

OFF ROAD VEHICLES



REGULATIONS/DEFINITIONS ♦ ON THE ROAD ♦ FARMERS ♦ YOUNG DRIVERS ♦ PROTECT YOUR ATV

The following information was provided by MARK FOSTER, of the Ontario Provincial Police. Mark is a course instructor for OPP officers who ride ATVs for patrol purposes or rescues, is actively involved with local ATV clubs, and travels South Western Ontario giving presentations to a variety of people regarding ATV rules, regulations and safety. Mark has been a rider himself for twenty years. He has attended many serious ATV crashes, and emphasizes “rider care”. We would like to extend sincere thanks to Mark for his presentation at our Off Road Vehicles Information Night in July 2008, and to South Easthope Mutual for co-hosting the event.



REGULATIONS:

In 1990 the “Ontario Federation of All Terrain Vehicles” was established, similar to the Snowmobile Federation. They promote safe and responsible use of trails in Ontario.

There are a couple of acts that govern off road vehicles and all terrain vehicles.

- The Off Road Vehicles Act governs off road vehicles (which includes ATVs) when they are not being operated on a highway.
- The Highway Traffic Act (Regulation 316-03) governs ATVs which are driven on the highway. Highway and roadway are used interchangeably. Highway or roadway means any road maintained by the municipalities, counties or province (including concession roads), and includes the shoulder and the ditches (from fence line to fence line).

OFF ROAD VEHICLE DEFINITION:

A vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- *on not more than three wheels, or*
- *on more than three wheels and being of a prescribed class of vehicle.*

This includes 2-wheelers, 4-wheelers, 6-wheelers, kids ATVs, Argos, dune buggies, home-made contraptions. This excludes motorized wheelchairs and golf carts.

ORV vs. ATV

Off road vehicles includes ATVs, dirt bikes, dune buggies, and utility vehicles such as the Gator, Argo, Mule, & Kubota RTV. An ATV is *one class* of off road vehicle. So when regulations talk about ATVs, they are not including the other classes mentioned above.

ALL TERRAIN VEHICLE DEFINITION:

An off road vehicle that:

- *has four wheels, the tires of which are all in contact with the ground*
- *has steering handle bars*
- *has a seat designed to be straddled by the driver, (Bombardier / John Deere made a “step through”; this is still considered designed to be straddled by the driver.)*
- *is designed to carry a driver only; no passengers.*

“All Terrain Vehicle” excludes the two-ups or the side-by-sides as they are designed to carry two people (for example the Polaris Ranger, Gator, Mule, Kubota RTV). These are off road vehicles, but not all terrain vehicles, by definition.



DRIVING ON THE ROAD:

An ATV can only travel on a road or highway, if that road or highway has been designated for ATV use under the local Municipal By-Laws. There are two exceptions:

- an ATV can cross a road at a 90 degree angle (under certain conditions – see below), and
- an ATV can drive on the road while in the operation of farming (under certain conditions – see below)

APPROVED ROADS IN THIS AREA:

There are NO roads designated for ATV use in Oxford, Perth or Brant Counties. In fact, there are none south of highway 7, at this present time. Some local areas are approaching their councils. North of Hwy 7, Bruce, Grey & Lambton Counties have some approved roads, and there are many approved roads North of Barrie.

So in Oxford County, for example, it is not legal for an ATV to travel on the shoulder of a gravel road, or even in the ditches. (A road or highway includes everything from fence line to fence line.)

DRIVING ACROSS THE ROAD:

ATVs can cross a road at a 90 degree angle, provided:

- The driver has a G2 or M2 license or higher
- Ownership, plates and insurance
- Helmet
- No passengers, even if the machine is designed for passengers

FARMERS:

Farmers may drive an ATV or Off Road Vehicle along certain roads, excluding 400 series etc, provided:

- Above requirements are met (helmets must still be used with utility vehicles such as Gator)
- Are using the machine for agricultural use, not as a mode of transportation (examples...)
- Have a slow moving vehicle sign
- Also applicable for trappers

RIDING ON PERSONAL PROPERTY:

Respect property, know where you can go. Keep off the snowmobile trails. Property owners get very frustrated when ATVs use the snowmobile trails, and it makes it very difficult for the snowmobile club to get permission back the following year because of the ATVs. ATVs need to respect the snowmobile trails...the property owners are happier, and then when the ATV clubs approach the property owners for permission as well, they will be more receptive to it. Be sure to request written permission to ride on someone else's property.

