

BILL 27 - 88(1)

AN ACT TO AMEND THE ALL-TERRAIN VEHICLES ACT

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The Commissioner of the Northwest Territories,
by and with the advice and consent of the
Legislative Assembly, enacts as follows:

1. The All-terrain Vehicles Act is amended by
this Act. 10

2. Subsection 2(1) is amended by
(a) striking out "and" after "definition" in
paragraph (a); and 15
(b) repealing paragraph (b) and substituting
the following:

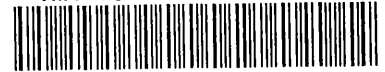
"(b) "regulated area" means an area of the
Territories that is not within a
municipality, prescribed as a regulated
area for the purposes of this Act; 20

(c) "special all-terrain vehicle" means an
all-terrain vehicle that operates on
three or four wheels." 25

3. The following is added after section 2:

"PART I". 30

4. Subsection 4(3.2) is amended by adding "and
where written reports or other information
respecting an accident has been received or
furnished to the Registrar pursuant to sections 277
to 279 of Part VII, sections 305 and 306 of the
Motor Vehicles Act apply to the reports or other
information" after "all-terrain vehicle". 35



EXPLANATORY NOTES

Clause 2

Subsection 2(1) now reads:

Act
2. (1) In this ~~Ordinance~~

Interpretation

- (a) "all-terrain vehicle" means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination of wheels, tracks, skis or air cushions and is designed for cross-country travel on land, water, snow, ice, marsh, swamp or on other natural terrain, and, without limiting the generality of the foregoing, includes
- (i) an amphibious vehicle,
 - (ii) a snow vehicle,
 - (iii) a motorized vehicle mounted on three wheels,
 - (iv) a pedal bicycle with motor attachment, and
 - (v) any other vehicle prescribed to be included

but does not include any vehicle that weighs more than nine hundred kilograms or any other vehicle prescribed as an exception to this definition; and

- (b) "regulated area" means an unincorporated area of the Territories prescribed as a regulated area for the purposes of this *Act*.

Clause 3

The heading "PART I" added after Section 2 is new.

Clause 4

Subsection 4(3.2) now reads:

(3.2) The provisions of Parts VII and VIII of the Motor Vehicles Act apply to the owner and driver of an all-terrain vehicle. ←

5. The following is added after section 4:

"PART II".

6. Section 5 is amended by 5
- (a) striking out "A council" in that portion of subsection (1) that precedes paragraph (1)(a) and substituting "Subject to subsection (2.1), a council";
 - (b) adding the following after subsection (2): 10
- "(2.1) A council shall not make by-laws that apply to special all-terrain vehicles in respect of the matters in Part III."; 15
- (c) striking out "Without" in subsection (3) and substituting "Subject to subsection (2.1) and without"; and
 - (d) adding ", other than a special all-terrain vehicle," after "all-terrain vehicle" in that portion of paragraph (5)(b) preceding subparagraph (5)(b)(i). 20
7. Subsection 6(1) is repealed and the following substituted: 25

"Regulated areas

- 6.(1) The Commissioner, upon the request of the elected body representing a regulated area and upon the recommendation of the Minister, may make regulations generally for the control, use and operation of all-terrain vehicles, other than special all-terrain vehicles in respect of the matters in Part III, within the regulated area, other than on a highway designated as a primary highway pursuant to the Public Highways Act. 30 35
- (1.1) Without limiting subsection (1), the Commissioner may make regulations concerning all the subject matter in respect to which a council may make by-laws under sections 5, 5.1 and 5.2.". 40

Clause 5

The heading "PART II" is new.

Clause 6

Paragraph 5(1) (a) now reads:

By-laws

5.(1) A council may make by-laws generally for the control, use and operation of all-terrain vehicles on highways and other areas within the municipality, other than a highway within the municipality designated as a primary highway pursuant to the Public Highways Act that is not the subject of an agreement made under Part I of that Act, and in particular may make by-laws in respect of all-terrain vehicles⁴ x

- (a) creating a system for their registration and prescribing the terms and conditions of registration, including registration fees;

Subsection 5(2) now reads:

(2) By-laws made under subsection (1) may make different provisions in respect of different types or classes of all-terrain vehicles.

