

This Act is current to June 16, 2021

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

OFF-ROAD VEHICLE ACT

[SBC 2014] CHAPTER 5

Assented to March 24, 2014

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Part 1 — Definitions and Application

Definitions

1 In this Act:

"Crown land" means land, whether or not it is covered by water, or an interest in land, vested in the government;

"officer" means

- (a) an officer as defined in section 1 of the *Police Act*,
- (b) a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) (b) of the *Police Act*, or
- (c) a person or class of persons employed under the *Public Service Act* and designated by name or title by the minister to be an officer for the purpose of a provision of this Act or the regulations that is specified in the designation;

"off-road vehicle" means a vehicle that

- (a) is designed to be self-propelled, and
- (b) is in a prescribed class of vehicles,

but does not include a vehicle in a class of vehicles excluded by regulation;

"owner" has the prescribed meaning;

"prescribed private land" means private land that is

- (a) prescribed by regulation, or
- (b) in a prescribed class of private land;

"private land" means land that is not Crown land;

"vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on land, but does not include any of the following:

- (a) a device designed to be moved by human power;
- (b) a device used exclusively on stationary rails or tracks;
- (c) mobile equipment as defined in the [Motor Vehicle Act](#);
- (d) a motor assisted cycle as defined in the [Motor Vehicle Act](#);

"vehicle identification number" means

- (a) the vehicle identification number assigned to an off-road vehicle under section 11 (2) [*vehicle identification number*], or
- (b) if no vehicle identification number has been so assigned, the serial number or vehicle identification number permanently marked on, or attached to, the body or chassis of the off-road vehicle
 - (i) by the manufacturer, or
 - (ii) in accordance with the laws of a jurisdiction other than British Columbia.

Delegation

2 (1) Subject to a regulation made under section 30 (2) (c) [*regulations — general*], the minister, in writing, may

- (a) delegate a power or duty of the minister under this Act to
 - (i) a person or class of persons employed under the [Public Service Act](#), or
 - (ii) an agent of the government,
- (b) provide directions that are binding on the delegate respecting the exercise of the power or the performance of the duty, and
- (c) vary or revoke a delegation or direction.

(2) In respect of a power or duty delegated under subsection (1), this Act and the regulations apply to the delegate as they apply to the minister.

Application

3 Despite anything in this Act or the regulations, this Act and the regulations do not apply to the use or operation of an off-road vehicle on a highway as defined in the [Motor Vehicle Act](#).

Part 2 — Registration

Registration

- 4 (1) The owner of an off-road vehicle may register the off-road vehicle with the Insurance Corporation of British Columbia.
- (2) Every application for the registration of an off-road vehicle with the Insurance Corporation of British Columbia under this section must be
- (a) in a form satisfactory to the Insurance Corporation of British Columbia,
 - (b) delivered to the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the Insurance Corporation of British Columbia for the purposes of this section, and
 - (c) accompanied by the prescribed fees.
- (3) On application for the registration of an off-road vehicle that is currently, or has previously been, registered or licensed in a jurisdiction other than British Columbia, the Insurance Corporation of British Columbia may require, as a condition of registering the off-road vehicle, that the applicant surrender any current registration, licence or other documentation issued by the other jurisdiction in respect of the off-road vehicle.
- (4) On receiving the application and on being satisfied that the facts stated in it are true and that the prescribed fees have been paid, subject to the regulations, the Insurance Corporation of British Columbia must register the name and address of the owner and a description of the off-road vehicle in a file or an index to be kept for that purpose, and may issue to the owner
- (a) a numbered certificate of registration in a form established by the Insurance Corporation of British Columbia showing the registration of the off-road vehicle, and
 - (b) one distinctive number plate, decal or sticker.

Restriction on registration — application of *Motor Vehicle Act*

- 5 Section 4 of the [Motor Vehicle Act](#) and any regulations made under that section apply for the purposes of this Act.

Underage applicants

- 6 (1) The Insurance Corporation of British Columbia must not accept any of the following from an applicant or transferee who is under 18 years of age:
- (a) an application for registration under section 4;
 - (b) a notice of transfer under section 8;
 - (c) an application for transfer of a certificate of registration under section 9.
- (2) Subsection (1) does not apply if
- (a) the application or notice is also signed by a parent or guardian of the applicant or transferee, or
 - (b) the applicant or transferee, if unable to obtain the signature of a parent or guardian, proves to the satisfaction of the Insurance Corporation of British

Columbia that the applicant or transferee is self-supporting or married.

