



Province of Alberta

## TRAFFIC SAFETY ACT

# OFF-HIGHWAY VEHICLE REGULATION

### **Alberta Regulation 319/2002**

With amendments up to and including Alberta Regulation 81/2019

Current as of September 1, 2019

### Office Consolidation

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Alberta Queen's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

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(Consolidated up to 81/2019)

**ALBERTA REGULATION 319/2002**

**Traffic Safety Act**

**OFF-HIGHWAY VEHICLE REGULATION**

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#### **Definitions**

1 In this Regulation,

- (a) “Act” means the *Traffic Safety Act*;
- (b) “for hire” with respect to an off-highway vehicle means that the vehicle owner or operator, or the operator’s employer is being paid for the service that the vehicle is used to provide;
- (c) “night time” means night time as defined in the *Use of Highway and Rules of the Road Regulation*;
- (d) “off-highway vehicle” means an off-highway vehicle as defined in section 117 of the Act;
- (e) “physical address” means the location of a person’s residence in Alberta at which the person can be personally served with documents under the Act;
- (f) “private property” means property referred to in section 119(2) of the Act;

- (g) “registered owner” means the person named as the registered owner of an off-highway vehicle on the certificate of registration of the off-highway vehicle;
- (h) “vehicle” means a vehicle as defined in section 117 of the Act.

### **Prohibition**

- 2(1)** A person who is less than 14 years old shall not drive an off-highway vehicle on a highway.
- (2)** a person who is less than 14 years old shall not drive an off-highway vehicle on public property unless
  - (a) the person is supervised by a person who is occupying the passenger seat on the off-highway vehicle or is in or on a vehicle that is travelling in close proximity to the off-highway vehicle, and
  - (b) the person supervising is 18 years old or older.
- (3)** No person shall permit a person who is less than 14 years old to drive an off-highway vehicle in a public place except in accordance with subsection (2).

### **Rules of operation**

- 3** A person shall not drive an off-highway vehicle on a boulevard or on the median of a divided highway.

### **Use of headlamps**

- 4** At any time during the period of night time or when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible at a distance of at least 60 metres ahead, a person shall not have an off-highway vehicle in motion in a public place unless its headlamps are alight and are providing sufficient light to make objects at a distance of at least 60 metres ahead clearly visible.

## **Equipment**

### **Headlamps**

- 5(1)** No person shall drive an off-highway vehicle in a public place unless there are mounted on the front of that off-highway vehicle one or 2 headlamps that comply with this section.
- (2)** The light from a headlamp must be white, and the lens and bulb of the headlamp must be made of clear untinted glazing.

- (3) The headlamps must be of sufficient intensity to reveal a person, another vehicle or a thing that is at least 60 metres ahead.
- (4) The headlamps must be aimed so that, on a straight level surface, the high intensity portion of the beam will not shine in the eyes of an approaching driver.
- (5) No person shall attach or apply anything that colours the light from a headlamp to the headlamp, part of the headlamp or a bulb in the headlamp.

**Tail lamps**

- 6(1)** No person shall drive an off-highway vehicle in a public place unless the off-highway vehicle has at least one tail lamp mounted on the rear of the off-highway vehicle.
- (2) The tail lamp on the rear of an off-highway vehicle must be capable of emitting a red light that is visible from at least 60 metres to the rear.
- (3) A light on the rear of an off-highway vehicle must be red.

**Exemption**

**7** Sections 5 and 6 do not apply to motorcycles that are operated in a demonstration or competition at a place and time approved by the Registrar.

**Muffler**

- 8(1)** No person shall drive an off-highway vehicle unless the off-highway vehicle is equipped with an exhaust muffler that complies with this section.
- (2) An exhaust muffler must cool and expel the exhaust gases from the engine without excessive noise and without producing flames or sparks.
- (3) No person shall drive an off-highway vehicle if the exhaust outlet of the muffler has been widened.
- (4) No person shall drive an off-highway vehicle if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows gases in or leaving the exhaust system to be ignited.
- (5) No person shall drive an off-highway vehicle if the exhaust muffler
  - (a) is cut out or disconnected from the engine, or

- (b) has had a baffle plate or other part removed.

