

RULES & REGULATIONS

RIDERS

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The rules and regulations are designed to help you protect yourself, protect other people, and protect the environment. They tell you what to do to be sure you act within the law and what happens if you don't.

For the OHV Act

Click → www.gov.ns.ca/legislature/legc/statutes/offhighw.htm

For the OHV Regulations

Click → www.gov.ns.ca/just/regulations/rxam-z.htm#ohveh

The wording in this handbook may differ from the official version of the Nova Scotia Off-highway Vehicles legislation. The legislation may change. When accuracy is critical, please consult official sources.

The Off-Highway Vehicles Act regulates vehicles you drive off road that are not registered under the Motor Vehicle Act.

These include

- snowmobiles and other snow vehicles
- ATVs or all-terrain vehicles
- off-road motorcycles
- mini bikes
- dirt bikes
- four-wheel-drive or low-tire-pressure vehicles
- dune buggies
- other vehicle or class of vehicle designed as an off-highway vehicle by regulation


The Off-Highway Vehicles Act regulates these things:

- safety and equipment
- registration and permits
- insurance
- where you can ride
- environmental protection
- enforcement

SAFETY TRAINING CERTIFICATES

Children, youth, and their parent or guardian* must have a safety training certificate by 2008 to ride an OHV. Most other riders need a certificate by 2012. Some others are exempt. See page → 64.

Courses are available for ATVs, snowmobiles, and off-road motorcycles. You need a certificate for each type of OHV you drive.


 If you supervise a child or youth as a parent or guardian*, you must both pass a safety training course.

There are two ways to get a certificate:

- 1** Pass a safety training course. The course combines practice and theory.
 - 2** Pass a safety training test. The test is based on the information in this handbook. You can take the test if you are 16 or older and have a valid driver's licence*.
- A safety training course teaches rules and ethics plus these skills:

- safe driving
 - starting and stopping
 - turning
 - riding over obstacles
 - reading the terrain
 - riding on hills
- supervising children and youth under age 16 as they drive an OHV
- using proper safety equipment
- knowing where to drive and what places to avoid
 - sensitive areas and your environmental responsibilities
 - highways and roads
 - public and private land
- recognizing how illegal driving can cause harm
- driving the class of OHV you plan to drive

Schedule for getting a Safety Training Certificate

Age group	OHV type	What you need		Deadline
		Safety Training Course	Test	
Under 14	ATV			April 1, 2008
	snowmobile			October 1, 2008
	off-road motorcycle			October 1, 2008
14–15	All OHVs		 	October 1, 2008
 Parents and guardians of children and youth	All OHVs		 	October 1, 2008
16+	All OHVs		  	April 1, 2012

There is a fee for taking the course or test. To find out when and where you can get a safety training certificate Call → **1-877-OHV-LINE** or **1-877-648-5463** Ask to speak to a law enforcement officer.

Click → www.gov.ns.ca/natr/ohv/allterrainvehicle.asp

Click → www.gov.ns.ca/natr/ohv/offroadmotorcycle.asp

Click → www.gov.ns.ca/natr/ohv/snowvehicle.asp

EXCEPTIONS for experienced riders

People who do NOT have to take a safety training course or pass a safety training test

- You were born before April 1, 1987.
AND
 - You bought your OHV before April 1, 2006.
AND
 - You registered your OHV before September 30, 2007.
AND
 - You have a valid driver's licence*.
AND
 - You are NOT a parent or guardian supervising a child or youth.
- * If you are exempt, your spouse is also exempt if they were born before April 1, 1987, AND they have a valid driver's licence*.

EXCEPTIONS for work

- You must drive an OHV for your work.
AND
Your employer follows the Occupational Health and Safety Act
AND
provides OHV training.

OR

- You are a farmer, fishery or forestry worker, or any other self-employed person who drives an OHV for work.
- * These exceptions do NOT apply to guides.
- * These exceptions apply ONLY while you are driving for work.

OTHER EXCEPTIONS

- You can prove that you passed a Canada Safety Council OHV Course in 1991 or later for the class of OHV you drive.
- You drive a golf cart on a golf course.



You lose your exception if you violate the Act or lose your driver's licence*. This means you will now need training.

CHILDREN & YOUTH

Are you ready to supervise your child?

You are the teacher, coach, and safety supervisor. Here's what you need to do: Make sure your child's OHV is the right size.



Size requirements for ATVs in Nova Scotia

Age	ATV Engine Size
6–11	less than 70 cc
12–15	70–90 cc
16+	more than 90 cc



For snowmobiles and off-road motorcycles, check with the manufacturer for their size recommendations.