Subsection 5(3) now reads:

(3) Without limiting subsections (1) and (2), a council may make by-laws in relation to all-terrain vehicles dealing generally with the subject-matter covered in relation to other vehicles by the enactments referred to in subsection (4), and such by-laws may make such modifications and adaptations to the language of those enactments as are necessary to make the by-laws applicable to local circumstances."

Subparagraph 5(b) (i) now reads:

(5) Notwithstanding any other provisions of this section, if a person has attained the age of sixty years or more,

- (b) the fee for the registration of an all-terrain vehicle⁴ owned by that person shall not exceed one dollar if
- (i) the all-terrain vehicle is not used by that person or any other person for business purposes, and
 - (ii) no other such vehicle is currently registered by that person for the fee provided for in this paragraph. ~~in subsection 5(1), 5(2), 5(3), 5(4), 5(5), 5(6), 5(7), 5(8), 5(9), 5(10), 5(11), 5(12), 5(13), 5(14), 5(15), 5(16), 5(17), 5(18), 5(19), 5(20), 5(21), 5(22), 5(23), 5(24), 5(25), 5(26), 5(27), 5(28), 5(29), 5(30), 5(31), 5(32), 5(33), 5(34), 5(35), 5(36), 5(37), 5(38), 5(39), 5(40), 5(41), 5(42), 5(43), 5(44), 5(45), 5(46), 5(47), 5(48), 5(49), 5(50), 5(51), 5(52), 5(53), 5(54), 5(55), 5(56), 5(57), 5(58), 5(59), 5(60), 5(61), 5(62), 5(63), 5(64), 5(65), 5(66), 5(67), 5(68), 5(69), 5(70), 5(71), 5(72), 5(73), 5(74), 5(75), 5(76), 5(77), 5(78), 5(79), 5(80), 5(81), 5(82), 5(83), 5(84), 5(85), 5(86), 5(87), 5(88), 5(89), 5(90), 5(91), 5(92), 5(93), 5(94), 5(95), 5(96), 5(97), 5(98), 5(99), 5(100)~~

Clause 7

Subsection 6(1) now reads:

◆Unincorporated
areas

6.(1) The Commissioner, upon the request of the elected body representing a regulated area and upon the recommendation of the Minister, may make regulations generally for the control, use and operation of all-terrain vehicles within the regulated area, other than on a highway designated as a primary highway pursuant to the Public Highways Act, and in particular may make regulations covering all the subject-matter in respect of which a council may make by-laws under sections 5, 5.1 and 5.2.

8. The following is added after section 6.2:

"PART III

Interpretation	6.3. In this Part	5
	"certificate of registration" means a certificate of registration or interim certificate of registration issued under this Part;	10
	"highway" means a highway as defined in the <u>Motor Vehicles Act</u> within a municipality or regulated area;	15
	"licence plate" means a licence plate issued under this Part and includes a certificate of the Registrar issued under this Part stating that an owner is entitled to a licence plate.	20
Application of by-laws and regulations	6.31.(1) On the coming into force of this section, a by-law or regulation made under section 5 or 6 is deemed not to apply to special all-terrain vehicles in respect of the matters in this Part.	25
	(2) This Part does not affect the authority of a council or the Commissioner to restrict or prohibit the operation of special all-terrain vehicles on a highway under section 5 or 6.	30
Age	6.32. No person under 16 years of age shall operate a special all-terrain vehicle on a highway.	35
Helmet	6.33. No person shall operate or ride on a special all-terrain vehicle on a highway unless (a) the person is wearing a prescribed helmet; and (b) the helmet is securely fastened by a chin strap.	40
Number of persons on vehicle	6.34. No person shall operate or ride on a special all-terrain vehicle on a highway where there are more than two persons on the vehicle.	45

Clause 8

The heading "PART III" and Section 6.3 is new.