Change of address or name

- 7** (1) If the address of the owner of an off-road vehicle registered with the Insurance Corporation of British Columbia under this Act is changed from the address stated in the application on which a certificate of registration was issued under this Act or as shown on the certificate of registration, the owner must, within 10 days of the change of address, notify the Insurance Corporation of British Columbia in writing or by some other means approved by the corporation of the owner's former address and new address.
- (2) In the case of a change of name, by marriage or otherwise, of the owner of an off-road vehicle registered with the Insurance Corporation of British Columbia under this Act, the owner must, within 10 days of the change of name, notify the Insurance Corporation of British Columbia in writing of the owner's former name and new name in full.

Transfer of ownership

- 8** (1) If the title or interest of a person in an off-road vehicle registered with the Insurance Corporation of British Columbia is transferred by gift, exchange, barter or sale,
- (a) the transferor and the transferee of the title or interest must immediately sign a notice of the transfer in a form satisfactory to the Insurance Corporation of British Columbia, and
 - (b) the transferee must, within 10 days from the date of the transfer, deliver the notice of transfer, accompanied by the prescribed fees, to the Insurance Corporation of British Columbia for registration by the corporation.
- (2) If there is a transfer, by operation of law, of the title or interest of an owner of an off-road vehicle registered with the Insurance Corporation of British Columbia by way of inheritance, bequest, order in bankruptcy, execution sale, repossession on default in performance of a lease or a conditional sale contract, or by means other than the voluntary act of the person whose title or interest is transferred,
- (a) the notice of transfer under this section must be signed by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred in place of that person, and
 - (b) the person who signs the notice of transfer must transmit to the Insurance Corporation of British Columbia evidence satisfactory to the corporation of all the facts entitling that person to sign the notice of transfer.
- (3) The form of the notice of transfer under subsection (2) may be varied in accordance with the facts of the case.
- (4) All documents required to be transmitted to the Insurance Corporation of British Columbia under this section may be delivered to the Insurance Corporation of British Columbia, a government agent or a person authorized in writing by the Insurance Corporation of British Columbia for the purposes of this section.

- (5) A person who delivers a notice of transfer to the Insurance Corporation of British Columbia under this section must surrender, at the same time, the certificate of registration last issued for the off-road vehicle.
- (6) On receiving a notice of transfer under this section, subject to the regulations and payment of the prescribed fees, the Insurance Corporation of British Columbia may issue
 - (a) a new certificate of registration for the off-road vehicle in the name of the transferee, and
 - (b) one distinctive number plate, decal or sticker.

Transfer on death of owner if estate small

- 9** (1) Despite any enactment, if, after the death of a registered holder of a certificate of registration for an off-road vehicle, a person
- (a) applies for a transfer of the certificate of registration,
 - (b) proves to the satisfaction of the Insurance Corporation of British Columbia that the total estate left by the deceased did not exceed \$25 000 in value, and
 - (c) satisfies the Insurance Corporation of British Columbia, by producing the last will of the deceased, that the person entitled under the will consents, or if the deceased died intestate, by showing that all persons entitled to share in the estate on intestacy consent,
- the Insurance Corporation of British Columbia may accept the application for a transfer and, subject to the regulations and payment of the prescribed fees, may issue a new certificate of registration for the off-road vehicle in the name of the applicant.
- (2) A person who applies to the Insurance Corporation of British Columbia for a transfer of a certificate of registration under subsection (1) must surrender, at the same time, the certificate of registration last issued for the off-road vehicle.
- (3) Section 8 (4) applies to an application under this section.

Number plates, decals and stickers

- 10** A number plate, decal or sticker issued under section 4 (4) (b) [*registration*] or 8 (6) (b) [*transfer of ownership*]
- (a) must be of a material and design determined by the Insurance Corporation of British Columbia, and
 - (b) is, and remains, the property of the Insurance Corporation of British Columbia.

Vehicle identification number

- 11** (1) If any of the following circumstances exist, the owner of an off-road vehicle must immediately apply to the Insurance Corporation of British Columbia for a vehicle identification number for the off-road vehicle:

- (a) the off-road vehicle does not have a vehicle identification number;
 - (b) a vehicle identification number on the off-road vehicle is different from any other vehicle identification number on the off-road vehicle;
 - (c) a vehicle identification number on the off-road vehicle has become illegible or has been altered, removed or obliterated.
- (2) If the Insurance Corporation of British Columbia is satisfied that an application under subsection (1) is made by the lawful owner of the off-road vehicle, the Insurance Corporation of British Columbia may, subject to the payment of the prescribed fees, assign a vehicle identification number to the off-road vehicle.
- (3) If the Insurance Corporation of British Columbia assigns a vehicle identification number to an off-road vehicle under subsection (2), the owner of the off-road vehicle must cause the vehicle identification number to be applied, by a method designated by the Insurance Corporation of British Columbia, on the part or parts of the off-road vehicle designated by the Insurance Corporation of British Columbia.
- (4) If the Insurance Corporation of British Columbia is satisfied that a vehicle identification number has been assigned and applied under this section to an off-road vehicle that is registered with the Insurance Corporation of British Columbia, the Insurance Corporation of British Columbia must cause the vehicle identification number to be inserted into the off-road vehicle's registration record.