Children 13 and younger

Where can you drive?

	Closed Course	Private Land	Designated Trail
ATVs	✓		
Off-road motorcycles	✓	✓	
Snowmobiles	✓	✓	✓

The conditions

- Follow course rules when you drive on closed courses*.
- Make sure your parent or guardian* can see you.
- Show proof that you and the parent or guardian* who is supervising you have both passed the training course that is approved for your OHV.
- Drive the right size OHV for your age, size, and ability.
- Wear your personal safety gear.

EXCEPTION



You may drive outside a closed course* when supervised by your instructor during safety training.

Youth aged 14 and 15

Where can you drive?

You can drive anywhere your parent or guardian* is allowed to ride as long as they can see you. See pages → 71–79.

The conditions

- Follow course rules when you drive on closed courses*.
- Make sure your parent or guardian* can see you.
- Show proof that you and the parent or guardian* who is supervising you have both passed the training course that is approved for your OHV.
- Drive the right size OHV for your age, size, and ability.
- Wear your personal safety gear.

There are fines for not following the safety rules for children and youth.

Drivers aged 16 and older

- You must complete the appropriate safety training program.
- You must not let anyone under 16 drive the OHV.
- You must follow the regulations.

There are two ways to get a safety training certificate:

- Pass a safety training course.
- Pass a safety training test.

The test is based on the information in the OHV handbook. You can take the test if you are 16 or older and have a valid driver's licence*.


WHAT TO WEAR

Personal Safety Gear

Drivers and passengers must wear a motorized vehicle helmet that meets one of these standards:




- DOT
- SNELL
- BSI
- CSA

Riders under 16 on a closed course* must wear the personal safety gear required by the closed course*.

 Remember, your children are watching you.

EQUIPMENT ON THE OHV

All OHVs must have these things:

- muffler at least as quiet as the one that came from the manufacturer
- spark arrester
-   a registration plate clearly visible on the back, clean, and displayed horizontally
-  a registration plate clearly displayed horizontally

At night*, all OHVs must have regulation lights. Add lights if they do not come with the OHV.

If you are racing an OHV on a closed-course*, you must have your plate with you to show to a law enforcement officer*.

These are regulation lights:

- one white headlight on the front that can be seen for 91.4 metres or 300 feet

AND

- one red tail light on the back that can be seen for 61 metres or 200 feet.

PAPERWORK

Buying an OHV

Follow these steps:

- Get the signed Notice of Sale from the seller's Certificate of Registration.
- Follow the steps under Register your OHV.

If you buy it from a dealer

- Get a receipt to show that you have paid the sales tax. You must show that the tax is paid to register the OHV.
- Register your OHV before you ride it.

If you buy it in a private sale

- Pay the sales tax when you register it.
- Register your OHV before you ride it.

Registering your OHV

Where to register

the Registry of Motor Vehicles or any Access Nova Scotia office

Call → **1-800-670-4357**

Click → **www.gov.ns.ca/snsmr**
and click on office locations

What to bring

- OHV name, make, model, year, VIN (vehicle identification number)
 - owner's name, address, date of birth
 - signed Notice of Sale if you buy your OHV in a private sale
 - sales tax receipt if you buy your OHV from a dealer
 - written permission from a parent or guardian* if you are a youth aged 16 to 18—you must be 16 or older to register an OHV
- * Be prepared to pay registration fees. You will also have to pay the sales tax if you buy your OHV in a private sale.

What you get

- a certificate of registration
 - Register your OHV only once.
 - a permit
 - Buy a new permit each year. Permits expire December 31.
 - Carry your permit when you drive.
 - a plate
 - Attach the plate to the back of your OHV where it is easy to see.
- * If you are a dealer, you must have and display dealer's permits and plates on your OHVs when they are driven.

EXCEPTIONS

You may drive without registering or getting a plate or permit for these reasons:

- You live outside of Nova Scotia AND the OHV will be in Nova Scotia under 90 days.
- You are a registered Indian and you drive only on reserve.
- You drive ONLY on your own land, or land owned by someone who is related to you
 - by blood or marriage OR
 - as a common-law spouse OR
 - as a registered domestic partner

Fees

Effective July 2008

You pay all fees to
the Registry of Motor Vehicles

One-time fee

Certificate of Registration \$34.75

Annual fees

These expire on December 31.

