

CONSOLIDATION OF ALL-TERRAIN VEHICLES ACT
R.S.N.W.T. 1988,c.A-3

(Current to: March 13, 2012)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.1(Supp.)

In force April 1, 1989: SI-014-89

S.N.W.T. 1995,c.11

S.N.W.T. 1997,c.8

S.N.W.T. 1998,c.5

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the Revised Statutes of the Northwest Territories, 1988.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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ALL-TERRAIN VEHICLES ACT**INTERPRETATION**

Definitions

1. (1) In this Act,

"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 this definition, includes

- (a) an amphibious vehicle,
- (b) a snow vehicle,
- (c) a motorized vehicle mounted on three wheels,
- (d) a pedal bicycle with motor attachment, and
- (e) any other vehicle prescribed to be included,

but does not include any vehicle that weighs more than 900 kg or any other vehicle prescribed as an exception to this definition; (*véhicule tout-terrain*)

"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; (*zone régie*)

"special all-terrain vehicle" means an all-terrain vehicle that operates on three or four wheels. (*véhicule spécial*)

Incorporated definitions

(2) Where words and expressions used in this Act are defined in section 1 of the *Motor Vehicles Act*, their definitions in that section apply to this Act.
R.S.N.W.T. 1988,c.1(Supp.),s.2,3.

PART I

Restriction on use outside municipality or regulated area

2. (1) Subject to this section, no person who owns an all-terrain vehicle shall permit any other person to, and no person shall, operate or otherwise be in control of an all-terrain vehicle on a roadway or shoulder of a roadway lying outside a municipality or regulated area.

Crossing roadway and shoulder

(2) A person may cross a roadway and shoulder outside a municipality or regulated area in, on or with an all-terrain vehicle if

- (a) all passengers disembark from the all-terrain vehicle and any vehicle or thing attached to it before the person begins to cross the roadway and shoulder;
- (b) the person brings the all-terrain vehicle to a halt immediately before entering on the roadway;

- (c) the person yields the right of way to all other vehicles and persons on the roadway;
- (d) the person crosses at a point where he or she has clear and uninterrupted visibility of the highway in both directions for a distance that negates any reasonable chance of the occurrence of an accident;
- (e) subject to paragraph (d), the person crosses by the shortest and most direct route available to him or her; and
- (f) the all-terrain vehicle is in such a condition that its operation is not likely to endanger the safety of the driver, a passenger on the all-terrain vehicle or the public and the all-terrain vehicle complies with subsections 3(6) and (7).

Operation on ice or snow-packed surface

(3) A person may operate an all-terrain vehicle along an ice or snow-packed surface that is maintained only on a seasonal basis as a roadway and that is outside a municipality or regulated area if

- (a) the operation is covered by public liability insurance;
- (b) taking into account all the circumstances existing at the time, travelling by any other route is potentially hazardous or is not reasonably practicable;
- (c) the all-terrain vehicle is in such a condition that its operation is not likely to endanger the safety of the driver, a passenger on the all-terrain vehicle or the public and the all-terrain vehicle complies with subsections 3(6) and (7); and
- (d) the operator complies with all the rules of the road contained in Part IV of the *Motor Vehicles Act* and with subsection 3(1) of this Act.

Burden of proof

(4) The burden of proving that an all-terrain vehicle is covered by insurance as required by paragraph (3)(a) is on the person operating the all-terrain vehicle under the circumstances mentioned in subsection (3).

Age

(5) Subsections (2) and (3) do not apply to a person who has not attained the age of 16 years. R.S.N.W.T. 1988,c.1(Supp.),s.4.

General rules of operation on roadway

- 3.** (1) The driver of an all-terrain vehicle, when driving on a roadway,
- (a) shall operate the all-terrain vehicle as close as practicable to the right-hand curb or edge of a roadway;
 - (b) shall not operate the all-terrain vehicle where signs prohibit its use;
 - (c) shall not operate the all-terrain vehicle abreast of any other person who is driving another vehicle except when overtaking and passing that vehicle; and

- (d) shall not use the all-terrain vehicle to carry more persons at one time than the number for which it is designed and equipped.

