



THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

PART II

PUBLISHED BY AUTHORITY

ST. JOHN'S, TUESDAY, MAY 10, 2022

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 29/22
NLR 30/22**



NEWFOUNDLAND AND LABRADOR REGULATION 29/22

Proclamation bringing Act into force

(In force May 19, 2022)

under the

Off-Road Vehicles Act

(O.C. 2022-114)

(Filed May 10, 2022)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

JUDY M. FOOTE
Lieutenant Governor

JOHN HOGAN, Q.C.
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 53 of *An Act Respecting Off-Road Vehicles*, Statutes of Newfoundland and Labrador 2021, Chapter 0 -5.1 (the "Act") it is provided that the Act or a section, subsection, paragraph or subparagraph of the Act comes into force on a day to be proclaimed by the Lieutenant-Governor in Council;

AND WHEREAS it is deemed expedient that the Act, with the exception of subsections 5(3), 7(3), and 22(4) and paragraphs 5(4)(b), 12(2)(a), 22(1)(b), 23(b), and 24(a), shall come into force on May 19th, 2022;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that *An Act Respecting Off-Road Vehicles*, Statutes of Newfoundland and Labrador 2021, Chapter

0-5.1, with the exception of subsections 5(3), 7(3), and 22(4) and paragraphs 5(4)(b), 12(2)(a), 22(1)(b), 23(b), and 24(a), shall come into force on May 19th, 2022.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Judy M. Foote, Member of Our Privy Council of Canada, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's this 10th day of May in the year of Our Lord two thousand and twenty-two, in the seventy-first year of Our Reign.

BY COMMAND,

KRISTA LYNN HOWELL
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 30/22

Off-Road Vehicles Regulations
under the
Off-Road Vehicles Act
(O.C. 2022-115)

(Filed May 10, 2022)

Under the authority of section 39 of the *Off-Road Vehicles Act*,
the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 9, 2022.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

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Short title

1. These regulations may be cited as the *Off-Road Vehicles Regulations*.

Definitions

2. In these regulations

(a) "Act" means the *Off-Road Vehicles Act*;

(b) "business day" means a day that is not a Saturday, Sunday or holiday; and

(c) "low pressure bearing tires" means wide, balloon type tires with a rounded cross section having no distinct shoulder area designed to operate with inflation pressure of no greater than the inflation pressure recommended by the manufacturer.

Validity of permit,
plate and decal

3. A permit, plate or decal issued under section 5 of the Act is valid for the period of time the person in whose name the off-road vehicle is registered is the owner of the off-road vehicle.

Prohibition –
wheeled off-road
vehicle

4. (1) A person shall not operate a wheeled off-road vehicle without low pressure bearing tires installed on the off-road vehicle.

(2) A person shall not use a wheeled off-road vehicle outside an approved area to tow a trailer without low pressure bearing tires installed on the trailer.

Operation outside
approved area

5. (1) For the purposes of section 13 of the Act, a person may operate an off-road vehicle outside an approved area where

(a) the person operating the off-road vehicle is a peace officer investigating, or in pursuit of, a person contravening a law of the province or of Canada;

(b) there is a medical or public safety emergency that requires the operation of an off-road vehicle outside an approved area; or

(c) the off-road vehicle is being operated to transport a big game animal killed in accordance with a valid big game licence.

(2) Where paragraph (1)(c) applies,

- (a) the off-road vehicle shall not be operated more than 5 times to and from the place where the big game animal was killed and, when travelling from the place where the big game animal was killed, a portion of the big game animal is required to be on the off-road vehicle or on a trailer being towed by the off-road vehicle; and
- (b) the total number of trips for all off-road vehicles used to transport a single big game animal shall not exceed 5 where more than one off-road vehicle is operated in relation to transporting a single big game animal.

(3) Notwithstanding paragraph (1)(c), an off-road vehicle shall not be operated outside an approved area where an approved area may reasonably be used for that purpose.