Vehicle Registration Permit \$11.57

OHV Fund \$40.00

As-needed fees

Transfer of ownership \$11.51

Duplicate or
replacement documents \$11.51

- * Check with the Registry of Motor Vehicles for a current fee schedule.

The OHV fund is used for such things as these:

- developing and maintaining trails
- funding OHV organizations
- funding health and safety projects related to driving OHVs
- educating and training OHV drivers

EXCEPTIONS - You do NOT PAY into the Infrastructure Fund**If you drive an OHV only for your work:**

- farmer, fishery or forestry worker, for work that relates to your occupation
- law enforcement officer*
- government employee—municipal, provincial, or federal
- self-employed person who uses an OHV for work
 - you must show that you have training to drive the class of OHV you are driving
- * This does not apply to guides.

If you drive an OHV for recreation under these conditions:

- You drive a golf cart on a golf course.
- You drive only on land you own or land owned by someone who is related to you
 - by blood or marriage
 - OR
 - as a common-law spouse
 - OR
 - as a registered domestic partner
- You are a registered Indian and you drive only on reserve.

Selling an OHV or Transferring Ownership

Follow these steps:

- 1 Sign the Notice of Sale part of your Certificate of Registration over to the person buying the OHV.
- 2 Take or send the Notice of Sale to the Registry of Motor Vehicles or any Access Nova Scotia Office within 30 days.
- 3 Remove the plate from the OHV. You can use it for another OHV that you own or return it to the Registry of Motor Vehicles or any Access Nova Scotia Office.

LIABILITY INSURANCE

By law you must carry at least \$500,000 in coverage if you drive on land that does NOT belong to you or members of your family.

You must have liability insurance for every OHV that you and your children drive.

Your insurance must cover third-party liability.

You and your passenger assume all risks that relate to owning and driving the OHV.

A landowner does NOT have the right to deliberately create a danger to you, your passenger, or your property.

EXCEPTIONS

You do NOT have to insure your OHV if ALL of these are true:

- your OHV is designed or modified for racing AND
- you use your OHV for racing and nothing else AND
- you are a member in good standing of an OHV club and hold a valid membership card AND
- your club has OHV racing as one of its objectives AND
- your club is registered and in good standing under the Societies Act or Companies Act

WHERE YOU CAN RIDE

Roads and highways

Here's where you can ride:

- forest access roads controlled by the Department of Natural Resources
- K-class roads* controlled by the Department of Transportation and Infrastructure Renewal
- private roads that are designed to be accessible, or are accessible to the public for OHV use where the landowner has given written permission*
- ditches* of highways under these conditions
 - in daylight, either with or against the flow of traffic
 - at night*, in the same direction as the traffic on the same side of the road as the ditch* where you are driving
- a road or highway* outside a city, town, or village that is impassable because it is covered with snow AND it is not normally cleared

* You must have a valid driver's licence* to do this:

- load or unload your OHV along a road or highway
- cross a non-controlled-access road or highway
How to cross safely:
 - have your passenger get off
 - yield to all traffic
 - wait until you can see clearly for 152 metres or 500 feet—more than the length of a football field in each direction
 - go directly across, at right angles to the road

EXCEPTIONS

You may NOT drive

- in no-ride zones or on land that is set aside.
See pages → 76–79.
- on or across a controlled-access highway*. Most 100-series highways are controlled access.

Designated trails

You may drive on designated trails* that go over private or public land.

- You need “written permission” and get it by buying a trail permit from an authorized OHV club.
- You must display the permit on your OHV when you ride. The permit may be a sticker, label, or other tag.

There may be conditions of use. These trails are marked with designated trail signs.



There is a fine for using the designated trails without a permit.

EXCEPTIONS

You do not need a trail permit to ride on a designated trail if you have documents that show you are riding for one of these reasons:

- You are using the trail for work-related reasons:
 - as a law enforcement officer
 - as an emergency worker
 - as a municipal, provincial, or federal government employee
 - as a licensed commercial fishery worker
 - as an employee or self-employed person as defined in the Occupational Health and Safety Act — this does not include guides
- You are a registered Indian on reserve.
- You are on your own land.

Established trails

This is how permission works.

You have “written permission” to use trails on private or public land

- if you were able to ride on that land before April 1, 2006
- unless there is a sign that says you cannot ride there

These established trails have allowed OHV riders to get to their camps, hunting areas, and other natural resources.

EXCEPTIONS

You may NOT drive in no-ride zones or on land that is set aside.
See pages → 76–79.

