



Office of the Minister
Box 2703, Whitehorse, Yukon Y1A 2C6

November 18, 2014

Honourable Mike Nixon
MLA Porter Creek South
Legislative Assembly Office
Box 2703
Whitehorse, YT Y1A 2C6

Dear Mr. Nixon:

Re: Amendments to the *Motor Vehicles Act*

Amendments to the *Motor Vehicles Act* to regulate off-road vehicle use recently passed in the legislature and will come into effect in spring 2015 after required amendments to the *Motor Vehicles Regulations* are in place.

The definition of highway remains virtually unchanged in the new act, with one minor amendment to clarify that the roadway or travelled surface of a highway is also part of the highway. Paragraph a.01 was added to the definition of highway which now reads:

"highway" means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, ice-road, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes

- (a) a sidewalk, including a boulevard portion thereof,
- (a.01) the roadway,
- (b) when a ditch lies adjacent to and parallel with the roadway, the ditch,
- (c) when a highway right-of-way is contained between fences or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line, or all the land between the fence and the edge of the roadway, as the case may be,
- (d) all the land shown on a registered plan of survey of a highway right-of-way,



(e) when a highway right-of-way is not shown on a registered plan of survey or is not contained between fences or cut-lines, all the land within 30 metres of the centre line;

Off-road vehicles and snowmobiles are now defined terms in the act and are excluded from the definition of motor vehicle. This means snowmobiles and off-road vehicles are not considered to be motor vehicles under the act. However, any rules in Parts 2 to 8, 10 to 12, 16 and 17 of the act that apply to motor vehicles also apply, unless specifically provided for otherwise, to snowmobiles and off-road vehicles that are operated on a maintained roadway.

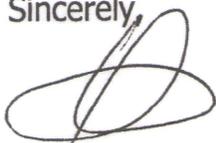
Under the amended act, "maintained roadway" is the term used to describe the part of a highway where the off-road vehicle and snowmobile regulations apply. The maintained roadway is limited to the roadway part of any highway that has been designated a maintained highway under section 18 of the *Highways Act*.

The roadway portion is the area of the road that is designed for cars and trucks – the area between the curbs or edges of the road. For the purposes of the off-road vehicle and snowmobile regulations, the roadway also includes any pull outs or rest areas that are attached to the road but does not include the ditches or cleared rights-of-way on either side of the road.

Once these amendments come into effect, any off-road vehicle or snowmobile that is operated on, or that crosses over, the roadway part of any maintained highway, except those highways that have been specifically exempted under the act, must be registered, owners must have liability insurance, riders and passengers must wear a helmet, and operators must have a valid driver's licence. In addition, anyone under the age of 16 years must wear a helmet at all times while riding on an off-road vehicle or snowmobile, whether or not they are riding on the roadway.

Off-road vehicles and snowmobiles that are not operated on, or that do not cross over, any maintained roadway, meaning they are operated exclusively on trails or in the back country, will not require registration, liability insurance, or licensed operators.

Sincerely,



Wade Istchenko
Minister of Highways and Public Works