Insurance

6. (1) An off-road vehicle that is being operated under a circumstance referred to in subsection 14(2) of the Act shall be insured in accordance with subsection (2).

(2) A policy of insurance required under subsection (1) shall cover public liability and property damage to the minimum limit prescribed in section 21 of the *Automobile Insurance Act*.

(3) Where requested by a peace officer, an owner or operator of an off-road vehicle shall provide proof of a valid policy of insurance in force in respect of the off-road vehicle.

(4) For the purposes of subsection (3), the production of a policy of insurance to the peace officer who requested it within 2 business days after a request is made is considered to be sufficient proof provided that the policy was in force at the time the request was made.

(5) Where a policy of insurance is cancelled or expires before the expiration of the period of registration of the off-road vehicle, the owner shall provide proof of insurance coverage that complies with subsection (2) or return to the registrar the plate of the off-road vehicle and where a decal has been issued for the off-road vehicle, destroy the decal.

(6) Where a person fails to return the plate or destroy the decal as required under subsection (5), the registrar may authorize a peace officer to secure possession of the plate or destroy the decal.

Proof of training

7. (1) An operator who is required to complete training under the Act shall, while operating an off-road vehicle, carry proof of completion of the approved training.

(2) Where requested by a peace officer, a person referred to in subsection (1) shall provide proof of completion of approved training.

(3) For the purposes of subsection (2), the production of proof of completion of approved training to the peace officer who requested it within 2 business days after a request is made is considered to be sufficient proof provided the approved training was completed before the request was made.

Passengers

8. (1) A person shall not operate an off-road vehicle with a passenger on it unless

(a) the off-road vehicle is designed and equipped by the manufacturer to carry passengers; and

(b) the passenger rides on a manufacturer installed seat that is attached to the off-road vehicle and designed to carry a passenger.

(2) Where a child who is required to use a car seat or booster seat in a motor vehicle under the *Highway Traffic Act* is a passenger on an off-road vehicle that is equipped with manufacturer installed seatbelts, the child shall be properly secured in a car seat or booster seat while riding the off-road vehicle.

Helmet

9. (1) For the purposes of paragraph 20(1)(a) of the Act, a helmet shall conform to the requirements of the

(a) Canadian Standards Association Standard D 230, Safety Helmets for Motorcycle Riders, as amended, and the helmet shall bear the monogram of the Canadian Standards Association Testing Laboratories;

(b) United States Federal Motor Vehicle Safety Standard 218, as amended, and the helmet shall bear the DOT symbol as used by the United States Department of Transportation; or

(c) United Nations Economic Commission for Europe, ECE Regulation 22 incorporating the 05 series of amendments, as amended, and the helmet shall bear the approval mark as required by that regulation.

(2) An operator of an off-road vehicle, a passenger riding an off-road vehicle and a passenger being towed in a trailer are not required to wear a helmet where the off-road vehicle is being operated during hunting and trapping activities involving frequent stops where the speed of the off-road vehicle is less than 20 kilometres an hour.

Other safety equipment required

10. (1) The operator and all passengers riding an off-road vehicle shall wear

(a) a seatbelt where the off-road vehicle is equipped with manufacturer installed seatbelts; and

(b) a face shield, safety glasses or goggles, where the off-road vehicle is not equipped with a windshield that is of a height to afford adequate protection to eyes.

(2) A passenger being towed in a trailer shall wear a face shield, safety glasses or goggles.

(3) Paragraph (1)(b) does not apply

(a) where the off-road vehicle was manufactured with a roll bar and is fully enclosed; or

(b) to a person who is wearing protective eye wear in accordance with the *Occupational Health and Safety Act*.

Adequate illumination required

11. A person shall not operate an off-road vehicle between sunset and sunrise unless the off-road vehicle is equipped with head and tail lamps and both are in operation.