Alteration, removal or obliteration of vehicle identification number

- 12** (1) A person must not alter, remove or obliterate a vehicle identification number on an off-road vehicle.
- (2) Subsection (1) does not apply to a person who alters, removes or obliterates a vehicle identification number on an off-road vehicle during regular maintenance of the off-road vehicle, or during any repair or other work carried out on the off-road vehicle for a legitimate purpose, including a modification of the off-road vehicle.

Alteration and fictitious use of number plates or documents

- 13** (1) A person must not do any of the following:
- (a) alter, obliterate or repaint a figure or letter
 - (i) on a number plate, decal or sticker issued under this Act, or
 - (ii) on a certificate of registration, permit or other document issued under this Act;
 - (b) use or operate on Crown land or prescribed private land an off-road vehicle that has displayed on it
 - (i) a number plate, decal or sticker issued under this Act, or a document referred to in paragraph (a) (ii), on which a figure or letter has been altered, obliterated or repainted, or
 - (ii) a number plate, decal, sticker or other document that has not been issued under this Act but that is of a colour or design resembling or

purporting to be a number plate, decal or sticker issued under this Act or a document referred to in paragraph (a) (ii);

- (c) while using or operating an off-road vehicle on Crown land or prescribed private land, use or be in possession of a fictitious or invalid number plate, decal or sticker, or a certificate of registration, permit or other document, purporting to be issued under this Act.

(2) Subsection (1) (b) applies to a number plate, decal, sticker or other document issued by a jurisdiction other than British Columbia in respect of an off-road vehicle.

Part 3 — Operation of Off-Road Vehicles

Division 1 — Registration or Permit Required

Operation prohibited without registration or permit

14 Subject to the regulations, a person must not use or operate, or authorize or permit another person to use or operate, an off-road vehicle on Crown land or prescribed private land unless one of the following applies:

- (a) the off-road vehicle is registered with the Insurance Corporation of British Columbia under this Act;
- (b) the off-road vehicle is registered and licensed under the [Motor Vehicle Act](#) or the [Commercial Transport Act](#);
- (c) the off-road vehicle
 - (i) is registered or licensed in a jurisdiction other than British Columbia, 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;
- (d) [Not in force.]

Evidence of registration

15 (1) A person must not use or operate an off-road vehicle that is registered with the Insurance Corporation of British Columbia under this Act on Crown land or prescribed private land unless

- (a) the person has in his or her possession the certificate of registration, or a copy of it, issued for the off-road vehicle under this Act, and
- (b) the off-road vehicle has displayed on it, in the manner prescribed, the number plate, decal or sticker issued under this Act in respect of that off-road vehicle.

(2) A person must not use or operate an off-road vehicle that is registered and licensed under the [Motor Vehicle Act](#) or the [Commercial Transport Act](#) on Crown land or prescribed private land unless

- (a) the person has in his or her possession the licence, or a copy of it, issued for the off-road vehicle under the *Motor Vehicle Act* or the *Commercial Transport Act*, and
 - (b) the off-road vehicle has displayed on it, in the manner prescribed, the number plate issued under the *Motor Vehicle Act* or the *Commercial Transport Act* in respect of that off-road vehicle.
- (3) A person must not use or operate an off-road vehicle referred to in section 14 (c) (i) on Crown land or prescribed private land unless the person has in his or her possession the documentation issued by the other jurisdiction in respect of the off-road vehicle that is specified by regulation.

Not in force

16 [Not in force.]

Division 2 — Operation of Off-Road Vehicles

Operation of off-road vehicles

- 17 (1) A person must not use or operate an off-road vehicle on Crown land or prescribed private 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 off-road vehicle
- (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.
- (3) A person who holds a permit issued under this Act must comply with the terms, limits and conditions of the permit.

Safety helmet

- 18 (1) A person must not use or operate, or ride as a passenger on, an off-road vehicle on Crown land or prescribed private land if the person is not wearing an off-road vehicle safety helmet that
- (a) is designated in the regulations as an approved off-road vehicle safety helmet, or
 - (b) meets the prescribed standards and specifications for off-road vehicle safety helmets.
- (2) A person who uses or operates an off-road vehicle on Crown land or prescribed private land must not permit another person under 16 years of age to ride as a passenger on the off-road vehicle in contravention of subsection (1).