Private land

You may drive on private land that is designed to be accessible or is accessible to the public for OHV use as long as the landowner has given written permission.

* Written permission can be given to an individual, a club, or an association. This can be in the form of a sign, map, form, letter, or other document signed by the landowner. The landowner may impose conditions of use.

EXCEPTIONS

- You have permission to ride on an established trail* UNLESS the landowner puts up a sign that says you can't.
- You get permission to ride on a designated trail* when you buy a designated-trail permit.
- You do NOT need permission where you are doing authorized construction or maintenance work.
- You may NOT drive in no-ride zones or on land that is set aside. See pages → 76–79.

* **You do NOT gain property rights over land by driving on it.**

You and your passenger assume all risks that relate to owning and riding the OHV.

A landowner does NOT have the right to deliberately create a danger to you, your passenger, or your property.

To stop unauthorized driving of OHVs

Call → **1-800-565-2224** 24 hours, Department of Natural Resources

Public land

Municipal land

Contact your municipality to find out where you can and can't ride. Your municipality may give written permission for you to ride in certain areas.

Crown land

You have permission to ride on Crown land where there is no restriction.

Remember there are other people using the trail—doing things like walking, cycling, horseback riding, skiing.

Some Crown land is used for forestry, mining, and harvesting. If you are looking for permission to ride there, check with the Department of Natural Resources and the organization that is using the land.

Federal land

Contact the federal department that manages the land you want to ride on to ask for written permission.

Abandoned rail lines

The trail-head sign tells you if you can ride your OHV there. You can use the trail if there is no sign.

Follow all posted speed limits.

Most of these are shared-use trails that are developed and maintained by authorized trail associations.

For more information contact the Department of Natural Resources, the Department of Health Promotion and Protection, or the trail association.

EXCEPTIONS

- You may NOT drive in no-ride zones or on land that is set aside. See pages → 76–79.
- You may NOT drive on land where there is a sign that says you may not drive there.

Rallies

Most rallies are organized for fun and to raise money for charities.

Organizers

- You need a rally permit from the Department of Natural Resources.
- You need written permission to use the land from
 - the landowner for private land
 - the Department of Natural Resources for Crown land
 - the Department of Transportation and Infrastructure Renewal for roads and highways
 - the municipality for municipal land
 - the federal department that manages it for federal land
 - the trail manager for a managed trail
- You must notify local law enforcement.
- You must follow the rules for environmental protection.
- You should mark the route and have someone follow the rally to make sure no one is left behind.

Riders

- Check to make sure it is an authorized rally.
- Find out what proof you need to carry as a participant.
- Always ride sober.

Closed Courses

Category A courses are for racing competitors aged 13 and under.

Category B courses are for families riding with children aged 13 and under.

Other people may be able to ride on a closed course. You need written permission from the operator to use it outside of regular hours.

NO-RIDE ZONES

Drinking water supply areas

Driving on this land may be regulated or prohibited to keep the water clean.

Look for signs that let you know

- that you are entering a drinking water supply area or protected water area
- what regulations and restrictions apply
- where to call for more information

Not all areas have signs.

Click → www.gov.ns.ca/just/regulations/rxaa-l.htm#env

Look under “Protected Water Areas” for the watershed near where you want to ride.

Vulnerable natural areas

Five kinds of vulnerable areas are:

- wetlands
- watercourses
- barrens
- sand dunes
- beaches, see page → 78.

Wetlands

These include marshes, swamps, fens, and bogs.

Wetlands are saturated with water or have shallow water for enough of the year to grow water plants and breed water insects, birds, and animals that nourish the earth.

Can you ever ride over wetlands?
Yes

- when the land is covered by 30 cm or about a foot of snow
- on a crossing approved under the Environment Act

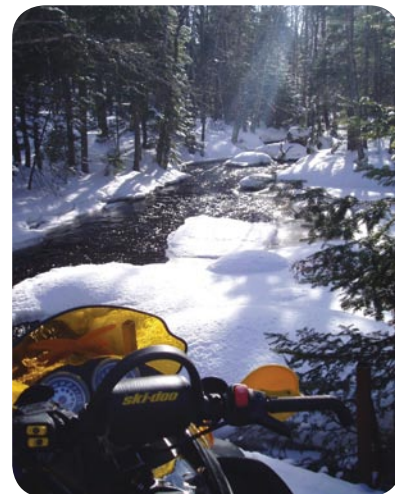


Watercourses

These are the beds and shores of all rivers, streams, lakes, creeks, ponds, springs, lagoons, and other natural bodies of water in Nova Scotia. They may provide a home for fish and aquatic creatures.

