



Ontario Provincial Police



OFF ROAD VEHICLE By-Law Considerations



Legislation

- **Off Road Vehicles Act**
 - Regulates use of ORV's on Public Lands, Frozen Waterways, Unorganized Territories
- **Ontario Highway Traffic Act & Regulation 316/03**
 - Regulates use of ORV's on Highways
- **Criminal Code**
 - Applies everywhere

Legislation Application Chart

LOCATION	ORVA	HTA Reg. 316/03	C.C.C
Private Property	(*)		Yes
Public Lands (Crown Land)	Yes		Yes
Crown Land Roads (maintained)		Yes	Yes
Crown Land Roads (abandoned)	Yes		Yes
Frozen Waterways	Yes		Yes
Unorganized Townships		Yes	Yes
Highways (includes County/District & municipal roads)		Yes	Yes

Note: Some Criminal Code offences have HTA implications regardless of where they occur

* - ORVA rules may apply on Private Property if the ORV is not operated by the property owner/occupier



Definitions

- **Highway**

- *includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof (this includes sidewalks)*

- **Roadway**

- *means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder. (or sidewalks)*

Motor Vehicle Definition (HTA)

- **HTA**

- Includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self propelled implement of husbandry or a road-building machine.





Motor Vehicle Definition (CC)

- **Criminal Code**

- A motor vehicle means a vehicle that is drawn, propelled or driven by any means other than muscular power, but does not include railway equipment

OFF ROAD VEHICLES ACT



Off Road Vehicles



Off Road Vehicles Act Definition

- “off-road vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel
 - (a) on not more than three wheels, or
 - (b) on more than three wheels and being of a prescribed class of vehicle



Regulatory Requirements

- The Off Road Vehicles Act applies everywhere except on Private Property or on a Highway
- To operate anywhere other than Private Property, requires:
 - Permit/Plate
 - Insurance
 - Proper helmet
 - If operator is under 12 years of age, be directly supervised by an adult





Highway Traffic Act & Regulation 316/03

ORV's Allowed Under Reg. 316/03

- ORV's are not designed for, or allowed on the Hwy as a general rule
- All ORV's are Motor Vehicles under the HTA
- Under Regulation 316/03, there are 3 types of ORV's that are allowed on specific Highways in Ontario (ATV's, UTV's, ROV's)
- These Highway are designated by Schedule B or C of the Regulation
- Or by way of a Municipal By-Law



ORV Definitions (Reg. 316)

- “all-terrain vehicle” means an off-road vehicle that,
 - (a) has four wheels, the tires of which are all in contact with the ground,
 - (b) has steering handlebars,
 - (c) has a seat that is designed to be straddled by the driver, and
 - (d) is designed to be used in one of the following ways:
 - (i) as a vehicle for one or more passengers, or
 - (ii) as a vehicle for only a driver and only one passenger, if the vehicle is designed to be used in that manner.
- (A) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
- (B) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;



Examples

Operator and Passenger must properly wear a certified helmet



ORV Definitions

- “multi-purpose off-highway utility vehicle” means an off-road vehicle that,
 - (a) has four or more wheels, the tires of which are all in contact with the ground,
 - (b) has a steering wheel for steering control,
 - (c) has seats that are not designed to be straddled, and
 - (d) has a minimum cargo capacity of 159 kilograms;



Example

NOTE: All riders – including driver and passengers of all ages – must wear a helmet and wear a seatbelt



ORV Definitions

A blue and white Yamaha off-road vehicle (ORV) is shown from a side profile. It features a roll-over protection structure (ROPS) made of blue tubular metal. The vehicle has four large, knobby black tires mounted on silver-colored alloy wheels. The body is primarily white with blue accents and the 'YAMAHA' logo is visible on the side. The engine and drivetrain components are partially visible underneath the body panels.

- “recreational off-highway vehicle” means an off-road vehicle that,
 - (a) has four or more wheels, the tires of which are all in contact with the ground,
 - (b) has a steering wheel for steering control,
 - (c) has seats that are not designed to be straddled, and
 - (d) has an engine displacement equal to or less than 1,000 cubic centimetres;

Example

NOTE: All riders – including driver and passengers of all ages – must wear a helmet and wear a seatbelt



Equipment

➤ All-terrain vehicles

- Driver and passenger must properly wear a certified, motorcycle class helmet

➤ Multi-purpose off-highway utility vehicles

- Driver and passengers must properly wear a certified, motorcycle class helmet and seatbelt

➤ Recreational off-highway vehicles

- Driver and passengers must properly wear a certified, motorcycle class helmet and seatbelt

Regulatory Requirements

- To operate on a Highway (including, ditches & crossing), requires:

- Permit
- Plate
- Insurance
- Proper helmet and/or Seatbelt
- Driver's licence of Class G2 or M2 or higher
 - Therefore must be 16 yrs old or older
- Any passenger must be at least 8yrs old

Modifications Do Not Meet Definitions



Modifications Do Not Meet Definitions



Modifications Do Not Meet Definitions



HTA Schedules (Regulation 316/03)

