MOTOR VEHICLE (ALL TERRAIN) ACT
319

[includes 2003 Bill 59 (B.C. Reg. 11/2004) amendments (effective April 1, 2004)]

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Definitions

1. In this Act:

"all terrain vehicle" means a vehicle that is propelled by motorized power and capable of travel on or off a highway as defined in the **Highway Act**, and that is designated as an all terrain vehicle by regulation;

"conservation officer" means a conservation officer defined in section 1 (1) of the **Environment Management Act**;

"dealer" means a person engaged in the business of selling, offering for sale, dealing in or renting out all terrain vehicles;

"director" means the Director of the Fish and Wildlife Branch of the ministry, or any person authorized in writing by the director;

"enforcement officer" means a conservation officer, peace officer, park officer, forest officer or other person designated by regulation;

"operator" means a person who uses or operates or is in actual physical control of an all terrain vehicle;

"owner" means a person, other than a lien holder, having property in or title to an all terrain vehicle;

"registration" means registration of an all terrain vehicle under this Act, and the issue, by the Insurance Corporation of British Columbia, of a certificate of registration and identification provided in the regulations.


Operation prohibited without registration

2. (1.) Except as otherwise provided in this Act, a person must not operate or authorize or permit another person to operate an all terrain vehicle unless he or she holds a certificate of registration for that all terrain vehicle in the prescribed form and unless the prescribed identification is displayed on the machine.

(2.) A person under the age of 16 years is not entitled to register an all terrain vehicle.

(3.) A person under the age of 18 years is not entitled to register an all terrain vehicle unless he or she deposits with the Insurance Corporation of British Columbia the written consent of his or her parent or guardian to the registration of the all terrain vehicle.

(4.) Within 14 days following a transfer of ownership or destruction or abandonment of an all terrain vehicle, the owner must deliver to the Insurance Corporation of British Columbia written notice of the transfer of ownership, destruction or abandonment in a form prescribed by the corporation, together with the certificate of registration.

(5.) This section does not apply to the operation of an all terrain vehicle by a person

(a) if the all terrain vehicle of that person is registered in and displays the
identification of another province or state and is not in British Columbia for more than 30 days,
(b) if the director issues a special permit to the owner of an all terrain vehicle, whose province of residence does not require registration, to operate in British Columbia for a period not exceeding 30 days, or
(c) who is a dealer, who holds a prescribed dealer’s registration certificate and who displays on the all terrain vehicle the prescribed identification.

RS1979-289-2; 1997-31-41, 42.

Dealers
3. (1.) A dealer must not engage in the business of renting out all terrain vehicles for use by others unless the dealer holds a rental dealer’s certificate in the prescribed form and unless the prescribed identification is displayed on each all terrain vehicle.
(2.) The Insurance Corporation of British Columbia must require, as a condition of registration, that each all terrain vehicle to be rented out to the public by a dealer be insured by a public liability policy in the prescribed amount, in the prescribed form and containing the prescribed terms.

RS1979-289-3; 1997-31-41.

Operation of an all terrain vehicle
4. (1.) A person must not operate an all terrain vehicle
(a) in a careless, reckless or negligent manner so as to endanger or cause injury or damage to a person or property of another,
(b) in a tree nursery or planting, in a manner that may damage or destroy growing stock,
(c) on the tracks of an operating railway,
(d) on private property without the consent of the owner, lessee or occupant of it,
(e) in such a manner as to drive, harass, chase, run over, injure or kill wildlife or a domestic animal, or
(f) in areas, seasons or periods of time prohibited by the regulations.
(2.) An operator must, on request of the owner or occupant of property on which he or she is found, stop and identify himself or herself and produce for inspection his or her certificate of registration, and must promptly, on request, leave that property.
(3.) Unless he or she holds a valid and subsisting driver’s licence issued under the Motor Vehicle Act, a person must not operate an all terrain vehicle on or across a highway as defined in the Highway Act or on any portion of the right of way of a highway
(a) except as authorized by a permit prescribed by the regulations, or
(b) except as authorized by bylaw of a municipality,
and unless he or she complies in all respects with those provisions of the Motor Vehicle Act that are made applicable by regulation, and the instructions and directions of an enforcement officer.
(4.) The council of a municipality may pass bylaws, consistent with this Act and the regulations, regulating, governing or prohibiting the operation of all terrain vehicles in the municipality or on highways that are solely under the jurisdiction of the municipality.
(5.) This section is subject to restrictions and prohibitions prescribed by the Park Act, the Forest Act or the Land Act or in any regulations made under those Acts.
Equipment
5. (1.) A person must not operate an all terrain vehicle unless the all terrain vehicle is equipped as prescribed by the regulations.

(2.) Subsection (1) does not apply to organized races or similar competitive events held
(a) on private property with the permission of the owner, lessee or custodian of the property, or
(b) on government property with the permission of the director.

RS1979-289-5.

Accident reporting
6. (1.) The operator of an all terrain vehicle involved in an accident resulting in injuries to or death of a person, or damage to property apparently exceeding $200, must, within 48 hours after the accident, report the matter in writing in the form prescribed by the regulations to a peace officer at or near the place of the accident or at the nearest police station, who must mail or deliver the original report to the Insurance Corporation of British Columbia within 7 days.

(2.) If the operator is, as a result of the accident, physically incapable of making the report required by subsection (1), then another participant in the accident must make the report.

(3.) If there is no other participant and the operator is not the owner, the owner must, within the period of time prescribed in subsection (1), after learning the facts of the accident, make the report.