**Trailer hitch**

**9** No person shall tow a trailer, sleigh, cutter or other vehicle behind an off-highway vehicle unless the hitch or attachment used

- (a) is designed so that the vehicle being towed substantially follows in the tracks of the towing vehicle,
- (b) is strong enough to safely control the vehicle being towed,
- (c) is not more than 1.83 metres long, and
- (d) prevents the towed vehicle from colliding with the towing vehicle during travel downhill and when the towing vehicle stops.

**Safety helmet**

**9.1(1)** This section applies to a safety helmet that is intended for the use of a driver or operator of an off-highway vehicle or of a person riding in or on, or being towed by, an off-highway vehicle.

**(2)** A safety helmet must meet one or more of the standards adopted under section 108(2) of the *Vehicle Equipment Regulation* (AR 122/2009) in effect on the date on which it was manufactured.

**(3)** A safety helmet must have the mark or label of an organization referred to in section 108(2) of the *Vehicle Equipment Regulation* (AR 122/2009) indicating that the safety helmet met one or more of the standards adopted under section 108(2) of that Regulation in effect on the date on which it was manufactured.

**(4)** A safety helmet must be free of damage or modification that would reduce its effectiveness.

**(5)** A safety helmet must be constructed so that it

- (a) has a hard, smooth outer shell, and
- (b) is capable of absorbing energy on impact.

**(6)** No person shall buy, sell or offer for sale a safety helmet intended for the use of a person driving, operating, riding in or on, or being towed by, an off-highway vehicle unless it complies with subsection (2).

**(7)** No adult shall permit a person under the age of 14 who is not properly wearing a safety helmet to ride in or on or be towed by an off-highway vehicle driven or operated by the adult.

**(8)** No parent or guardian of a person under the age of 14 shall authorize or knowingly permit the person under the age of 14 to drive, operate, ride in or on or be towed by an off-highway vehicle without properly wearing a safety helmet.

**(9)** Subject to subsection (11), section 128.1(2) of the Act and subsections (2) to (5), (7) and (8) do not apply

- (a) if a person driving, operating, riding in or on, or being towed by, an off-highway vehicle is
  - (i) a worker as defined under the Occupational Health and Safety Act, and
  - (ii) is not required under the Occupational Health and Safety Act or a regulation or code of rules made under that Act to wear a helmet while driving, operating, riding in or on, or being towed by a vehicle that is an off-highway vehicle;
- (b) if a person is wearing a seat belt and is driving, operating or riding in the occupant compartment of a motor vehicle that
  - (i) is not a motorcycle,
  - (ii) is designed for use on a roadway,
  - (iii) at the time of its manufacture, met all standards prescribed under the *Motor Vehicle Safety Act* (Canada) and the regulations made under that Act for a motor vehicle, and
  - (iv) has seat belt assemblies as defined in section 80(e) of the *Vehicle Equipment Regulation* (AR 122/2009) that are maintained in compliance with Part 5 of that Regulation;
- (c) to a person driving, operating, riding in or on, or being towed by an off-highway vehicle where the person
  - (i) is a bona fide member of the Sikh religion, and
  - (ii) wears a turban;
- (d) to a person who is driving, operating or riding in an off-highway vehicle designed with rollover protective structures where the person is wearing a properly adjusted and securely fastened seat belt assembly.

**(10)** In subsection (9)(d),



- (a) “rollover protective structures” means a cab or frame that is capable of supporting an off-highway vehicle in an overturned position, regardless of the direction in which the off-highway vehicle overturns, and that is installed by the manufacturer;
- (b) “seat belt assembly” means a device or assembly that
  - (i) is securely fastened to the vehicle,
  - (ii) is composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint or both,
  - (iii) is capable of restraining the movement of a person in order to prevent injury to the person, and
  - (iv) is supplied by the manufacturer.

**(11)** Subsection (9) does not apply where a person, with respect to a seat belt assembly in a motor vehicle to which subsection (9)(b) applies or in an off-highway vehicle to which subsection (9)(d) applies, removes it, renders it partly or wholly inoperative or modifies it so as to reduce its effectiveness if the motor vehicle or the off-highway vehicle was equipped with the seat belt assembly at the time it was manufactured.