Section 6.31 is new.

Section 6.32 is new.

Section 6.33 is new.

Section 6.34 is new.

Registration required	6.35. No person shall operate a special all-terrain vehicle on a highway unless there is a valid certificate of registration for the vehicle.	5
Licence plate and validation sticker required	6.36. No person shall operate a special all-terrain vehicle on a highway unless (a) a licence plate issued to the person named on the certificate of registration for the vehicle is attached to the vehicle with a valid validation sticker affixed to the licence plate; and (b) the licence plate attached to the vehicle is or was the current series of licence plate issued by the Registrar when the validation sticker referred to in paragraph (a) was issued.	10 15
Powers of Registrar	6.37.(1) The Registrar may (a) approve the form of the certificate of registration, licence plate, validation sticker, applications and notices for use under this Part; and (b) authorize an employee of the Government of the Northwest Territories or a person who has entered into a contract with the Government of the Northwest Territories to issue anything that the Registrar may issue pursuant to this Part on behalf of and in accordance with the instructions of the Registrar. (2) Every certificate of registration, licence plate, validation sticker, application and notice for use under this Part must be in the form approved by the Registrar.	20 25 30 35
Application	6.38.(1) The owner of a special all-terrain vehicle may apply to the Registrar to have a certificate of registration, licence plate or validation sticker issued for that vehicle. (2) Where the owner applies and meets the requirements of this Act for a certificate of registration, licence plate or validation sticker, the Registrar shall issue it.	40 45

Section 6.35 is new.

Section 6.36 is new.

Section 6.37 is new.

Section 6.38 is new.

Certificate of registration

6.39.(1) The Registrar shall not issue a certificate of registration to an owner of a special all-terrain vehicle unless

- (a) the owner completes an application that contains a postal and residential address for the owner in the Territories or, if the owner is a corporation, a postal address and an address setting out the location of the owner's place of business in the Territories; 5
- (b) the Registrar is satisfied that the applicant is the owner of the vehicle;
- (c) the Registrar is satisfied that there is no judgment of a court in any jurisdiction for damages against the owner arising out of a traffic accident 10
 - (i) of which there is no insurance available for payment of the damages, and 15
 - (ii) that has not been satisfied within 30 days of the judgment becoming final; 20
- (d) the owner submits an insurance card for the vehicle or written proof satisfactory to the Registrar that the owner has obtained a motor vehicle liability policy that complies with the Insurance Act for the vehicle; 25
- (e) the Registrar is satisfied that the owner is not prohibited by this Part from applying for a certificate of registration; and 30
- (f) the owner submits the prescribed fee. 35

Non-payment of fine

6.4. The Registrar may refuse to issue a certificate of registration to an owner who has been required to pay a fine for contravening this Act, the regulations or a by-law made under this Act, where the time allowed for payment of the fine has passed and the fine is outstanding. 40

Expiration of certificate

6.41. A certificate of registration expires on the earliest of the following days:

- (a) the day specified by the Registrar on the certificate; 45

Section 6.39 is new.

Section 6.4 is new.

Section 6.41 is new.

- (b) the day that a person, other than the person named on the certificate or the executor or administrator of the estate of that person, becomes the owner of the special all-terrain vehicle described on the certificate; or 5
- (c) 60 days after the death of the person named on the certificate or, where the person is a corporation, 90 days after its dissolution. 10

Transfer by
voluntary act

- 6.42. Where a certificate of registration expires under paragraph 6.41(b) and the person named on the expired certificate transferred ownership of the special all-terrain vehicle by a voluntary act, the person named on the expired certificate shall 15
- (a) immediately remove the licence plate attached to the vehicle; and
 - (b) within 10 days of the expiration of the certificate, notify the Registrar of the transfer of ownership. 20

Transfer by
operation of
law

- 6.43. Where a certificate of registration expires under paragraph 6.41(b) and the new owner acquired ownership of the special all-terrain vehicle by operation of law or without the voluntary act of the person named on the expired certificate, the new owner shall 25
- (a) immediately remove the licence plate attached to the vehicle and give the licence plate to the person named on the expired certificate or, if that person cannot be located, to the Registrar; and 30
 - (b) within 10 days of the expiration of the certificate, notify the Registrar of the transfer of ownership. 35

Section 6.42 is new.