(4.) If an accident occurs arising out of the operation of an all terrain vehicle involving loss of life, personal injury or damage to property, the operator must stop and give his or her name and address, the name and address of the owner of the all terrain vehicle and the registration number assigned to the all terrain vehicle to the injured person or to the person sustaining the damage or to an enforcement officer.

(5.) The owner of an all terrain vehicle is responsible and liable for a contravention of this Act or the regulations.

(6.) The owner of an all terrain vehicle is liable for death or injury to a person or damage to property resulting from negligence of any person who, with the owner’s permission, express or implied, operates the all terrain vehicle, but the owner is not, under this subsection, liable for the death or injury to or damage to the property of the operator of that all terrain vehicle caused by the operator’s negligence.

(7.) If an operator is living with and as a member of the family of the owner, or is employed by the owner, the owner is conclusively deemed to have permitted the operator to operate the all terrain vehicle.

(8.) If loss or damage is sustained by a person because of the use or operation of an all terrain vehicle, the onus of proof that the loss or damage did not arise entirely or solely through the negligence or improper conduct of the operator is on the owner or operator.

(9.) Subsection (8) does not apply in the case of a collision between all terrain vehicles or between an all terrain vehicle and a motor vehicle as defined in the Motor Vehicle Act.


Power to make regulations
7. (1.) The Lieutenant Governor in Council may make regulations referred to in section 41 of
Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) designating any type of vehicle propelled by motorized power as an all terrain vehicle and prescribing a name for that vehicle;
(b) respecting the operation or prohibition of the operation of all terrain vehicles;
(c) prescribing the method and manner of identification of registered all terrain vehicles;
(d) prescribing rules for driving an all terrain vehicle on a highway, across a highway or a place other than a highway;
(e) requiring the use or incorporation of any equipment or device in or on an all terrain vehicle and prescribing the specifications for it;
(f) respecting the registration of all terrain vehicles, including the form and issue of certificates, the renewal, replacement or transfer of them, the payment of fees for them and prescribing the amount of the fees;
(g) establishing a public information and safety education and training program, including the form and issue of juvenile safety certificates under section 4 for operation of all terrain vehicles;
(h) respecting the operation of and the issue of permits for certain all terrain vehicles in prohibited areas, seasons or periods of time, and for the conduct of special sporting or competitive events, and operation on a highway;
(i) prescribing the form, amount and terms of insurance coverage for designated classes of all terrain vehicles rented out by dealers;
(j) designating certain persons as enforcement officers;
(k) respecting the form and manner of reporting accidents under section 6;
(l) respecting the form and location of all terrain vehicle control signs;
(m) respecting other matters necessary or required to carry out the purpose of this Act;
(n) exempting certain all terrain vehicles used in specified areas or for specified purposes from specified provisions of this Act, other than sections 4, 5 and 6;
(o) defining, for the purpose of the regulations, a word or expression used in this Act and not defined in it;
(p) requiring the use of safety equipment by operators and passengers, defining types of safety equipment, and prescribing the standards required for safety equipment sold, offered or exposed for sale or delivered to a purchaser.
person for that damage, and
(b) that the person promptly cease and desist from the acts or omissions constituting the offence, or be subject to imprisonment until he or she complies with the order.

(5.) If a corporation commits an offence against this Act or the regulations, a director or officer of the corporation who knew or ought to have known of the commission of the offence by the corporation commits the offence and is liable to the penalties provided in this section, but the liability of the corporation is not affected by the liability of the director or officer.

(6.) If a person is convicted of an offence against this Act or the regulations, the justice may make an order prohibiting that person from operating an all terrain vehicle or a class of all terrain vehicle for the length of time the justice considers advisable.

(7.) If a justice has prohibited a person from operating all terrain vehicles, that person commits an offence if he or she subsequently operates an all terrain vehicle in contravention of a term of the order.

(8.) A justice must forward a copy of a conviction or of an order made under subsection (6) to the Insurance Corporation of British Columbia within 15 days of the date of the conviction or order.

**Suspension by Insurance Corporation of British Columbia**

9. (1.) On conviction of

(a) a registered owner of an all terrain vehicle, or

(b) an operator who was, with the knowledge and consent of the registered owner, operating the all terrain vehicle with which the offence for which he or she was convicted was committed

for an offence under this Act or for any other reasonable cause, the Insurance Corporation of British Columbia may, subject to the right of appeal of a registered owner in accordance with the provisions of the *Motor Vehicle Act* respecting appeals from suspension by the corporation, suspend the certificate of registration and the identification number for that all terrain vehicle for a period not greater than 3 months.

(2.) Section 94 of the *Motor Vehicle Act* applies to proceedings under this section.

(3.) On conviction of a registered owner or operator of an all terrain vehicle under section 220, 221, 249, 253, 254, 252, or 259 (4) of the *Criminal Code* committed by the registered owner or operator while operating an all terrain vehicle, the certificate of registration and identification number are suspended for a period of 6 months.

**Administration**

10. (1.) The Insurance Corporation of British Columbia, under the direction of the minister, is responsible for the establishment of a system of registration and identification of all terrain vehicles, including the collection and accounting of fees and the issue of permits for the purposes designated by the regulations.

(2.) The director, under the direction of the minister, must institute a program of public information and safety education, including a training program of juvenile operators.

(3.) All fines and fees collected under this Act must be paid to the Minister of Finance and
form part of the consolidated revenue fund.

(4.) If an all terrain vehicle is being operated contrary to this Act or the regulations, an enforcement officer may order the all terrain vehicle to stop.

(5.) A person who continues to operate an all terrain vehicle after being ordered to stop by an enforcement officer commits an offence.