Equipment required

12. A person shall not operate an off-road vehicle unless the off-road vehicle is equipped with

(a) an amber reflector affixed to

(i) the front of the off-road vehicle, or

(ii) each side of the off-road vehicle at the front;

(b) at least one red reflector affixed to the rear of the off-road vehicle; and

(c) an operating braking system.

Noise reducing equipment

13. (1) An off-road vehicle propelled by an internal combustion engine shall be equipped with an exhaust system that consists of a series of pipes which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.

(2) A person shall not operate an off-road vehicle propelled by an internal combustion engine with a muffler

(a) that is cut out;

(b) that is disconnected from the engine;

(c) that is defective;

(d) from which a baffle plate or other part has been removed;

(e) in which the exhaust outlet has been opened or widened; or

(f) to which is attached a device that increases the noise of the expulsion of gases from the engine or allows a flame to be emitted from the exhaust system.

Operation on managed trails

14. (1) A person shall not operate an off-road vehicle on a managed trail unless an off-road sticker or other identifying marker issued by a managed trail operator is

(a) permanently attached to the off-road vehicle; or

(b) carried by the operator while the operator is operating the off-road vehicle.

(2) Subsection (1) does not apply

(a) to a person operating an off-road vehicle on land controlled or owned by the person or a member of the person's immediate family;

(b) within the Labrador Inuit Settlement Area, to an Inuk, Inuit Business, Inuit Community Government, Inuit Community Corporation and the Nunatsiavut Government; and

(c) to a person while crossing a managed trail that divides land, in a manner perpendicular to the managed trail, in order to move an off-road vehicle from one portion of the land directly to the other portion of the land divided by the managed trail.

(3) In paragraph (2)(b), the "Labrador Inuit Settlement Area", "Inuk", "Inuit Business", "Inuit Community Government", "Inuit Community Corporation" and "Nunatsiavut Government" have the same meanings as in the Labrador Inuit Land Claims Agreement as signed on behalf of the Inuit of Labrador as represented by the Labrador Inuit Association, Her Majesty the Queen in right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada.

Managed trail operators

15. (1) A managed trail operator shall

(a) receive and process applications for managed trail permits and issue managed trail permits, stickers or other identifying markers to persons operating off-road vehicles on a managed trail under the control and management of the managed trail operator to which the application is made;

(b) charge, receive and retain a fee for the issuance of managed trail permits, stickers or other identifying markers under paragraph (a) at a rate approved annually by the minister responsible for tourism;

(c) determine the form and manner in which an application for a managed trail permit shall be made and the classes of managed trail permits that may be issued;

(d) determine the conditions that apply in relation to the issuance, holding, replacement and use of managed trail permits, stickers, and other identifying markers and respecting the period of time for which a managed trail permit, sticker or other identifying marker is valid;

- (e) issue a description of its managed trail to each recipient of a managed trail permit, sticker or other identifying marker;
- (f) clearly mark its managed trail;
- (g) install traffic signs to control the movement of off-road vehicles, indicate routes and give notice of hazardous areas;
- (h) annually provide to the minister a financial statement audited by an auditor approved by the minister;
- (i) use revenue from the sale of managed trail permits, stickers or other identifying markers to manage, maintain, upgrade or expand its managed trails and to purchase insurance; and
- (j) maintain liability insurance with respect to its managed trail operations.

(2) A managed trail operator may delegate its duties under subsection (1).

(3) A managed trail operator and its delegate are not agents of the Crown.

(4) A person shall not maintain a managed trail or remove, damage, cover, deface or alter a sign posted or erected by a managed trail operator on its managed trail except under the direction of a managed trail operator or its delegate.

(5) A managed trail operator, its delegate or other persons acting on its behalf shall not maintain a managed trail or identify a managed trail by posting or erecting signs or otherwise administer, control or operate a managed trail

- (a) on privately owned land, without first obtaining the written consent of the person entitled to withhold consent with respect to the land on which the managed trail is located;
- (b) on land owned by a municipality, without first obtaining the written consent of that municipality;
- (c) on Crown land without first obtaining the written consent of the minister responsible for the *Lands Act*; and

(d) on a highway, without first obtaining the written consent of the minister responsible for the *Works, Services and Transportation Act*.