Section 6.43 is new.

Transfer upon death or dissolution	<p>6.44. Where a certificate of registration for a special all-terrain vehicle expires under paragraph 6.41(c), the executor or administrator of the estate of the person named on the expired certificate or, where the person named on the expired certificate is a corporation, the person having legal authority over the assets of the dissolved corporation shall</p> <p>(a) immediately remove the licence plate attached to the vehicle; and</p> <p>(b) within 10 days of the expiration of the certificate</p> <p style="padding-left: 40px;">(i) notify the Registrar of the death or dissolution of the person named on the certificate, and</p> <p style="padding-left: 40px;">(ii) submit the licence plate removed from the vehicle to the Registrar.</p>	5 10 15
Insurance	<p>6.45. No person shall</p> <p>(a) park a special all-terrain vehicle on a highway, other than a privately owned area that is designed and primarily used for the parking of vehicles; or</p> <p>(b) operate a special all-terrain vehicle on a highway</p> <p>unless, there is a motor vehicle liability policy that is in force for the vehicles and that evidences a contract that insures at least to the limits required by section 148 of the <u>Insurance Act</u>.</p>	20 25 30
Issuing licence plate and validation sticker	<p>6.46. The Registrar shall not issue a licence plate or validation sticker to an owner of a special all-terrain vehicle unless the owner has applied for and is entitled to receive a certificate of registration for the vehicle.</p>	35
Licence plate to be attached	<p>6.47.(1) No person shall operate or park a special all-terrain vehicle on a highway unless a licence plate is securely attached to the back of the vehicle.</p>	40

Section 6.44 is new.

Section 6.45 is new.

Section 6.46 is new.

Section 6.47 is new.

(2) No person shall operate on a highway a special all-terrain vehicle that is towing a trailer or other object unless the licence plate attached to the special all-terrain vehicle is visible from the rear of the trailer or object being towed. 5

Removal of licence plate 6.48. No person shall remove a licence plate that is attached to a special all-terrain vehicle without the consent of the owner of the vehicle, unless the person is authorized by this Act to remove the licence plate. 10

Parked vehicles 6.49. No person shall park and no owner shall allow a special all-terrain vehicle to stand on a highway, other than a privately owned area that is designed and primarily used for the parking of vehicles or all-terrain vehicles, unless a licence plate with a validation sticker affixed as described in paragraphs 6.36(a) and (b) are attached to the vehicle. 15 20

Documents carried by driver or passenger 6.5.(1) No person shall operate a special all-terrain vehicle on a highway unless the person or a passenger on the vehicle has in his possession 25

- (a) the certificate of registration for that vehicle; and
- (b) an insurance card for the vehicle or written proof accepted by the Registrar that the owner has obtained a motor vehicle liability policy that complies with the Insurance Act for the vehicle. 30

(2) Notwithstanding paragraph (1)(b), where an owner obtains a certificate of registration for a special all-terrain vehicle by submitting written proof satisfactory to the Registrar that the owner has obtained a motor vehicle liability policy, no person shall operate that special all-terrain vehicle on a highway for more than 60 days after the motor vehicle liability policy comes into force, unless the person operating the vehicle or a passenger on the vehicle, has in his possession the insurance card that evidences the policy. 35 40 45

Section 6.48 is new.

Section 6.49 is new.

Section 6.5 is new.

