of transfer	\$95	\$14	\$109

Anyone who witnesses a contravention of the *Off-Road Vehicle Act* is encouraged to call the Natural Resource Violations Hotline at 1 844 NRO-TIPS
(1 844 676-8477)