Sidewalks

- (2) The driver of an all-terrain vehicle shall not operate it on a sidewalk.

Conflict with by-law or regulation

- (3) Where a provision of subsection (1) or (2) conflicts with a by-law or regulation made under this Act, the by-law or regulation prevails.

Rights and duties of driver

- (4) Subject to subsections (1) and (2), the driver of an all-terrain vehicle on a highway has the rights and is subject to the duties of a driver of a motor vehicle set out in Part IV of the *Motor Vehicles Act*.

Motor Vehicles Act

- (5) Parts V and VI of the *Motor Vehicles Act* apply to the owner and driver of an all-terrain vehicle and where written reports or other information respecting an accident involving an all-terrain vehicle have been received or provided to the Registrar under sections 262 to 264 of Part V, sections 313 and 314 of the *Motor Vehicles Act* apply to the reports or other information.

Braking system

- (6) Every all-terrain vehicle operated on a roadway must be equipped with at least one braking system, which must be maintained in good working order.

Lights

- (7) Every all-terrain vehicle that is operated on a highway at night must be equipped with
 - (a) a headlight at the front that projects a white light for a distance of 100 m; and
 - (b) a tail light at the rear that shows a red light visible at a distance of at least 150 m behind the all-terrain vehicle.
- R.S.N.W.T. 1988,c.1(Supp.),s.5.

Conflict with *Motor Vehicles Act*, etc.

- 4.** Where Part IV or V of the *Motor Vehicles Act* or a regulation made under paragraph 18(f) or (g) of this Act conflicts with by-laws or regulations made under section 5 or 17 of this Act, the by-laws or regulations made under section 5 or 17 prevail.

PART II

By-laws

- 5.** (1) Subject to subsection (2.1), 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 under the *Public Highways Act* that is not the subject of an agreement made under that Act, and in particular may make by-laws in respect of all-terrain vehicles

- (a) creating a system for the registration of all-terrain vehicles and prescribing the terms and conditions of registration, including registration fees;
- (b) governing the licensing of operators and prescribing tests and examinations as conditions of licensing and providing for the suspension, cancellation and endorsement of licences and for licensing and examination fees;
- (c) respecting the matters referred to in paragraphs 347(1)(a) to (s) of the *Motor Vehicles Act*;
- (d) prohibiting or restricting the operation of all-terrain vehicles on highways and other areas;
- (e) prescribing special areas where all-terrain vehicles may be operated;
- (f) prescribing any matter or thing considered necessary for the safety of operators, passengers or other persons;
- (g) creating and providing for the enforcement of a system for identifying all-terrain vehicles by means of number-plates or otherwise and dealing with acquisitions and transfers of ownership;
- (h) prescribing equipment required for use on all-terrain vehicles or prohibiting or restricting the use of any equipment on all-terrain vehicles;
- (i) requiring owners of all-terrain vehicles to carry public liability insurance in respect of the operation of their all-terrain vehicles and providing for the impoundment of an all-terrain vehicle involved in an accident where the owner is in breach of this requirement;
- (j) prescribing the classes of persons that are prohibited from operating all-terrain vehicles and prescribing an age limit;
- (k) prescribing the duties of operators or persons in charge of all-terrain vehicles involved in accidents;
- (l) making special provision for persons not resident in a community in respect of registration, identification and operator licensing requirements;
- (m) imposing vicarious liability on owners of all-terrain vehicles for offences;
- (n) providing for the licensing and regulating of the dealings of persons in the business of selling, leasing or renting out all-terrain vehicles; and
- (o) providing for the imposition of punishment not exceeding the punishment set out in section 338 of the *Motor Vehicles Act*.

Types and classes of all-terrain vehicles

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

Limitation

(2.1) A council shall not make by-laws that apply to special all-terrain vehicles in respect of the matters in Part III.

Further by-law making powers

(3) Subject to subsection (2.1) and 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 provisions referred to in subsection (4), and those by-laws may make such modifications and adaptations to the language of those provisions as are necessary to make the by-laws applicable to local circumstances.

Motor Vehicles Act

(4) The provisions referred to in subsection (3) are the following sections of the *Motor Vehicles Act*, namely 22 to 25, 36, 46, 48, 53, 56, 88 to 96, 119, 138, 139, 285 to 307, 330, 339 and 340.