No insurance

6.51.(1) Where the Registrar, on reasonable grounds, believes that there is no motor vehicle liability policy in force with respect to a special all-terrain vehicle for which a certificate of registration has been issued, the Registrar may send a notice to the person named on the certificate of registration stating that the certificate of registration for the vehicle may be cancelled on a day specified on the notice unless the person named on the certificate of registration satisfies the Registrar that there is a motor vehicle liability policy in force that insures at least to the limits required by section 148 of the Insurance Act for the vehicle. 5
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(2) The date specified on the notice referred to in subsection (1) shall be not less than
(a) where there is personal service of the notice, 14 days from the day of service; or 20
(b) where the notice is sent by registered mail, 14 days from the day that the notice is deemed to have been received. 25

(3) Where the person named on the certificate of registration does not meet the requirements of subsection (1) by the day specified on the notice referred to in subsection (1), the Registrar may cancel the certificate of registration for the special all-terrain vehicle. 30

(4) Where the Registrar cancels a certificate of registration of a person pursuant to subsection (3), the Registrar shall send a notice to the person advising him of the cancellation. 35

(5) Upon receipt of a notice referred to in subsection (4), the person named on the certificate of registration that is cancelled shall, without delay, deliver or mail to the Registrar the certificate of registration and the licence plate attached to the special all-terrain vehicle described on the certificate. 40
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Section 6.51 is new.

Impounding
vehicles in
accident

6.52.(1) In this section, "accident" means an accident involving a special all-terrain vehicle upon or adjacent to a highway that results in

- (a) the injury or death of a person; or
- (b) total damages to all property involved in the accident that appears to be \$1,000 or more.

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(2) Subject to subsection (3), a member of the Royal Canadian Mounted Police shall impound each special all-terrain vehicle involved in an accident

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- (a) at the scene of the accident; or
- (b) at the place where the member locates the vehicle if the vehicle has left the scene of the accident.

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(3) A member of the Royal Canadian Mounted Police shall not impound a special all-terrain vehicle under the authority of subsection (2) where the driver of the vehicle or a passenger on the vehicle produces for inspection to the member the document evidencing a motor vehicle liability policy that is required to be in the possession of the driver or passenger by section 6.5.

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Liability of
person named
on certificate
of registration

6.53.(1) In this section, "owner" means an owner as defined by section 18 of the Motor Vehicles Act, except that references to "motor vehicle" in the definition are changed to "special all-terrain vehicle".

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(2) The person named on a certificate of registration for a special all-terrain vehicle or, if there is no valid certificate of registration for the vehicle, the owner of the vehicle, that is involved in a contravention of

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- (a) section 6.35, 6.36 or 6.45 of this Part; or
- (b) subsection 57(2), section 61, paragraph 63(3)(b) of the Motor Vehicles Act incorporated into this Part by section 6.54

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is liable for such a contravention.

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Section 6.52 is new.

Section 6.53 is new.

(3) In a prosecution under subsection (2) of a person named on a certificate of registration or an owner for a contravention of a provision referred to in subsection (2), the defendant shall be found not guilty if the defendant proves that the driver of the special all-terrain vehicle at the time of the contravention was in possession of the vehicle without the consent of the defendant.

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Motor
Vehicles
Act

6.54. Subsections 9(1) and (2), sections 11 to 13, 18, 19, subsections 28(2) and (3), section 35, subsections 54(1) and (2), sections 57 to 61, subsections 63(2) and (3), sections 65 to 67, subsection 68(1), sections 69, 70, 73 to 77, 290, 292 to 299, 301, 302, subsection 303(1) except paragraph 303(1)(b), subsection 303(2) and sections 306, 340 and 341 of the Motor Vehicles Act apply to this Part with the following modifications:

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- (a) definitions in section 6.3 of this Part apply to the above noted provisions;
- (b) "motor vehicle" is struck out wherever it occurs and "special all-terrain vehicle" is substituted;
- (c) "dealer", "certificate of registration referred to in subsection 30(2)", "certificate under section 53", "registration permit", "in-transit permit" and "driver's licence" are struck out wherever they occur;
- (d) "this Act or the regulations" is struck out wherever it occurs and "Part III" is substituted;
- (e) "section 51" is struck out in paragraph 296(c) and "section 6.45" is substituted; and
- (f) such other modifications as the circumstances require.