Lighting and illumination

- 19** A person must not use or operate an off-road vehicle on Crown land or prescribed private land from 1/2 hour after sunset to 1/2 hour before sunrise or at any other time when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible at a distance specified by regulation unless all of the following apply:
- (a) the off-road vehicle carries all lamps, reflectors and other illuminating devices required by the regulations;
 - (b) all of the required lamps, reflectors and other illuminating devices are maintained in good working order and in accordance with any requirements specified by regulation;
 - (c) all of the required lamps and other illuminating devices are illuminated.

Supervising adult

- 20** A person 19 years of age or older must not authorize or permit another person under 16 years of age
- (a) to use or operate an off-road vehicle contrary to section 17 (1) (a) or (b) or (2) (a) or (b), 18 (1) or 19, or
 - (b) to contravene, if the other person holds a permit issued under this Act, a term, limit or condition of the permit.

Part 4 — Compliance and Enforcement

Officers empowered to stop and inspect vehicles

- 21** (1) For the purpose of administering or enforcing this Act and the regulations, an officer may require a person using or operating an off-road vehicle to do any of the following:
- (a) stop the off-road vehicle;
 - (b) state correctly the person's name and address and, if the person is not the owner, the name and address of the owner of the off-road vehicle;
 - (c) produce any document or identification that the person is required under this Act or by regulation to have in his or her possession while using or operating an off-road vehicle.
- (2) A person using or operating an off-road vehicle must stop the off-road vehicle if required to do so by an officer under subsection (1) (a) if the officer
- (a) is in uniform,
 - (b) displays his or her official identification, or
 - (c) is in or near a motor vehicle that is readily identifiable as a motor vehicle of an officer.
- (3) A person using or operating an off-road vehicle, if required to do so by an officer under subsection (1), must

- (a) state correctly the person's name and address and, if the person is not the owner, the name and address of the owner of the off-road vehicle, and
 - (b) produce any document or identification that the person is required under this Act or by regulation to have in his or her possession while using or operating an off-road vehicle.
- (4) For the purpose of administering or enforcing this Act and the regulations, an officer, without a warrant, may inspect any of the following:
- (a) an off-road vehicle;
 - (b) any vehicle or equipment that is attached to or is being towed by an off-road vehicle;
 - (c) any off-road vehicle safety helmet or safety equipment that a person is required under this Act or by regulation to use, wear or carry while using or operating, or riding as a passenger on, an off-road vehicle.

Seizure — evidence

22 (1) If an officer has reasonable grounds to believe that

- (a) an offence has been committed under section 17 (1) (a) or (b) or (2) (a) or (b) [*operation of off-road vehicles*] of this Act or a prescribed provision of the regulations,
- (b) an off-road vehicle or any vehicle or equipment that is attached to or is being towed by an off-road vehicle will afford evidence of the commission of the offence, and
- (c) the delay that would be necessary to obtain a warrant would result in the loss or destruction of evidence,

the officer, without a warrant, may seize the off-road vehicle, vehicle or equipment referred to in paragraph (b) of this subsection for the purpose of obtaining or preserving evidence.

- (2) Sections 23 (4) and 24 to 24.2 of the [Offence Act](#) apply in respect of an off-road vehicle, a vehicle or equipment seized under subsection (1) of this section and, for the purposes of section 23 (4) of the [Offence Act](#), an officer is deemed to be a peace officer.

Seizure — safety

23 (1) If an officer has reasonable grounds to believe that

- (a) a person has committed an offence under section 17 (1) (a) or (b) [*operation of off-road vehicles*], and
- (b) the use or operation of an off-road vehicle on Crown land or prescribed private land by the person may endanger or cause injury to persons, wildlife, livestock or domestic animals, or damage to property,

the officer, without a warrant, may seize the off-road vehicle.

- (2) The officer, within 48 hours of a seizure under this section, must release the off-road vehicle
- (a) to the person from whom it was seized,
 - (b) to another person at the direction of the person from whom it was seized, or
 - (c) to the owner of that off-road vehicle.

Obligation of officer

24 An officer who,

- (a) under section 21, requires a person to do something or conducts an inspection,
- (b) under section 22, seizes an off-road vehicle or any vehicle or equipment that is attached to or is being towed by an off-road vehicle, or
- (c) under section 23, seizes an off-road vehicle

must provide proof of identity if requested to do so by the person who is using or operating the off-road vehicle or has apparent custody or control of the off-road vehicle or property being inspected or seized.