Persons 60 years of age or over

(5) Notwithstanding any other provision of this section, if a person has attained the age of 60 years

- (a) the fee for a licence for that person to operate an all-terrain vehicle for purposes other than business purposes must not exceed \$1; and
 - (b) the fee for the registration of an all-terrain vehicle, other than a special all-terrain vehicle, owned by that person must not exceed \$1 if
 - (i) the all-terrain vehicle is not used by that person or any other person for business purposes, and
 - (ii) no other all-terrain vehicle is currently registered by that person for the fee provided for in this paragraph.
- R.S.N.W.T. 1988,c.1(Supp.),s.6,7.

Maximum speed limit by-laws

6. (1) Subject to subsection (2), a council may, by by-law, establish the maximum speed for all-terrain vehicles on a highway or class of highways or other areas within the municipality, other than a highway within the municipality designated as a primary highway under the *Public Highways Act* that is not the subject of an agreement made under that Act, and may establish different maximum speed limits for all-terrain vehicles

- (a) of different classes;
- (b) that are being used for particular purposes;
- (c) during the day and night;
- (d) during different periods of the year;
- (e) in different lanes on the same highway; and
- (f) on highways under construction or repair or in a state of disrepair.

Limitation on maximum speed limit

(2) A by-law respecting the operation of an all-terrain vehicle on a highway made under subsection (1) must not establish a maximum speed limit that exceeds 50 km/h.

Definition of "traffic control device"

7. (1) In this section, "traffic control device" means a traffic control device placed or erected for the purpose of regulating, warning or guiding the drivers of all-terrain vehicles.

By-laws respecting traffic control devices

(2) A council may, by by-law, with respect to a highway or other areas within a municipality, other than a highway designated as a primary highway under the *Public Highways Act* that is not the subject of an agreement made under that Act,

- (a) authorize the placement and erection of traffic control devices that it considers necessary;
- (b) authorize the maintenance and repair of traffic control devices; and
- (c) delegate to an officer of the municipal corporation the power to establish the location of traffic control devices.

Record of location of traffic control devices

(3) A council shall keep a record of the location of all traffic control devices established under subsection (2) and this record must be open to public inspection during the normal business hours of the municipal corporation. S.N.W.T. 1997,c.8,s.1.

Maximum speed limit

8. (1) No person shall operate an all-terrain vehicle on a highway at a speed greater than the maximum speed limit set out by a traffic control device that applies to the operators of all-terrain vehicles or, if there is no maximum speed limit set out by a traffic control device, 30 km/h.

Idem

(2) Notwithstanding a maximum speed limit posted by a traffic control device, no person shall operate an all-terrain vehicle on a highway at a speed greater than 50 km/h.

Posting maximum speed limit

9. (1) No person shall be convicted of contravening a by-law made under section 6 or a regulation made under section 17 that establishes a maximum speed limit for the operation of an all-terrain vehicle on a highway, unless there is a traffic control device that sets out the maximum speed limit for an all-terrain vehicle that applies to the portion of the highway where the contravention occurred.

Exemption

(2) Subsection (1) does not apply to a person charged with contravening a by-law or regulation that establishes a maximum speed limit of 30 km/h.

PART III

Definitions

9.01. In this Part,

"certificate of registration" means a certificate of registration or interim certificate of registration issued under this Part; (*certificat d'immatriculation*)

"highway" means a highway as defined in the *Motor Vehicles Act* within a municipality or regulated area; (*route*)

"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. (*plaque d'immatriculation*)

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Application of by-laws and regulations

9.02. (1) On and after April 1, 1989, a by-law or regulation made under section 5 or 17 shall be deemed not to apply to special all-terrain vehicles in respect of the matters in this Part.