**(12)** The Registrar may at any time exempt a person, organization or vehicle from the requirements of section 128.1(2) of the Act and the regulations made under section 129 of the Act, subject to any terms and conditions the Registrar considers appropriate.

**(13)** An exemption under subsection (12) may apply to a specific person, organization or vehicle, or a class or group of persons, organizations or vehicles.

**(14)** The Registrar may inform the person, organization or the owner of the vehicle that is the subject of an exemption under subsection (12) of the status of the exemption by

- (a) providing written notice to the person, organization or owner in accordance with section 6(a), (b) or (c) of the Act,
- (b) publishing the notice of exemption electronically on the website of the Minister’s Department, or
- (c) doing both (a) and (b).

**(15)** A person, organization or owner of a vehicle to whom an exemption under subsection (12) applies shall comply with the

terms and conditions prescribed by the Registrar under subsection (12).

AR 72/2017 s2

## Registration

### Short term presence exemptions

**10(1)** A person who drives an off-highway vehicle is not required to have a certificate of registration for the off-highway vehicle and to display licence plates issued under the Act if

- (a) the off-highway vehicle complies with the off-highway vehicle registration and licensing law of a jurisdiction outside Alberta,
- (b) an off-highway vehicle plate is displayed on the off-highway vehicle as required by the law of that jurisdiction, and
- (c) the owner has a valid financial responsibility card referred to in section 54(3) of the Act relating to the off-highway vehicle.

**(2)** Subsection (1) applies to the operation of the off-highway vehicle in Alberta for the shorter of

- (a) 30 consecutive days, and
- (b) the period during which both the registration and licensing of the off-highway vehicle under the laws of the other jurisdiction are subsisting.

### Military exemptions

**11** Off-highway vehicles owned and operated by the Department of National Defence (Canada) are exempt from registration and the requirement to display licence plates under the Act.

### Insurance exemptions

**12(1)** Section 119(1)(b) to (d) of the Act do not apply to the following and the owner or driver of the off-highway vehicle is not required to produce a financial responsibility card under the Act or this Regulation:

- (a) an off-highway vehicle owned by a trapper and operated solely on that trapper's registered trap line;
- (b) an off-highway vehicle owned by a fisher and operated solely in commercial winter fishing operations in that part

of Alberta that is located north of a line commencing at the intersection of the North Saskatchewan River and the Alberta/Saskatchewan border, thence westerly along the North Saskatchewan River to the south boundary of Township 59, thence westerly along the south boundary of Township 59 to the southwest corner of Township 59, Range 22, west of the fifth meridian, thence northerly along the west boundary of Range 22 to the northwest corner of Township 66, thence easterly along the northern boundary of Township 66 to the Little Smoky River, thence downstream along the Little Smoky River to the Smoky River, thence downstream along the Smoky River to the Peace River, thence downstream along the Peace River to the 57th parallel, thence westerly along the 57th parallel to the Alberta/British Columbia border.

(2) Subsection (1) does not apply if the owner of the off-highway vehicle is engaged in renting off-highway vehicles on a drive-yourself basis.

#### **Form of application**

**13(1)** A person shall apply for the registration of an off-highway vehicle in a form and manner approved by the Registrar.

(2) The following information must be included in an application for a certificate of registration of an off-highway vehicle:

- (a) for each owner who is an individual
  - (i) last name and first name,
  - (ii) date of birth,
  - (iii) sex, and
  - (iv) signature;
- (b) for each owner that is a corporation, the corporate name;
- (c) for each owner, whether an individual or a corporation,
  - (i) postal address;
  - (ii) physical address;
  - (iii) telephone number, if any;
- (d) name, address and signature of the applicant, if the applicant is not an owner of the off-highway vehicle.