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Transitional

6.55.(1) On the coming into force of this section, a valid certificate of registration, licence plate or validation sticker for a special all-terrain vehicle issued pursuant to a by-law or regulation under section 5 or 6 of this Act is deemed to be a certificate of registration, licence plate or validation sticker, as the case may be, under this Part.

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Section 6.54 is new.

Section 6.55 is new.

(2) A certificate of registration, licence plate or validation sticker deemed to be certificate of registration, licence plate or validation sticker under this Part by subsection (1) expires on the earliest of 5
(a) the day it would have expired under the by-law or regulation under which it was issued;
(b) March 31 following the coming into force of this section; or 10
(c) the day it is cancelled or expires under this Part.

(3) The provisions of this Part respecting requirements for insurance apply to a person operating or parking a special all-terrain vehicle under a certificate of registration, licence plate or validation sticker deemed to be a certificate of registration, licence plate or validation sticker under this Part by subsection (1).". 15 20

9. The following is added before section 7:

"PART IV". 25

10. Section 8 is amended by
(a) striking out "Where" and substituting "Notwithstanding the Young Offenders Act, where" in subsection (2); and 30
(b) repealing subsection (3) and substituting the following:

"(3) Where pursuant to by-laws or regulations made under this Act or the provisions of the Criminal Code (Canada) an order is made prohibiting a person from operating an all-terrain vehicle as a result of a discharge or conviction, the justice or judge making the order shall, notwithstanding the Young Offenders Act, immediately forward a copy of the order to the Registrar." 35 40

Clause 9

The heading "PART IV" is new.

Clause 10

Subsection 8(2) now reads:

^{Act} (2) ~~Where~~ ^{an order is made} ~~Where~~ a person is convicted of an offence against this ~~Act~~ ^{Ordinance} or the regulations or by-laws thereunder, the justice making the conviction shall forthwith cause to be forwarded to the Registrar notice of the conviction together with a summary of the facts and circumstances of the offence and setting forth

- (a) the full name, address and birth date of the person so convicted,
- (b) the enactment contravened, and
- (c) the time the offence was committed.

Subsection 8(3) now reads:

^{Act} (3) Where pursuant to by-laws or regulations made under this ~~Ordinance~~ ^{Act} an order is made in effect prohibiting a person from operating an all-terrain vehicle as a result of a conviction, the justice making the order shall forthwith forward a copy of the order to the Registrar.

Clause 11

Subsection 12(2) now reads:

“(2) Without limiting subsection (1), the Commissioner, upon the recommendation of the Minister, may prescribe any unincorporated area or part of an unincorporated area to be a regulated area for part only of a year.”

Paragraph 12(3)(a) now reads:

“(3) The Commissioner, upon the recommendation of the Minister, may make regulations”

“(a) permitting the owner of an all-terrain vehicle to apply to the Registrar for registration of that vehicle under the Motor Vehicles Act.”

11. Section 12 is amended by
- (a) striking out "any unincorporated area or part of an unincorporated area" and substituting "an area of the Territories that is not within a municipality" in subsection (2); and 5
 - (b) adding ", other than a special all-terrain vehicle," after "all-terrain vehicle" in paragraph (3)(a). 10

CONSEQUENTIAL AMENDMENT

Insurance Act

12. The Insurance Act is amended by adding "or the All-terrain Vehicles Act" after "Motor Vehicles Act" in subsection 130(4). 15

COMING INTO FORCE

13. This Act or any provision of this Act shall come into force on a day or days to be fixed by order of the Commissioner. 25

Subsection 130(4) now reads:

Idem (4) This Part does not apply to a contract providing insurance
in respect of an automobile not required to be registered under the
Motor Vehicles ~~Ordinance~~^{Act} unless it is insured under a contract evidenced by
a form of policy approved under this Part.