Obstructing an officer

25 A person must not hinder, obstruct, impede or otherwise interfere with an officer who is exercising powers or performing duties under this Act or under a warrant issued for the purposes of enforcing this Act or the regulations.

Offences and penalties

26 (1) A person who contravenes any of the following commits an offence and is liable on conviction to a fine of not more than \$2 000:

- (a) section 7 (1) or (2) [*change of address or name*];
- (b) section 8 (1) (b) [*transfer of ownership*];
- (c) section 11 (1) or (3) [*vehicle identification number*];
- (d) section 15 (1) (a), (2) (a) or (3) [*evidence of registration*];
- (e) section 16 (5) (a) or (b) [*non-resident operating permit*];
- (f) section 17 (3) [*operation of off-road vehicles*];
- (g) section 18 (1) or (2) [*safety helmet*];
- (h) section 19 (a), (b) or (c) [*lighting and illumination*];
- (i) subsection (5) of this section.

(2) A person who contravenes any of the following commits an offence and is liable on conviction to a fine of not more than \$5 000:

- (a) section 12 (1) [*alteration, removal or obliteration of vehicle identification number*];

- (b) section 13 (1) (a), (b) or (c) *[alteration and fictitious use of number plates or documents]*;
 - (c) section 14 *[operation prohibited without registration or permit]*;
 - (d) section 15 (1) (b) or (2) (b) *[evidence of registration]*;
 - (e) section 17 (2) (a) or (b) *[operation of off-road vehicles]*;
 - (f) section 20 (a) or (b) *[supervising adult]*.
- (3) A person who contravenes any of the following commits an offence and is liable on conviction to a fine of not more than \$5 000 or to imprisonment for not more than 6 months, or to both:
- (a) section 17 (1) (a) or (b) *[operation of off-road vehicles]*;
 - (b) section 21 (2) or (3) (a) or (b) *[officers empowered to stop and inspect vehicles]*;
 - (c) section 25 *[obstructing an officer]*;
 - (d) subsection (8) of this section.
- (4) Every day that a contravention under subsection (1), (2) or (3) continues constitutes a separate offence.
- (5) A person must not make a false statement in any of the following:
- (a) an application for registration under section 4 *[registration]*;
 - (b) a notice of transfer under section 8 *[transfer of ownership]*;
 - (c) an application for transfer of a certificate of registration under section 9 *[transfer on death of owner if estate small]*;
 - (d) an application for a vehicle identification number under section 11 *[vehicle identification number]*;
 - (e) an application for a permit under this Act.
- (6) If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorizes, permits or acquiesces in the commission of the offence also commits the offence, whether or not the corporation is prosecuted for that offence.
- (7) If a person is convicted of an offence under this Act, the court, in addition to imposing a penalty under subsection (1), (2) or (3), may by order
- (a) require the person to pay to the government or to any other person who suffers damage to property because of the commission of the offence, a sum that, in the court's opinion, is reasonably required to compensate the government or other person for that damage, and
 - (b) prohibit the person from using or operating an off-road vehicle or a class of off-road vehicle for the length of time the court considers advisable.
- (8) A person referred to in subsection (7) must comply with an order of the court under that subsection.
- (9) Section 5 of the *Offence Act* does not apply to this Act or the regulations.

- (10) If the maximum fine or term of imprisonment provided by a regulation under section 30 (2) (s) [regulations — general] is less than that provided by this section, the regulation prevails.

Time limit for commencing prosecution

- 27** (1) The time limit for laying an information to commence a prosecution for an offence under this Act is 2 years after the date on which the facts that lead to the laying of the information first came to the knowledge of an officer.
- (2) An officer referred to in subsection (1) may issue a document certifying the date referred to in that subsection.
- (3) A document issued under subsection (2) is proof, in the absence of evidence to the contrary, of the matter certified in the document.

Liability for contraventions

- 28** (1) The owner of an off-road vehicle is liable for any contravention of this Act or the regulations relating to the use or operation of the off-road vehicle.
- (2) An owner is not liable under subsection (1) if the owner establishes that
- (a) the person in possession of the off-road vehicle at the time of the contravention was not entrusted by the owner with possession, or
 - (b) the owner exercised reasonable care and diligence in entrusting the off-road vehicle to the person in possession of the off-road vehicle at the time of the contravention.
- (3) An owner is not liable under subsection (1) with respect to an offence if the person in possession of the off-road vehicle at the time of the contravention has been convicted of
- (a) the same offence, or
 - (b) an included offence
- arising out of the same circumstances.
- (4) If an owner is liable under subsection (1) with respect to an offence, in place of the fine or term of imprisonment specified in this Act or the regulations for the offence, a fine of not more than \$5 000 may be imposed.