- (3) For the purposes of subsection (2), unless the owner is a corporation registered under the *Business Corporations Act*, a person's last name and first name must comply with subsection (4).
- (4) A person's last name and first name
- (a) must be expressed in letters of the alphabet of the English language,
  - (b) must not consist primarily of punctuation or other marks, and
  - (c) may include a hyphen or an apostrophe but not other punctuation marks or other marks.
- (5) If a parent or guardian is required to consent to an application, the following information about the parent or guardian must be included in the application:
- (a) last and first name;
  - (b) postal address;
  - (c) relationship to the applicant.
- (6) An applicant for a certificate of registration must sign the application.

**Minimum age**

- 14(1)** A person who is less than 18 years old shall not apply to register an off-highway vehicle unless
- (a) a parent or guardian of the applicant consents by signing the application,
  - (b) the applicant provides proof, satisfactory to the Registrar, that the applicant is self-supporting, or
  - (c) the applicant provides proof, satisfactory to the Registrar, that the applicant is married or is an adult interdependent partner.
- (2) The Registrar must not issue a certificate of registration to a person who is less than 18 years old unless, in respect of that person, the requirements of subsection (1) have been complied with.
- (3) Subsections (1) and (2) do not apply to an application for a replacement or duplicate certificate of registration.

- (4) The Registrar must suspend or cancel a certificate of registration issued to a person who is less than 18 years old
- (a) if that person did not submit the consent or proof required by subsection (1),
  - (b) if the parent or guardian, in writing, withdraws the consent given in the application, or
  - (c) if proof is provided, satisfactory to the Registrar, that the person was not self-supporting or was not married or was not an adult interdependent partner at the time the certificate of registration was issued.
- (5) The Registrar must not reinstate a certificate of registration or issue a new certificate of registration to a person referred to in subsection (4) unless the person applies in accordance with subsection (1) or is 18 years old or older.

AR 319/2002 s14;148/2003

**Registrar's requirements**

**15** Before issuing a certificate of registration for an off-highway vehicle to an applicant, the Registrar may require

- (a) proof satisfactory to the Registrar that the person named as owner in the application is the owner,
- (b) proof satisfactory to the Registrar that the information in the application is correct,
- (c) proof satisfactory to the Registrar of the identity of the applicant, or
- (d) the production of a valid financial responsibility card issued in respect of the off-highway vehicle in the name of the person who is the owner of the off-highway vehicle.

**Identification of off-highway vehicle**

**16(1)** The Registrar must not register an off-highway vehicle required to have a manufacturer's serial number unless the off-highway vehicle has the manufacturer's serial number or an identification number assigned under this section.

(2) The Registrar may direct a person authorized by the Registrar to physically inspect an off-highway vehicle to determine its proper identity before registering it.

- (3) A person who applies to register an off-highway vehicle must file proof of ownership satisfactory to the Registrar in a form and manner approved by the Registrar if
- (a) the manufacturer's serial number or identifying mark is removed, defaced, covered, altered, destroyed, illegible or lost, or
  - (b) the off-highway vehicle was made without a serial number.
- (4) The Registrar may authorize a person to issue and attach an assigned identification number to an off-highway vehicle to which subsection (3) refers under any terms the Registrar considers proper.
- (5) A person who owns an off-highway vehicle that is required to have a manufacturer's serial number may apply to the Registrar, in a form and with proof of ownership satisfactory to the Registrar, for an assigned identification number to be issued and attached to the off-highway vehicle under subsection (3).
- (6) An assigned identification number for an off-highway vehicle must be,
- (a) if the off-highway vehicle was manufactured with the manufacturer's serial number, that number, or
  - (b) if the manufacturer's serial number is not determinable or there is no manufacturer's serial number, a number assigned by the Registrar.
- (7) An assigned identification number is sufficient identification for the purpose of registering the off-highway vehicle.

#### **Issue of certificate of registration**

**17** On application by a person for the registration of an off-highway vehicle and payment of the registration fee, the Registrar, subject to the restrictions in the Act and the regulations, may issue the certificate of registration applied for in a form and manner approved by the Registrar.

#### **Licence plates**

**18(1)** The Registrar must issue an off-highway licence plate for an off-highway vehicle if the Registrar issues a certificate of registration for the off-highway vehicle.

