

Off Highway Vehicles Act and Associated Regulations



My background

- NB Conservation Officer 2011-2013
- Nunavut Conservation Officer 2014-2015
- Fish & Wildlife Enforcement Officer 2015-2017
- Peace Officer (Off-Road Vehicle Enforcement Officer 2017-2019
- NS Conservation Officer 2019



Off-Highway Vehicles Act

- In March 2007, new regulations came into effect regarding fees for registering and permitting your OHV, safety training requirements, areas to ride, as well as, describing how written permission can be given by landowners
- Off-Highway Vehicle Act and Regulations is managed and overseen by the Department of Lands and Forestry
- Conservation Officers with the Department of Environment are mandated by the Province of Nova Scotia for enforcement of the act and regulations

CO Authorities

- Peace Officer; includes member of the RCMP, Appointed Police Officer, a Motor Vehicle Inspector appointed pursuant to the Motor Vehicle Act and a CO as defined in the Forests Act;
- Seizure and Detention; Seize on R&PG and may detain for disposition at a trial or on charges on R&PG for disposition and is necessary to prevent the continuation or repetition of the offence.
- Arrest/Detention; Depending on the circumstances of 495 of the Criminal Code as a Peace Officer and/or can may include authorities as defined in other statutes example; Wildlife Act, Crown Lands Act, Beaches Act, Provincial Parks Act etc. CO's may fall back the arrest authorities as per other statutes if the circumstances allow for an on view found committing offences.
- Summary Proceedings Act as it applies outside the OHV Act for other proceedings.

What is a Off-Highway Vehicle

- off-highway vehicle” means a
 - (i) snow vehicle,
 - (ii) all-terrain vehicle,
 - (iii) motorcycle,
 - (iv) mini bike,
 - (v) four-wheel-drive or low-tire-pressure vehicle,
 - (vi) dune buggy, or
 - (vii) vehicle or class of vehicle designated as an off-highway vehicle by regulation, but does not include
 - (viii) a vehicle registered pursuant to the Motor Vehicle Act (examples; street and trail bike, Modified 4x4 trucks)



Who can ride on off-highway vehicle in Nova Scotia

- Operation under 16 and over 16 years of age: (Refer to Section 11 OHV Act and other pertinent legislation)
- **11 (1)** Except as provided in subsections (2) to (4), no person who is under the age of sixteen years shall operate an off-highway vehicle and no person who owns or has control of an off-highway vehicle shall permit the operation of the off-highway vehicle by a person under the age of sixteen years.
- Safety Training Requirements
 - To legally operate an OHV in Nova Scotia many operators must obtain a safety training certificate.
- Exemptions
 - You are **exempt** from the requirement to take safety training if you:
 - Were 19 years or older before April 1, 2006 (born before April 1, 1987); and,
 - Purchased an OHV before April 1, 2006; and,
 - Registered an OHV on or before September 30, 2007; and,
 - Have a valid driver's license; General Rules: **Operation by persons under 16**
 - and,
 - Are not a parent/guardian of an operator under 16 years old

Who can ride on off-highway vehicle in Nova Scotia continued...

- Note, if you are exempt your spouse/partner is also exempt.
- You are also **exempt** if:
 - You have proof that you passed a Canada Safety Council OHV Course (1991 or later);
 - You are an employee who is using the OHV in activities relating to your job, your employer complies with the Occupational Health and Safety Act and ensures that you are a competent user of OHV equipment or provides training if you are not;
 - You are self-employed (for example, farmer, fisher, forest worker while using OHVs for your work), except Guides (for example, any person, who for compensation or reward received or contracted for, supervises and assists another person who is operating on OHV for recreational purposes);
 - You are a federal, provincial, or municipal government employee or peace officer while engaged in activities related to your duties; or,
 - You operate a golf cart on a public or private golf course.
 - If you are not exempt, you must obtain a safety training certificate to be able to ride.