Detention of seized property until fine paid

- 29** (1) This section applies if
- (a) a person is convicted of an offence under this Act,
 - (b) property is ordered returned to the person under section 24.2 (4) (a) or (b) of the [Offence Act](#), and
 - (c) a fine is imposed on that person by the court.
- (2) Despite the order under section 24.2 (4) (a) or (b) of the [Offence Act](#), the responsible official as defined in section 24 (1) of that Act must deliver the property referred to in

subsection (1) (b) of this section to the minister and the minister may detain that property until the fine is paid.

- (3) If the fine referred to in subsection (1) (c) is not paid within the time the court sets for payment, the detained property is forfeited to the government, to be disposed of as the minister directs.
- (4) Proceeds of a disposition under subsection (3) must be applied towards payment of the fine referred to in subsection (1) (c).

Part 5 — General

Regulations — general

- 30** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) for the purposes of the definition of "off-road vehicle" in section 1 *[definitions]*, prescribing
 - (i) classes of vehicles for the purposes of paragraph (b) of the definition, and
 - (ii) classes of vehicles that are excluded from the definition, including, without limitation, prescribing names for the classes of vehicles;
 - (b) prescribing private land or classes of private land for the purposes of the definition of "prescribed private land" in section 1;
 - (c) for the purposes of section 2 (1) (a) *[delegation]*, specifying which powers and duties of the minister under this Act must not be delegated;
 - (d) respecting the use or operation of off-road vehicles on Crown land or prescribed private land;
 - (e) respecting the registration of off-road vehicles, including, without limitation,
 - (i) issue of certificates of registration,
 - (ii) replacement or transfer of certificates of registration, and
 - (iii) circumstances in which the Insurance Corporation of British Columbia may refuse to register an off-road vehicle under this Act or to replace or transfer a certificate of registration under this Act, including, without limitation, if any amount owing in respect of an off-road vehicle under the *Consumption Tax Rebate and Transition Act*, section 165 (2), 212.1 or 218.1 or Division IV.1 of Part IX of the *Excise Tax Act* (Canada) or the *Provincial Sales Tax Act* is not paid to the Insurance Corporation of British Columbia;

- (f) respecting payment of fees and prescribing fees for anything done or permitted to be done under this Act, including, without limitation,
 - (i) respecting number plates, decals, stickers, permits, certificates and other documents and things required or authorized under this Act, and
 - (ii) prescribing fees for the purposes of
 - (A) section 4 (2) (c) [*registration*],
 - (B) section 8 (6) [*transfer of ownership*],
 - (C) section 9 (1) [*transfer on death of owner if estate small*],
 - (D) section 11 (2) [*vehicle identification number*], and
 - (E) section 16 (2) (c) [*non-resident operating permit*];
- (g) respecting number plates, decals and stickers issued under this Act, including, without limitation, the replacement, transfer and manner of display of the number plates, decals and stickers;
- (h) prescribing, for the purposes of section 14 (c) (ii) [*operation prohibited without registration or permit*], the manner of display of number plates, decals or stickers issued by another jurisdiction;
- (i) prescribing, for the purposes of section 15 (2) (b) [*evidence of registration*], the manner of display of number plates issued under the [Motor Vehicle Act](#) or the [Commercial Transport Act](#);
- (j) respecting documents issued under this Act, including, without limitation, the manner of display of documents relating to the use or operation of an off-road vehicle on Crown land or prescribed private land;
- (k) respecting the use or incorporation of equipment or devices in or on off-road vehicles, including, without limitation, prescribing requirements, standards or specifications respecting the equipment or devices;
- (l) respecting the use or operation of off-road vehicles at events of a community, social, sporting or competitive nature;
- (m) respecting documents or identification that a person is required to have in his or her possession while using or operating an off-road vehicle on Crown land or prescribed private land;
- (n) respecting the use or operation, on Crown land or prescribed private land, of an off-road vehicle that is
 - (i) registered or licensed in a jurisdiction other than British Columbia, including, without limitation, specifying documentation for the purposes of section 15 (3), or
 - (ii) [Not in force.]
- (o) respecting the destruction or abandonment of off-road vehicles;
- (p) respecting insurance relating to the use or operation of off-road vehicles on Crown land or prescribed private land, including, without limitation, the form, amount and terms of insurance;

- (q) respecting the form and location of off-road vehicle control signs;
- (r) imposing requirements in respect of accidents arising out of the use or operation of off-road vehicles on Crown land or prescribed private land, including, without limitation, requiring a person to render assistance and provide prescribed information to another person;
- (s) establishing an offence for the contravention of a provision of a regulation and prescribing a penalty for that offence up to the maximum fine or term of imprisonment, or both, set out in section 26 [*offences and penalties*];
- (t) defining terms that are used but not defined in this Act;
- (u) respecting any matter for which regulations are contemplated by this Act.