**(2)** The Registrar must issue off-highway vehicle licence plates in the number and of the type and colour approved by the Minister.

(3) The owner of an off-highway vehicle must attach the licence plate issued under subsection (1) securely to the front or rear of the off-highway vehicle so that the licence plate is clearly visible.

#### **Condition of plates**

**19** No person shall drive an off-highway vehicle if the licence plate is not securely attached, legible and clearly visible to other drivers at all times.

#### **Prohibited display**

**20** A person who owns or drives an off-highway vehicle for which an off-highway vehicle licence plate has been issued shall not display on the off-highway vehicle any other plate or device bearing numbers or letters or both that are identical to or have the general appearance of a licence plate.

#### **Validation tabs**

**21(1)** The Registrar may issue an off-highway vehicle licence plate for more than one year if it is validated by a validation tab at the time the registration certificate for the off-highway vehicle is issued.

(2) If the Registrar issues a licence validation tab for an off-highway vehicle with a certificate of registration, the owner must attach the licence validation tab securely to the off-highway vehicle licence plate in the position described on the form provided with the licence validation tab.

(3) A reference in this Regulation to a licence plate includes a reference to a validation tab.

(4) A licence plate with a validation tab that is issued in connection with a certificate of registration is only valid while the certificate of registration in respect of which it is issued is valid.

#### **Lost or damaged plates**

**22(1)** If an off-highway vehicle licence plate is lost, destroyed or defaced, the owner of the off-highway vehicle for which it is issued may apply to the Registrar for a replacement licence plate.

(2) An application for a replacement licence plate must be accompanied by

- (a) the remains, if any, of the plate being replaced, and
- (b) the 2nd plate if 2 are issued with the same markings.

**Dealers**

**23(1)** A manufacturer of or dealer in off-highway vehicles or a person engaged in the business of servicing off-highway vehicles may, in a form and manner approved by the Registrar, apply to the Registrar for a dealer's certificate of registration and licence plates.

**(2)** The Registrar may require an applicant for a dealer's certificate of registration to submit evidence satisfactory to the Registrar showing the applicant's status as a manufacturer of or dealer in off-highway vehicles or as a person engaged in the business of servicing off-highway vehicles.

**(3)** Subject to the restrictions in the Act and the regulations, the Registrar may issue a dealer's certificate of registration and licence plates to an applicant in a form and manner approved by the Registrar.

**(4)** A dealer's certificate of registration and the licence plates issued with it apply to all off-highway vehicles held for sale by the holder of the certificate of registration from time to time during the term of the certificate of registration.

**(5)** A dealer's certificate of registration and licence plates do not apply to off-highway vehicles held for hire.

**(6)** A person who holds a dealer's certificate of registration must return the dealer's certificate of registration and all licence plates issued under it to the Registrar if the person stops dealing in, manufacturing or servicing off-highway vehicles.

**Dealer's licence plates**

**24(1)** Licence plates issued under a dealer's certificate of registration are valid for only one place of business, but if the holder of the certificate of registration has more than one place of business in the same municipality, for the purpose of this Regulation, all those places are considered one place of business.

**(2)** A person who is issued licence plates under a dealer's certificate of registration must use the licence plates only on off-highway vehicles held for sale by that person.

**(3)** A person who is issued licence plates under a dealer's certificate of registration shall not lend or rent the plates to the person's agents or to purchasers of off-highway vehicles.

**Use of licence plate**

**25(1)** No person shall attach a licence plate issued under a dealer's certificate of registration to an off-highway vehicle if the off-highway vehicle



- (a) is not kept for sale by the holder of the dealer's certificate of registration, or
  - (b) is not for the time being in the custody and control of the holder of the dealer's certificate of registration or an employee or agent of the holder for the purposes of testing or servicing.
- (2) No person shall attach a licence plate issued under a dealer's certificate of registration to an off-highway vehicle that is kept for hire.
- (3) No person shall drive an off-highway vehicle to which a licence plate issued with a dealer's certificate of registration is attached contrary to this section.