Can you ever ride on a watercourse?
Yes

- when it is frozen
- on a crossing approved under the Environment Act



Coastal and highland barrens

These are exposed places with fierce weather.

Barrens are areas of bedrock or shallow soil. Plants include lichens, low shrubs, and either no trees or short trees.

Most highland barrens are in northwestern Cape Breton.

Most coastal barrens are found in exposed areas along the Atlantic coast.

Can you ever ride over barrens?

Yes

- when the land is covered by 30 cm or about a foot of snow
- when you own the property
- when they are inland, rock only, or burned out areas



Sand dunes

These are places next to beaches where the wind and water have piled up the sand. They are often held together by fragile grasses.

Can you ever ride over sand dunes?

No



Click → www.gov.ns.ca/just/regulations/ohvvulna.htm

EXCEPTIONS

You may get a licence to ride in barrens, sand dunes, or sensitive areas.

Apply to Nova Scotia Environment or the Department of Natural Resources for a licence

- when there is no reasonable alternative
- when driving there is NOT for recreation
- to get to private land
- as part of a trail or route that connects to a larger trail network

- * Sensitive areas
Some vulnerable, natural areas may be designated or defined as sensitive areas under the OHV regulations.

Land that's set aside

Certain lands are set aside to protect the natural environment and allow areas to be used for walking, or other non-motorized recreation. OHVs are generally not allowed unless they are authorized by the department that regulates the area.

Beaches

Beaches include

- coastal lands that lie below the mean highwater mark
- any other coastal or lakeshore area that is designated as a beach

Beaches are protected through the Beaches Act Regulations.

Click → www.gov.ns.ca/legislature/legc/statutes/beaches.htm

Core habitat

Some areas in Nova Scotia are home to species that are endangered or threatened.

These areas may be designated as core habitat, if they are important to help the species recover and survive.

Core habitats are protected through the Endangered Species Act.

Click → www.gov.ns.ca/legislature/legc/statutes/endspec.htm

Provincial Parks

Provincial parks include provincial parks and park reserves.

Most parks are clearly marked in the Nova Scotia Atlas.

Click → www.gov.ns.ca/snsmr/maps/default.asp

Parks are protected in the Provincial Parks Act Regulations.

Click → www.gov.ns.ca/legislature/natr/parks/legc/statutes/provpark.htm

Parks Directory

Click → www.parks.gov.ns.ca

Wilderness Areas

These areas protect particular natural environments:

- ecosystems
- special natural features
- areas of biological diversity

Many wilderness areas offer opportunities for research, education, and non-motorized wilderness recreation including hiking, canoeing, camping, hunting, and fishing.

Wilderness areas are protected through the Wilderness Areas Protection Act Regulations.

Click → www.gov.ns.ca/legislature/legc/statutes/wildarea.htm

Special Places

Some special places are designated as protected sites because they are important in at least one of these areas:

- nature conservation
- history
- archaeology
- paleontology

Other special places are designated as ecological sites (nature reserves) because they are rare, unique, or outstanding natural ecosystems. Some of these are also habitats for rare or endangered species.

Protected and ecological sites are protected through the Special Places Act Regulations.

✱ Check these for periodic updates.

Click → www.gov.ns.ca/legislature/legc/statutes/specplac.htm

ENFORCEMENT

Trails are policed by the Department of Natural Resources. Others also enforce the OHV Act:

- the RCMP
- municipal police

If you violate a provision of the act or the regulations, you are guilty of an offence and are liable to pay a penalty when you are convicted.

Fines

You pay a fine or appear in court.

Fines can range from \$250 to \$2,000 plus service fees:

- first offence usually \$250; repeat offences usually up to \$750
- first offence for driving in sensitive areas: \$500; repeat offences: up to \$2,000

All fine money goes into the OHV Infrastructure Fund.

Other penalties

- A law enforcement officer* may seize your OHV if you are NOT following the Off-highway Vehicles Act.
- The officer may seize and hold your OHV until all your charges are dealt with by the courts.
- The sheriff may sell your OHV if you do NOT pay the costs of seizing and storing it.

The owner is responsible for all penalties.

EXCEPTIONS

The driver and the owner are both responsible in these situations:

- The driver has permission to drive.
- The owner is a passenger or is watching at the time.

The driver is responsible in this situation:

- The driver does NOT have permission from the owner to drive the OHV. For example, the driver has stolen the OHV.