Regulations — safety

31 The Lieutenant Governor in Council may make regulations as follows respecting the use and operation of off-road vehicles on Crown land or prescribed private land:

- (a) respecting the safe use and operation of off-road vehicles, including, without limitation,
 - (i) safety rules, requirements, standards and specifications respecting off-road vehicles, and
 - (ii) safety rules and requirements for persons who use or operate, or ride as passengers on, an off-road vehicle;
- (b) respecting safety equipment that a person must use, wear or carry while using or operating, or riding as a passenger on, an off-road vehicle, including, without limitation,
 - (i) defining types of safety equipment, and
 - (ii) prescribing requirements, standards and specifications respecting safety equipment;
- (c) without limiting paragraph (b) of this section,
 - (i) designating a helmet as an approved off-road vehicle safety helmet for the purposes of section 18 (1) (a), and
 - (ii) prescribing standards and specifications for off-road vehicle safety helmets for the purposes of section 18 (1) (b);
- (d) without limiting paragraph (b) of this section, specifying a distance for the purposes of section 19 [*lighting and illumination*] and respecting lamps, reflectors and other illuminating devices for the purposes of paragraphs (a) and (b) of that section;
- (e) respecting safety inspections of off-road vehicles, including, without limitation, requiring off-road vehicles to be safety inspected;
- (f) respecting safety training for persons who
 - (i) use or operate off-road vehicles, or
 - (ii) supervise another person, for the purposes of this Act or the regulations, while that person uses or operates an off-road vehicle;

- (g) requiring a person, including a person in a prescribed class of persons, to do something before using or operating an off-road vehicle, or as a condition of being authorized under this Act to use or operate an off-road vehicle, including, without limitation, one or more of the following:
 - (i) obtain a permit, in accordance with the regulations, for the use or operation of an off-road vehicle;
 - (ii) successfully complete a safety training course or program approved by the minister;
 - (iii) be supervised by another person who meets prescribed requirements while the first person uses or operates an off-road vehicle;
- (h) prescribing requirements that must be met by a person who, for the purposes of this Act or the regulations, supervises another person while that person uses or operates an off-road vehicle.

Regulations — prohibition and regulation of off-road vehicles

32 The Lieutenant Governor in Council may make regulations as follows:

- (a) prohibiting or regulating the use or operation of off-road vehicles in prescribed geographic areas, on prescribed land or land in a prescribed class of land or during prescribed seasons or periods of time;
- (b) authorizing the minister
 - (i) to prohibit or regulate by order, in prescribed circumstances, the use or operation of off-road vehicles or a class of off-road vehicles in a geographic area or during a period of time specified in the order, and
 - (ii) to exempt, in writing, a person or class of persons, on any conditions the minister considers advisable, from an order referred to in subparagraph (i);
- (c) requiring that notice of an order referred to in paragraph (b) be given in the prescribed manner or form and within the prescribed period.

Regulations — exemptions

33 Despite any other provision of this Act, the Lieutenant Governor in Council may make regulations exempting any of the following, on any conditions, for any periods of time and in any circumstances that are considered advisable, from all or any part of this Act or the regulations:

- (a) off-road vehicles and classes of off-road vehicles;
- (b) persons or organizations and classes of persons or organizations;
- (c) geographic areas or land and classes of land.

Regulations — permits

34 The Lieutenant Governor in Council may make regulations respecting permits under this Act in relation to off-road vehicles, the use or operation of off-road vehicles, persons, organizations, geographic areas, and seasons or periods of time, including, without limitation, respecting any of the following:

- (a) form and issue of permits;
- (b) renewal, replacement or transfer of permits;
- (c) authorizing a person or other entity to issue permits under this Act or to renew, replace or transfer permits issued under this Act;
- (d) terms, limits or conditions of permits;
- (e) fees for permits.

Other regulation-making powers

35 (1) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:

- (a) delegate a matter to a person;
- (b) confer a discretion on a person;
- (c) establish or define classes of places, things, activities, persons or organizations;
- (d) establish or define classes of off-road vehicles according to their use, ownership, nature, type, characteristics, size, weight, equipment, accessories or otherwise;
- (e) make different regulations for different places, things, off-road vehicles, activities, persons or organizations, or for different classes of places, things, off-road vehicles, activities, persons or organizations, including classes of persons based on age.