#### **Duration of registration**

**26(1)** Subject to the provisions of the Act and this Regulation as to suspension and cancellation, a certificate of registration is effective on the day shown on the certificate and is valid for the registration period set out in this Regulation.

(2) A certificate of registration expires on the date shown on the certificate.

(3) If a person applies to register a particular off-highway vehicle for the first time, the certificate of registration issued expires on the last day of the expiry month for the applicant determined under section 27.

(4) Despite subsection (3), if the date determined under section 27 is 6 months or less after the application date, the first registration period expires on the last day of the expiry month for the applicant in the following year.

(5) A renewal of a certificate of registration expires on the last day of the expiry month for the registered owner determined under section 27 if the registration continues to be renewed.

(6) The Registrar may issue a certificate of registration and licence plate before the registration period for the off-highway vehicle expires.

#### **Expiry months**

**27(1)** The expiry date of a certificate of registration issued to a natural person whose last name, or a firm, corporation or other body whose name, begins with the letter or letters shown in Column 1 is the last day of the month shown in Column 2 opposite the letter or letters in Column 1:

Column 1	Column 2	Column 1	Column 2
A	January	Me	December
Av	July	N	May
B	March	O	December
Be	July	P	November
C	May	Po	September
Cl	June	Q	February
D	April	R	August
E	August	S	October
F	September	Sc	June
G	April	Sz	July
Gr	August	T	September
H	June	U	January
I	January	V	July
J	January	W	December
K	November	X	January
Ke	January	Y	March
L	July	Z	July
M	February		

(2) The expiry date of a certificate of registration issued to a corporation whose name consists only of numerals is January 31.

### Special registrations

**28** A certificate of registration issued for an off-highway vehicle does not expire while the off-highway vehicle is owned or operated by one of the following:

- (a) the Government of Canada, except off-highway vehicles owned and operated by the Department of National Defence;
- (b) the Government of the United States of America or any state of the United States of America;
- (c) the Government of Alberta or a government of a province or municipality;
- (d) a Provincial corporation as defined in the *Financial Administration Act*;
- (e) an Indian band as defined in the *Indian Act* (Canada);
- (f) a board as defined in the *Education Act*;
- (g) a board of an approved hospital as defined in the *Hospitals Act*;

- (h) a university, comprehensive community college, private post-secondary institution or polytechnic institution;
- (i) the General Council as defined in the *Metis Settlements Act*;
- (j) a settlement as defined in the *Metis Settlements Act*.

AR 319/2002 s28;10/2019;81/2019

#### **Change in owner**

**29(1)** This section applies to the registration of an off-highway vehicle if the ownership of the off-highway vehicle passes from the registered owner to another person either by an action of the owner or by law.

**(2)** If the ownership of a registered off-highway vehicle passes from the registered owner to another person, the registration of the off-highway vehicle expires immediately and the registered owner shall remove the licence plate from the off-highway vehicle and keep it.

**(3)** If the new owner of a registered off-highway vehicle has the licence plate issued to the original owner for the off-highway vehicle, the new owner shall return the plate forthwith to the Registrar.

#### **Transfer of plates**

**30(1)** If ownership of an off-highway vehicle passes from one person to another, the new owner may operate, or permit another person to operate, the newly acquired off-highway vehicle while it is displaying a licence plate that is issued to the new owner with respect to the registration of another off-highway vehicle.

**(2)** The licence plate referred to in subsection (1) may be displayed on the newly acquired off-highway vehicle for not more than 14 days from the date that the vehicle's ownership passes to the new owner if the new owner intends

- (a) to apply to register the off-highway vehicle, and
- (b) to have the displayed licence plate reissued for use on the off-highway vehicle.

**(3)** The owner or driver of the newly-acquired off-highway vehicle must carry

- (a) proof of ownership of the newly acquired off-highway vehicle,

- (b) a valid financial responsibility card referred to in section 54(3) of the Act relating to the newly-acquired off-highway vehicle, and
- (c) proof that the licence plate is issued in respect of an off-highway vehicle registered as owned by that owner.

(4) A person to whom an off-highway vehicle licence plate is issued may apply to the Registrar to transfer the plate to another off-highway vehicle to be registered in the applicant's name if the application is made within 14 days after the applicant becomes the owner of the other off-highway vehicle.