Offences

16. A person who contravenes a provision of these regulations commits an offence and is liable on summary conviction to a fine of not more than the maximum and not less than the minimum amount prescribed for the offence in the Schedule and appearing in that Schedule opposite the number or letter or both of the section, subsection or paragraph and the statement of the offence and in default of payment of the fine or, where no fine is prescribed, to imprisonment for a term not exceeding the maximum and not less than the minimum period prescribed for that offence in that Schedule and appearing there opposite the number or letter of the section, subsection or paragraph and the statement of the offence.

Seizure of off-road vehicle

17. (1) A peace officer may seize an off-road vehicle or may order direct delivery of the off-road vehicle to a place of storage designated by the minister where the peace officer has reasonable and probable grounds to believe the off-road vehicle was used in the commission of an offence contrary to paragraph 12(1)(a), 12(1)(b), 12(2)(b), 12(2)(c), 12(2)(d) or 12(2)(e) of the Act, subsection 12(5) of the Act or section 13 of the Act.

(2) An off-road vehicle which has been ordered to be delivered to a place of storage under subsection (1) shall be considered to have been seized as effectively as if the peace officer had taken possession of it.

(3) An off-road vehicle that has been seized under subsection (1) shall be retained in the custody of the peace officer making the seizure, delivered by the peace officer into the custody of a person that the minister directs or delivered to a place of storage designated by the minister and shall remain there until final disposition of the charge including an appeal.

(4) Where a person is convicted of an offence in relation to section 13 of the Act, the Provincial Court judge hearing the charge may order that the off-road vehicle seized under subsection (1) be forfeited to the Crown.

(5) An off-road vehicle forfeited under subsection (4) may be disposed of as the minister directs and the proceeds shall be paid into the Consolidated Revenue Fund.

(6) Where a person is charged with an offence in relation to section 13 of the Act but there is no conviction, the Provincial Court judge shall order delivery of the off-road vehicle to the person from whom it was seized.

(7) Where an off-road vehicle is forfeited to the Crown under subsection (4), a person other than a person convicted of the offence who claims that the forfeited vehicle was stolen may, within 30 days after the forfeiture, apply by written notice to a Provincial Court judge for an order under subsection (10).

(8) The Provincial Court judge to whom an application is made under subsection (7) shall fix a day not less than 10 days after the date of filing of the application for the hearing of it.

(9) The applicant shall serve a notice of the application and of the hearing upon the minister at least 5 days before the day fixed for the hearing.

(10) Where, upon the hearing of an application, a Provincial Court judge is satisfied that the forfeited off-road vehicle was stolen from the applicant, the applicant is entitled to an order that the forfeited off-road vehicle be released to the applicant.

(11) An order under subsection (10) may be appealed to the Supreme Court.

(12) An action or other legal proceeding does not lie and may not be brought against the registrar, an employee of the department, a peace officer or a garage operator in respect of anything done in good faith under this section.

(13) For the purpose of this section, a garage operator is a person who takes and stores an off-road vehicle seized and impounded under this section and who may subsequently dispose of that off-road vehicle in accordance with these regulations.

Repeal

18. The *Motorized Snow Vehicles and All-Terrain Vehicles Regulations*, Consolidated Newfoundland and Labrador Regulation CNLR 1163/96 are repealed.