<https://www.ontario.ca/laws/regulation/030316>

- Schedule A – Highways Prohibited to all ORV's
- Schedule B – Provincial Highways where ORV's are currently allowed & includes municipal highways covered by a municipal by-law
- Schedule C- Highways in unorganized areas and far Northern Ontario

Municipal By-Laws for ORV's

Ontario Regulation 316/03

- Municipalities may allow ORV's on certain Municipal Highways by way of a By-Law
- Does not allow access to County/District Rds or Provincial Hwy's within the municipality
- Must meet the following:
 - Permit, Plate and Insurance required
 - Driver's licence of Class G2 or M2 or higher
 - Helmet and/or Seatbelt required
 - No passengers under 8 years old
 - Speed limit of 20km/h in zone not greater than 50km/h
 - Speed limit of 50km/h in zone greater than 50km/h

Municipal By-Laws

- May place use restrictions on ORV's within the municipality
 - Time of day
 - Specific roads
 - Dates during the year
 - Impose Lower Speed Limits
- Shall not allow other types of ORV's
- Should be designed as to not create situations where operators are encouraged/forced to break laws

ORV Exemptions

- Persons driving an off-road vehicle directly across a highway (Except Schedule “A” Hwy’s)
- Farmers and licensed trappers except on Schedule “A” Hwy’s and must have a Slow Moving Vehicle sign
- Emergency Services & Public works employees which includes fire, ambulance, police, municipal, hydro, telephone and rail workers.

Emergency Services



Emergency Services



There are no exemptions for
Emergency Service personnel from
wearing a proper helmet



Closed Highways

- **Driving on closed highway prohibited**
- 134(3) Where signs or traffic control devices have been posted or placed under subsection (2), no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices.



Closed Highways

- **Exception to subs. (3)**
- 134(4) Subsection (3) does not apply to,
 - (a) the driver of a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle or a police department vehicle; or
 - (b) a firefighter, as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*, driving a motor vehicle other than one listed in clause (a) while performing his or her duties.

Other Provincial Offences

- Liquor Licence Act

- Charges under Sec. 32(1) relating to “driving” or “having care and control” of a motor vehicle may apply

- Trespass to Property Act

- Enter Premises when Entry Prohibited
- Engage in Prohibited Activity on Premises
- Fail to Leave Premises when Directed

- Public Lands Act

- Some locations have Land Use Agreements between the District/Counties & a specific “Club”
- Use of Land for ORV's may require a Permit



ORV Collision Statistics

Collision Type	2012	2013	2014	2015*	2016	2012 - 2016	2017 YTD
Fatal Injury	12	20	11	14	22	79	1**
Non Fatal Injury	124	99	115	234	206	778	5
Property Damage Only	20	20	19	38	35	132	2
Totals	156	139	145	286	263	989	8

Note: * July 1st, 2015, Changes to Ontario Regulation 316/03 came into effect

Provincial Collision Statistics

Months					
Incidents as values	Fatal Injury	Non-Fatal Injury	Property Damage Only	2012-2016	%
January	1	6	9	16	1.6%
February	1	14	7	22	2.2%
March	1	15	6	22	2.2%
April	5	61	4	70	7.1%
May	11	112	15	138	14.0%
June	13	98	13	124	12.5%
July	11	135	20	166	16.8%
August	12	139	16	167	16.9%
September	6	90	15	111	11.2%
October	10	64	15	89	9.0%
November	4	29	8	41	4.1%
December	4	15	4	23	2.3%
	79	778	132	989	100.0%

Provincial Collision Statistics

Days of the Week					
Incidents as values	Fatal Injury	Non-Fatal Injury	Property Damage Only	2012-2016	%
Sunday	18	160	26	204	20.6%
Monday	10	80	17	107	10.8%
Tuesday	6	48	12	66	6.7%
Wednesday	1	66	15	82	8.3%
Thursday	6	58	20	84	8.5%
Friday	12	108	13	133	13.4%
Saturday	26	258	29	313	31.6%
	79	778	132	989	100.0%

Collision Locations

- **40.5%** of all ORV collisions occur on Highways
 - 85.1% occur on Municipal Rds or Private Rds
 - 14.9% are on Provincial Highways & County/District/Regional Municipality combined
- **25.8%** of all ORV collisions occur on Private Property
- **33.7%** of all ORV collisions occur on Trails or other “off Hwy” locations

Primary Causes

- Speed was a primary cause in 19% of all collisions
- Loss of control was a factor in over 38% of collisions
- Alcohol was a factor in 20% of all Fatal/Personal Injury incidents (52.6% for 2016)
- **69%** of those killed were not wearing a helmet or using a seatbelt
- Head, Neck and Crush injuries are the primary causes of death, **especially in young operators**

Recommendations

- Conduct an in depth study
- Establish goals
- Consult with all stakeholders
 - Community, neighboring communities, ORV users, Clubs, Police,
 - Hold information sessions and public meetings
- Analyze trail networks and connecting routes
- Consider starting small
 - Limited roads, time restrictions, seasonal access
 - pilot project
- **Educate, Educate, Educate**
 - Conduct public education
 - Media releases



It's QUESTION TIME!!