#### **Sale by dealer**

**31(1)** If a dealer in off-highway vehicles takes possession of an off-highway vehicle for the purpose of selling it on behalf of the owner and a licence plate has been issued for the off-highway vehicle, the owner of the off-highway vehicle must remove the licence plate and keep it.

(2) If a licence plate issued for an off-highway vehicle is not removed and kept by an owner referred to in subsection (1), the dealer must remove the plate and return it to the Registrar.

#### **Surrender of registration**

**32(1)** If a certificate of registration for an off-highway vehicle is suspended or cancelled, the person to whom it was issued shall return it and an off-highway vehicle licence plate issued with it to the Registrar immediately.

(2) If a licence plate issued for an off-highway vehicle comes into the possession of the person who purchases the vehicle, the person must remove the plate and return it to the Registrar.

#### **Change in particulars**

**33(1)** If the name or physical or postal address of a person to whom a certificate of registration for an off-highway vehicle is issued changes, the person shall notify the Registrar forthwith of the new name or physical or postal address, as the case may be, in a form and manner approved by the Registrar.

(2) Section 13(4) applies to the new name.

## Fees

### Registration fee

**34(1)** The Registrar may charge a fee for a 12-month registration period of

- (a) \$39 for a certificate of registration for an off-highway vehicle, and
- (b) \$179 for an off-highway vehicle dealer's certificate of registration.

**(2)** Despite subsection (1), the Registrar may charge a fee of \$39 for a certificate of registration in respect of an off-highway vehicle if the off-highway vehicle is owned and operated by the following:

- (a) the Government of Canada, except off-highway vehicles owned and operated by the Department of National Defence;
- (b) the Government of the United States of America or any state of the United States of America;
- (c) the Government of Alberta or a government of a province or municipality;
- (d) a Provincial corporation as defined in the *Financial Administration Act*;
- (e) an Indian band as defined in the *Indian Act* (Canada);
- (f) a board as defined in the *Education Act*;
- (g) a board of an approved hospital as defined in the *Hospitals Act*;
- (h) a university, comprehensive community college, private post-secondary institution or polytechnic institution;
- (i) the General Council as defined in the *Metis Settlements Act*;
- (j) a settlement as defined in the *Metis Settlements Act*.

**(3)** The registration fee payable under subsection (2) is payable once only while the off-highway vehicle is owned by the authority in whose name it is registered.

AR 319/2002 s34;38/2011;10/2019;81/2019

**Motor Vehicle Accident Claims Act**

**35(1)** The fees payable under this Regulation are in addition to the fees payable under the *Motor Vehicle Accident Claims Act*.

**(2)** A person must pay the fees payable under the *Motor Vehicle Accident Claims Act* at the time the fees are paid under this Regulation in respect of the registration of the off-highway vehicle.

**Prorating payments**

**36(1)** This section applies to the calculation of a fee for the registration of an off-highway vehicle, a refund or a credit payable under this Regulation.

**(2)** If a person applies to register an off-highway vehicle for a period that is not a full registration period, the fee for a certificate of registration is 1/12 of the fee for the registration period for that off-highway vehicle for each full month that the off-highway vehicle is to be registered.

**(3)** If the off-highway vehicle is to be or has been registered for a period of more than 15 days in a calendar month, that period is to be considered as a full month in calculating the fee.

**(4)** If the off-highway vehicle is to be or has been registered for a period of 15 or fewer days in a calendar month, that period is not to be considered in calculating the fee.

**(5)** If a fee, refund or credit as calculated includes a fraction of a dollar that is \$0.50 or greater, the amount of the fee, refund or credit is increased to the nearest whole dollar.

**(6)** If a fee, refund or credit as calculated includes a fraction of a dollar that is less than \$0.50, the amount of the fee, refund or credit is reduced to the nearest whole dollar.

**Personal licence plates**

**37(1)** The Registrar may charge a fee of \$185 for a set of personal licence plates.

**(2)** The fee under subsection (1) does not include a fee for a certificate of registration payable under this Regulation.