Authority of council or Commissioner

(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 17. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Age

9.03. No person under the age of 14 years shall operate a special all-terrain vehicle on a highway. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Helmet

9.04. 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.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Number of persons on vehicle

9.05. 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. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Infants

9.06. Where an infant is within an amauti or other device designed for carrying infants that is worn by the driver or passenger on a special all-terrain vehicle, the infant is not a person for the purposes of sections 9.04 and 9.05. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Registration

9.07. No person shall operate a special all-terrain vehicle on a highway unless there is a valid certificate of registration for the vehicle. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Licence plate and validation sticker

9.08. 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.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Powers of Registrar

9.09. (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
 - (i) to issue anything that the Registrar may issue, or
 - (ii) to receive anything that the Registrar may receive, under this Part on behalf of and in accordance with the instructions of the Registrar.

Form of certificate of registration, etc.

(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.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Application for certificate of registration, etc.

9.10. (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.

Duty to issue

(2) Where the owner of a special all-terrain vehicle applies and meets the requirements of this Act for a certificate of registration, licence plate or validation sticker, the Registrar shall issue it. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Certificate of registration

9.11. 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 place of business of the owner in the Territories;
- (b) the Registrar is satisfied that the applicant is the owner of the special all-terrain 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
 - (i) for which there is no insurance available for payment of the damages, and
 - (ii) that has not been satisfied within 30 days after the judgment becoming final;
 - (d) the owner submits an insurance card for the special all-terrain 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 special all-terrain vehicle;
 - (e) the Registrar is satisfied that the owner is not prohibited by this Part from applying for a certificate of registration; and
 - (f) the owner submits the prescribed fee.
- R.S.N.W.T. 1988,c.1(Supp.),s.8.

Non-payment of fine

9.12. 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. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Expiration of certificate

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

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

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Transfer by voluntary act

9.14. Where a certificate of registration expires under paragraph 9.13(b) and the person named in the expired certificate transferred ownership of the special all-terrain vehicle by a voluntary act, the person named in the expired certificate shall

- (a) immediately remove the licence plate attached to the vehicle; and
- (b) within 10 days after the expiration of the certificate, notify the Registrar of the transfer of ownership.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Transfer by operation of law

9.15. Where a certificate of registration expires under paragraph 9.13(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

- (a) immediately remove the licence plate attached to the vehicle and give the licence plate to the person named in the expired certificate or, if that person cannot be located, to the Registrar; and
- (b) within 10 days after the expiration of the certificate, notify the Registrar of the transfer of ownership.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Transfer on death or dissolution

9.16. Where a certificate of registration for a special all-terrain vehicle expires under paragraph 9.13(c), the executor or administrator of the estate of the person named in the expired certificate or, where the person named in the expired certificate is a corporation, the person having legal authority over the assets of the dissolved corporation, shall

- (a) immediately remove the licence plate attached to the vehicle; and
- (b) within 10 days after the expiration of the certificate
 - (i) notify the Registrar of the death or dissolution of the person named in the certificate, and
 - (ii) submit the licence plate removed from the vehicle to the Registrar.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Motor vehicle liability policy

9.17. No person shall

- (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
- (b) operate a special all-terrain vehicle on a highway,

unless there is a motor vehicle liability policy that is in force for the vehicle and that evidences a contract that insures at least to the limits required by section 144 of the *Insurance Act*. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Issuing licence plate and validation sticker

9.18. 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. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Requirement for licence plate to be attached

9.19. (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.

Towing

(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.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Removal of licence plate

9.20. 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. R.S.N.W.T. 1988,c.1(Supp),s.8.

Parked vehicles

9.21. 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, unless a licence plate with a validation sticker affixed as described in paragraphs 9.08(a) and (b) is attached to the vehicle.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Documents carried by driver or passenger

9.22. (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 or her possession

- (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.

Insurance card

(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 or her possession the insurance card that evidences the policy. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Notice of cancellation of certificate of registration

9.23. (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 in the certificate of registration stating that the certificate of registration for the vehicle may be cancelled on a day specified in the notice unless the person named in 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 144 of the *Insurance Act* for the vehicle.

Date in notice

(2) The date specified in the notice referred to in subsection (1) must be not less than

- (a) 14 days after the day of service where there is personal service of the notice; or
- (b) 14 days after the day that the notice is deemed to have been received where the notice is sent by registered mail.

Cancellation of certificate of registration

(3) Where the person named in 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.