(2) In making a regulation under this Act, the Lieutenant Governor in Council may adopt by reference, with or without modification, a code, standard, specification or rule, or part of any of them,

- (a) set by a provincial, national or international body or any other code, standard, specification or rule-making body, or
- (b) enacted as or under a law of another jurisdiction, including a foreign jurisdiction.

(3) A code, standard, specification or rule referred to in subsection (2) may be adopted as amended from time to time.

Administration

36 Subject to section 17 of the *Insurance Corporation Act*, all fees collected under this Act must be paid into the consolidated revenue fund.

Persons authorized to take affidavits — application of *Motor Vehicle Act*

37 Section 66 (1) of the *Motor Vehicle Act* applies for the purposes of this Act.

Records and proof — application of *Motor Vehicle Act*

38 Section 82 (1) to (10) of the *Motor Vehicle Act* applies for the purposes of this Act.

Part 6 — Transitional Provisions, Repeal and Consequential and Related Amendments**Transitional Provisions****Transition — off-road vehicles registered under *Motor Vehicle (All Terrain) Act***

39 (1) In this section:

"designated off-road vehicle" means an off-road vehicle that, immediately before this section comes into force, was registered under the *Motor Vehicle (All Terrain) Act*;

"transition period", in relation to a designated off-road vehicle, means the period beginning on the date this section comes into force and ending on the earlier of

- (a) the date the designated off-road vehicle is registered with the Insurance Corporation of British Columbia in accordance with this Act, and
 - (b) 12 months after the date this section comes into force.
- (2) The owner of a designated off-road vehicle must, within the 12 month period after the date this section comes into force, register the designated off-road vehicle with the Insurance Corporation of British Columbia in accordance with this Act.
- (3) If the minister is satisfied that an owner of a designated off-road vehicle has registered the designated off-road vehicle with the Insurance Corporation of British Columbia in accordance with subsection (2), the minister may grant a refund in the prescribed amount to the owner.
- (4) To claim a refund under subsection (3), an owner of a designated off-road vehicle must submit to the minister
- (a) an application in the form and manner satisfactory to the minister, and
 - (b) any information or document required by the minister.
- (5) The following apply during the transition period in respect of a designated off-road vehicle:
- (a) for the purposes of sections 8 (1) and (2) *[transfer of ownership]* and 14 (a) *[operation prohibited without registration or permit]* of this Act, the designated off-road vehicle is deemed to be registered with the Insurance Corporation of British Columbia under this Act;
 - (b) for the purposes of section 9 (1) *[transfer on death of owner if estate small]* of this Act, a registered holder of a certificate of registration includes a registered holder of a certificate of registration issued under the *Motor Vehicle (All Terrain) Act*;
 - (c) for the purposes of section 13 (1) (a) and (b) *[alteration and fictitious use of number plates or documents]* of this Act, the owner's decal issued under the

Motor Vehicle (All Terrain) Act in respect of the designated off-road vehicle is deemed to be a number plate, decal or sticker issued under this Act;

- (d) for the purposes of section 15 (1) *[evidence of registration]* of this Act,
- (i) the designated off-road vehicle is deemed to be registered with the Insurance Corporation of British Columbia under this Act,
 - (ii) the certificate of registration issued under the *Motor Vehicle (All Terrain) Act* in respect of the designated off-road vehicle is deemed to be a certificate of registration issued under this Act, and
 - (iii) the owner's decal issued under the *Motor Vehicle (All Terrain) Act* in respect of the designated off-road vehicle is deemed to be a number plate, decal or sticker issued under this Act.

Repealed

40 [Repealed 2014-5-40.]

Repeal

Editorial Note

Section(s)	Affected Act
41	<i>Motor Vehicle (All Terrain) Act</i>

Consequential and Related Amendments

Section(s)	Affected Act
42	<i>Environmental Management Act</i>
43	<i>Food Safety Act</i>
44	<i>Insurance Corporation Act</i>
45-46	<i>Insurance (Vehicle) Act</i>
47	<i>Liquor Control and Licensing Act</i>
48-51	<i>Motor Vehicle Act</i>
52-53	<i>Provincial Sales Tax Act</i>
54	<i>Provincial Sales Tax Transitional Provisions and Amendments Act, 2013</i>
55-57	<i>Special Accounts Appropriation and Control Act</i>

Commencement

58 This Act comes into force by regulation of the Lieutenant Governor in Council.