Commencement

19. These regulations come into force on May 19, 2022.

SCHEDULE

| | | Penalty | | | |
|-------------------------------------|--|---|------|---|---------|
| Section and subsection or paragraph | Offence | A fine of not less than or not more than the dollar amounts specified | | In default of payment of fine imprisonment for no longer or shorter than time specified | |
| | | Min. | Max. | Min. | Max. |
| 4(1) | Operation of off-road vehicle without low pressure bearing tires | 200 | 400 | 2 days | 14 days |
| | Second offence | 400 | 800 | 2 days | 14 days |
| | Subsequent offence | 400 | 800 | 2 days | 14 days |
| 4(2) | Using off-road vehicle outside an approved area to tow a trailer that does not have low pressure bearing tires | 200 | 400 | 2 days | 14 days |
| | Second offence | 400 | 800 | 2 days | 14 days |
| | Subsequent offence | 400 | 800 | 2 days | 14 days |
| 5(2) | Improper use of off-road vehicle to transport big game animal | 500 | 1000 | 7 days | 30 days |
| | Second offence | 1000 | 1500 | 7 days | 30 days |
| | Subsequent offence | 1000 | 1500 | 7 days | 30 days |
| 6(2) | Failure to provide proof of insurance | 100 | 400 | 2 days | 14 days |

| | | | | | |
|----------|--|-----|------|--------|---------|
| 7(2) | Failure to provide proof of completion of training | 100 | 400 | 2 days | 14 days |
| 8(1) | Carrying passenger on off-road vehicle not designed to carry passengers | 100 | 400 | 2 days | 14 days |
| 10(1)(a) | Operator or passenger on an off-road vehicle not wearing a seatbelt | 250 | 1000 | 2 days | 14 days |
| | Second offence | 500 | 1000 | 2 days | 14 days |
| | Subsequent offence | 500 | 1000 | 2 days | 14 days |
| 10(1)(b) | Operator or passenger on an off-road vehicle not wearing face shield, safety glasses or goggles | 100 | 400 | 2 days | 14 days |
| 10(2) | Passenger towed in trailer not wearing face shield, safety glasses or goggles | 100 | 400 | 2 days | 14 days |
| 11 | Operation of off-road vehicle between sunset and sunrise without working head and tail lamps | 200 | 400 | 2 days | 14 days |
| | Second offence | 400 | 800 | 2 days | 14 days |
| | Subsequent offence | 400 | 800 | 2 days | 14 days |
| 12(a) | Operating off-road vehicle without amber reflector affixed to front or each side of off-road vehicle | 100 | 400 | 2 days | 14 days |

| | | | | | |
|-------|---|-----|------|--------|---------|
| 12(b) | Operating off-road vehicle without red reflector affixed to rear of off-road vehicle | 100 | 400 | 2 days | 14 days |
| 12(c) | Operating off-road vehicle without operating braking system | 100 | 400 | 2 days | 14 days |
| 13(1) | Operating off-road vehicle without noise reducing equipment | 250 | 1000 | 2 days | 14 days |
| | Second offence | 500 | 1000 | 2 days | 14 days |
| | Subsequent offence | 500 | 1000 | 2 days | 14 days |
| 13(2) | Operating off-road vehicle propelled by an internal combustion engine with a muffler that is defective or altered | 250 | 1000 | 2 days | 14 days |
| | Second offence | 500 | 1000 | 2 days | 14 days |
| | Subsequent offence | 500 | 1000 | 2 days | 14 days |
| 14(1) | Operating off-road vehicle on managed trail without sticker or permit | 100 | 400 | 2 days | 14 days |
| 15(4) | Removing, damaging, covering, defacing or altering a sign posted or erected by a managed trail operator | 200 | 400 | 2 days | 14 days |
| | Second offence | 400 | 800 | 2 days | 14 days |
| | Subsequent offence | 400 | 800 | 2 days | 14 days |

ST. JOHN'S, TUESDAY, MAY 10, 2022

Extraordinary Gazette Index

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| Off-Road Vehicles Act | | | |
| Proclamation bringing Act into force with the exception of subsections 5(3), 7(3) and 22(4) and paragraphs 5(4)(b), 12(2)(a), 22(1)(b), 23(b) and 24(a) | NLR 29/22 | New | May 10/22 p. 3 |
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