Notice of cancellation

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

Surrendering certificate of registration and licence plate

(5) On receipt of a notice referred to in subsection (4), the person named in the certificate of registration that is cancelled shall, without delay, deliver or mail to the Registrar the certificate of registration and the licence plate that is attached to the special all-terrain vehicle described on the certificate. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Definition of "accident"

9.24. (1) In this section, "accident" means an accident involving a special all-terrain vehicle on 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 appear to be \$1,000 or more.

Impounding special all-terrain vehicle

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

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

Exemption

(3) A member of the Royal Canadian Mounted Police shall not impound a special all-terrain vehicle under 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 9.22. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Definition of "owner"

9.25. (1) In this section, "owner" means an owner as defined in section 3 of the *Motor Vehicles Act*, except that references to "motor vehicle" in the definition are changed to "special all-terrain vehicle".

Liability of person named in certificate of registration

(2) The person named in 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

- (a) section 9.07, 9.08 or 9.17, or
- (b) subsection 42(2), section 46 or paragraph 48(3)(b) of the *Motor Vehicles Act* incorporated into this Part by section 9.26,

is liable for the contravention.

Where person named in certificate of registration not guilty

(3) In a prosecution under subsection (2) of a person named in a certificate of registration or an owner for a contravention of a provision referred to in subsection (2), the accused shall be found not guilty if the accused 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 accused. R.S.N.W.T. 1988,c.1(Supp.),s.8.

Motor Vehicles Act

9.26. Sections 2 to 4, subsections 13(2) and (3), section 20, subsections 39(1) and (2), sections 42 to 46, subsections 48(2) and (3), sections 50 to 52, subsection 53(1), sections 54, 55, 58 to 62, 275, 277 to 284, 309, 310, subsection 311(1) except paragraph 311(1)(b), subsection 311(2), section 314, subsections 321(1) and (2), sections 323, 324, 339 and 340 of the *Motor Vehicles Act* apply to this Part with the following modifications:

- (a) definitions in section 9.01 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 15(2)", "certificate issued under subsection 38(1)", "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 I" is substituted;
- (e) "section 276" is struck out wherever it occurs in sections 277 to 284 and "section 9.24" is substituted;
- (f) "section 36" is struck out in paragraph 281(c) and "section 9.17" is substituted;
- (g) such other modifications as the circumstances require.

R.S.N.W.T. 1988,c.1(Supp.),s.8.

Transitional

9.27. (1) On and after April 1, 1989, 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 17 of this Act shall be deemed to be a certificate of registration, licence plate or validation sticker, as the case may be, under this Part.

Expiration of certificate of registration, etc.

(2) A certificate of registration, licence plate or validation sticker that is deemed to be a certificate of registration, licence plate or validation sticker under this Part by subsection (1) expires on the earliest of

- (a) the day it would have expired under the by-law or regulation under which it was issued; or
- (b) the day it is cancelled under this Part.

Insurance

(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). R.S.N.W.T. 1988,c.1(Supp.),s.8.

PART IV

Officers

10. (1) Subject to subsection (2), a person who is appointed as, or who is *ex officio*, an officer for the purposes of the *Motor Vehicles Act* is an officer for the purposes of enforcing this Act and the by-laws and regulations made under this Act.

Powers of officers

(2) An officer mentioned in subsection (1) has all the powers in relation to the enforcement of this Act or the by-laws and regulations made under this Act that an officer has under the *Motor Vehicles Act* in respect of motor vehicles, except that an arrest or seizure made under this Act or the by-laws and regulations made under this Act may be made only by an officer who is a member of the Royal Canadian Mounted Police or a person appointed by a council to enforce its by-laws.

Obstructing officer

(3) No person shall obstruct, molest or interfere with an officer in the performance of his or her duties with respect to the enforcement of this Act or the by-laws or regulations made under this Act. R.S.N.W.T. 1988,c.1(Supp.),s.9.

Power to stop and inspect

11. (1) An officer may, at any time, stop and inspect an all-terrain vehicle that is on a highway to ascertain whether the all-terrain vehicle complies with this Act or the by-laws or regulations made under this Act with respect to registration, licensing, insurance and equipment.