DRIVING ON APPROVED ROADS:

The Highway Traffic Act governs where and how an ATV can drive while it is on the road.

- Must have only one driver, no passengers. Currently, under the Off Road Vehicles Act you can have two people on an ATV (while riding off-road), but they are looking at changing this so that you can't be on the trails with more than one person on an ATV.
- Regulation 316-03 says ATVs must weigh 450 kg or less. Overall width not more than 1.35 m. Equipment must operate properly, and the braking system must comply with the Motor Vehicle Safety standards. If made after January 1 1998, head lights, reflectors and brake lights must be in working order. If it is equipped with a windshield, it must also meet the MVS standards. If operating on a road, your view cannot be obstructed in any direction.
- Must be registered and plated, and if it is off your property, it must be insured.
- Must have a drivers license of G2 or M2 or higher.
- An approved helmet is required.
- Reduced speed limits apply – in a 50 km zone ATVs are limited to 20 km. In a zone greater than 50 km, an ATV is limited to 50km per hour.
- On an approved road, the ATV must be operated on the shoulder in the same direction as traffic. If there is no shoulder, or the shoulder is obstructed or unsafe, you can operate on the roadway. You cannot drive in a construction zone or a closed highway.

YOUNG DRIVERS:

Always supervise young riders. Consider a training course for young people. It's not mandatory yet, but may become mandatory. Make sure the ATV is size appropriate. Start small until they get the basics.

PROTECT YOUR ATV:

- Park it out back, not out front.
- Consider installing de-activation devices or a tracking system such as Boomerang, remove the ignition keys, and store inside locked storage facilities. Often they are stored inside a locked barn, with the keys in the ignition.
- Install a locking intercom system, one half in the shed, one half in the bedroom...a very cheap security system.
- Pick up the phone and call 9-1-1.
- Don't advertise your ATV – for example when you go in for lunch, park it out of sight. Would-be thieves will cruise the roads to see where the ATVs are.
- If you have a dog, and it is barking in the night, get up and look out the window! So often, if asked did you hear anything, the answer is, the dog was barking, but I didn't get up and look.



QUESTION & ANSWERS:

The following are some questions posed to Mark Foster at our Off Road Vehicles Information Night.

When a utility vehicle such as a John Deere Gator is driven on the road, is a helmet required?

They are considered an Off Road Vehicle, so yes, they do.

Even though they have a cab and a seat belt? Yes.

Are they required to be licensed? Yes, as an off road vehicle.

What is the difference between that, and your lawn mower cutting the ditch? By design...the lawn mower is designed to cut the lawn. The gator was originally designed for use on the farm, but by design can also be used on the trails, etc.

What about an Argo? As of about three years ago, an Argo is also considered an off road vehicle, the same as the Gator.

Where are the local ATV trails? Currently they are in the Innerkip and Cathcart areas.

When are slow moving vehicle signs required? This is an indication that it is being used for a farm purpose, so it is only required for farmers. Reduced speed rules apply (maximum 40 km per hour.)

This document is a summary of the information that was presented at the information night, and is meant for information purposes only. For more information, obtain a copy of the Ontario Regulation 316/03 – Operation of Off-Road Vehicles on Highways and other Act/Regulations governing Off Road Vehicles, by visiting www.e-laws.gov.on.ca.



If a farmer takes a Gator down the road to another farm, is a license required? Yes, and insurance and a helmet, no passengers, in the operation of farming, etc. (see page 2 of this document under Farmers)

What happens with that Gator when your farm isn't next door; it is five miles down the road? It doesn't matter.

Gators, Mules, Argos etc are “off road” vehicles. These utility vehicles are not considered ATVs (the one class of Off Road Vehicles that the Highway Traffic Act allows on the road). However, farmers are allowed to use them on the road if they are in the operation of farming, and meet all of the other requirements.

What about insurance? An automobile insurance policy is required on all Off Road Vehicles including ATVs and utility vehicles. If you are driving legally, your insurance is valid. If you are driving illegally, you may void your insurance coverage.

For further information, refer to the following web sites:
The Ministry of Transportation: www.mto.gov.on.ca
Ontario Federation of ATV Clubs: www.ofatv.org
We would also like to extend our sincere thanks to the other speakers who delivered informative presentations: Wayne Daub, Executive Director of the Ontario Federation of ATV Clubs & John Warkentin, Ministry of Transportation