**(3)** The Registrar may charge a fee of \$62 for the replacement of personal licence plates that are lost, stolen or damaged.

**(4)** The fee under subsection (3) is payable whether a single plate or a pair is replaced.

**Refund**

**38(1)** If a certificate of registration for an off-highway vehicle is cancelled before the end of the period for which a fee is paid and the off-highway vehicle licence plate is returned, the Registrar, on application by the registered owner, must refund the part of the fee that is proportionate to the unexpired part of the period.

**(2)** A refund is not payable in respect of a registration fee paid under section 34(2).

**(3)** The Registrar may deduct a fee of \$10 from a refund made under subsection (1).

**Refund re personal plate**

**39(1)** The Registrar may, on application, refund the full amount of the fee paid under section 37 if the personal licence plate is returned unused within 90 days after the date it was issued.

**(2)** The Registrar may deduct a fee of \$10 from a refund under subsection (1).

**Credit of registration fee**

**40** The Registrar may credit the registered owner of an off-highway vehicle with an amount that is proportionate to the unexpired part of the last period for which the person paid the fee respecting the certificate of registration for the off-highway vehicle to the payment of a fee in respect of an exchange or transfer if, before the certificate of registration expires, the person

- (a) exchanges the licence plates issued with the certificate of registration for the licence plates of another off-highway vehicle, or
- (b) transfers the licence plates issued with the certificate of registration from that off-highway vehicle to another off-highway vehicle owned by the same person.

**Additional fees**

**41(1)** In addition to the other fees specified in this Regulation, the Registrar may charge a fee of

- (a) \$13 to transfer a certificate of registration and the licence plates issued with it from one off-highway vehicle to another;
- (b) \$13 to exchange a licence plate for a replacement;
- (c) \$13 for a duplicate certificate of registration.

- (2) Subsection (1)(b) does not apply if the licence plate is exchanged for a personal licence plate for the same off-highway vehicle.
- (3) A fee paid under this section is not refundable.

**Miscellaneous fees**

**42(1)** The Registrar may charge the following fees in respect of an off-highway vehicle registration:

- (a) \$13 for the replacement of lost, stolen or damaged licence plates, but not personal plates, with validation tabs whether a single plate or a pair is replaced;
- (b) \$13 for the replacement of lost, stolen or damaged validation tabs;
- (c) \$10 for providing a sample licence plate, other than a personal licence plate, or sample validation tabs to a collector;
- (d) \$15 per search for a search of an off-highway vehicle registration;
- (e) \$15 per report for a certified true copy or photocopy of information from an accident report involving an off-highway vehicle;
- (f) \$8 per page for photocopies of documents other than those referred to in clause (e).

(2) If search information is released in machine readable form under a written contract with the Registrar, the fee per search is \$15.

(3) The Registrar may not charge the following a fee under subsection (1)(c), (d), (e) or (f):

- (a) the Government of Canada;
- (b) the Government of the United States of America or any state of the United States of America;
- (c) the Government of Alberta or a government of a province or municipality;
- (d) a law enforcement agency.

AR 319/2002 s42;38/2011



## General

### Reporting accidents

**43(1)** Part 5 of the *Operator Licensing and Vehicle Control Regulation* applies to an accident involving an off-highway vehicle.

**(2)** If an off-highway vehicle is involved in an accident when it is participating in an organized race meet for which an entry fee is charged, no report is required under Part 5 of the *Operator Licensing and Vehicle Control Regulation*.

### Offences

**44** A person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

section 2;  
section 3;  
section 4;  
section 5;  
section 6;  
section 8;  
section 9;  
section 9.1(2), (3), (4), (5), (6), (7), (8), (15);  
section 14;  
section 19;  
section 25(1), (2) and (3);  
section 29(2) and (3);  
section 33(1).

AR 319/2002 s44;72/2017

### Repeal

**45** The *Off-highway Vehicle Regulation* (AR 70/91) is repealed.

**45.1** Repealed AR 72/2017 s4.

### Coming into force

**46** This Regulation comes into force on the date on which Part 6 of the *Traffic Safety Act* comes into force.







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