Liability of owner

(2) Where, in the lawful exercise of his or her duties under this Act, an officer gives a direction to the operator of an all-terrain vehicle as a result of which it is left unattended, then, unless at that time the all-terrain vehicle is in the possession of the operator without the consent of the owner, the owner is liable for any loss or damage caused to himself or herself or to any other person and arising from the presence of the all-terrain vehicle at that location.

Notice to Registrar of conviction

12. (1) Notwithstanding the *Young Offenders Act*, where a person is convicted of an offence under this Act or the by-laws or regulations made under this Act, the justice making the conviction shall without delay 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 out

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

Copy of order

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

Record of information

(3) The Registrar shall keep a record of the information provided to the Registrar under this section, and sections 311, 312 and 314 of the *Motor Vehicles Act* apply to this information. R.S.N.W.T. 1988,c.1(Supp.),s.10.

Impoundment

13. Where an all-terrain vehicle is operated in contravention of subsection 2(1), Part VII of the *Motor Vehicles Act* applies in respect of that all-terrain vehicle as it applies to motor vehicles.

Offence and punishment

14. (1) Every person who contravenes this Act or a by-law or regulation made under this Act is guilty of an offence and liable on summary conviction to the punishment set out for the contravention by this Act or the by-law or regulation.

Idem

(2) Every person who contravenes subsection 2(1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding three months or to both.

Punishment under *Motor Vehicles Act*

(3) Every person who is found guilty of an offence under this Act or a by-law or regulation made under this Act for which no specific punishment is provided is liable to the punishment set out in section 338 of the *Motor Vehicles Act*.

Evidence

15. Sections 341 and 342 of the *Motor Vehicles Act* apply with such modifications as the circumstances require to a prosecution of a contravention of this Act or a by-law or regulation made under this Act.

Limitation period

16. A prosecution for an offence under this Act or the by-laws or regulations made under this Act may not be commenced after 60 days from the time when the subject-matter of the prosecution arose.

Regulations respecting regulated areas

17. (1) The Commissioner, on the request of the elected body representing a regulated area and on the recommendation of the Minister, may make regulations

- (a) 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 under the *Public Highways Act*; and
- (b) without limiting paragraph (a), concerning all the subject-matter in respect of which a council may make by-laws under sections 5 to 7.

Presumption of request for regulations

(2) In a prosecution for a contravention of a regulation made under subsection (1), the request by the elected body of the regulated area to which the regulation purports to apply shall be presumed unless the contrary is proved.

Types or classes of all-terrain vehicles

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

Where no elected body

(4) Where a regulated area or any part of the regulated area is not represented by an elected body, the Commissioner, on the recommendation of the Minister, may make regulations in respect of it notwithstanding the lack of any request mentioned in subsection (1). R.S.N.W.T. 1988,c.1(Supp.),s.11.

Regulations

18. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) permitting the owner of an all-terrain vehicle, other than a special all-terrain vehicle, to apply to the Registrar for registration of that all-terrain vehicle under the *Motor Vehicles Act*;
- (b) permitting the Registrar to register an all-terrain vehicle as a motor vehicle, subject to the conditions that may be prescribed;
- (c) respecting the treatment of an all-terrain vehicle following registration as a motor vehicle rather than as an all-terrain vehicle, subject to any prescribed exceptions;
- (d) prescribing the circumstances under which an all-terrain vehicle ceases to be treated as a motor vehicle and reverts to being treated as an all-terrain vehicle;
- (e) prescribing any matter ancillary to paragraphs (a) to (d);
- (f) respecting requirements and prohibitions relating to any equipment, device or article that may be
 - (i) attached to, carried in or a part of an all-terrain vehicle, or
 - (ii) worn by a driver or passenger on an all-terrain vehicle,that may affect the safety of the driver, a passenger on the all-terrain vehicle or the public, whether or not the all-terrain vehicle is in motion;
- (g) exempting all-terrain vehicles operated in specified areas or circumstances from a requirement or prohibition made under paragraph (f);
- (h) prescribing any matter or thing that by this Act may or is to be prescribed; and
- (i) without limiting paragraph (h), prescribing an area of the Territories that is not within a municipality to be a regulated area for part only of a year.

R.S.N.W.T. 1988,c.1(Supp.),s.12.