Registering your Off-highway Vehicle

Registration

- You are required to have your OHV registered with Service Nova Scotia and Municipal Relations (Registry of Motor Vehicles) except in circumstances where owners use their **OHVs exclusively on their own property.**

Exemption

- You are not required to register your Off-highway Vehicle if you are:
- an operator who rides solely on your own property,
- a Status Indian who operates an OHV on communal Reserve land, or
- a person related to a landowner by blood or marriage or a common-law or registered domestic relationship and who ride solely on the related landowner's property.

Insurance for Off-highway Vehicles

- As of April, 1, 2007, all persons operating OHVs on land they do not own or occupy must carry a motor vehicle liability policy. Coverage required includes third-party liability, accidental benefits and under-insured or non-insured coverage.
- **Do I need to purchase insurance if I don't ride off my own property?**
 - If you ride an OHV only on property you own or occupy you are not required to have third-party liability coverage.

Off-Highway Vehicle Operation

Where can they operate

- Most Crown Land and Access Roads (exceptions do apply)
- Owner owned lands and property with permission
- Designated trails by permit
- OHV pilot project area (must meet specific requirements)
- Wilderness areas (exceptions apply to permits)
- Most K-class Road (not maintained with limited traffic)

Where CAN'T they operate

- Highways as defined under the Motor Vehicle Act (exceptions when crossing the highway and pilot project area)
- Private property without written permission
- Beaches
- Watercourses
- Wilderness areas (exceptions apply)
- Provincial Parks
- Wetlands, swamps or marsh
- Water supply areas

Common Offences

- **Offences relating to other statutes are related to a mode of potential transportation or convenience which can include many provincial statutes as the primary statute to work under.**

- Off-Highway Vehicles Act:

- Operating without permit or displaying
- Failure to wear helmet
- Operating on highway
- No insurance
- No Safety Training
- Operate without due care
- Failure to stop



- Wildlife Act:

- Loaded weapon in or on a vehicle

- Wilderness Areas Protection Act:

- Unauthorized Access

- Crown Lands Act:

- Failing to abide by sign or notice

- Criminal Code:

- Flight from peace officer
- Operate motor vehicle while impaired by alcohol/drugs.



Fines and Penalties

- Most offences carry a minimum first offence fine of 410.00
- 2nd offence 697.50
- 3rd offence 985.00
- Failing to stop, watercourse, wetland and beach operation and other offences
 - 697.50 first offence
 - 985.00 second offence
 - 2422.50 third offence
- An Officer may impound an OHV for any violation committed under the Off-Highways Vehicle Act



What should you do if you observe illegal OHV activity?

- Shubie Radio 1-800-565-2224
- Tips via the report a poacher email REPORTAPOACHER@gov.ns.ca
- Crime stoppers 1-800-222-TIPS or online to submit a secure web tip
- Local RCMP, Town and Municipal Police Detachment
- 911 for serious offences includes; dangerous operation, impaired driving, accidents.
- Any information you can provide is extremely valuable to us, plates, description of OHV, clothing, colour, type, model, times, identity of operator



Resource Material

- <https://novascotia.ca/natr/enforcement/reportapoacher.asp>
- <https://crimestoppers.ns.ca/>
- [Nova Scotia Off-Highway Vehicles
https://novascotia.ca/natr/ohv/](https://novascotia.ca/natr/ohv/)
- [Off-Highway Vehicle Legislation
https://nslegislature.ca/sites/default/files/legc/statutes/off-highway%20vehicles.pdf](https://nslegislature.ca/sites/default/files/legc/statutes/off-highway%20vehicles.pdf)
- [Fatal Fun CBC News
https://www.youtube.com/watch?v=H1WYcTTIJbY](https://www.youtube.com/watch?v=H1WYcTTIJbY)
- [Digby Courier
https://www.digbycourier.ca/news/regional/rcmp-checkpoints-result-in-several-off-highway-vehicle-act-infractions-in-south-west-nova-340769/](https://www.digbycourier.ca/news/regional/rcmp-checkpoints-result-in-several-off-highway-vehicle-act-infractions-in-south-west-nova-340769/)

Contact Information

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Questions?

Thank you/Merci