

## **A Look at the Law**

*The Public Legal Education Association of Saskatchewan (PLEA) is a non-profit corporation, non-government organization that provides the people of Saskatchewan with understandable, useful information and education on our laws and legal system.*

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## **All Terrain Vehicles (ATVs) and the Law**

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In many ways, All Terrain Vehicles are a lot like cars. They can be dangerous and must be used responsibly. ATV's were first used in the 1970's. In the five years between 1996 and 2001 sales of ATV's tripled in Canada . Most of this increase was due to ATV's growing popularity as recreational vehicles. During the same period that sales of ATV's dramatically increased, the Canadian Institute for Health Information reported a 50% increase in hospitalizations related to ATV accidents. ATV's are now the third leading cause of serious injury from sports and recreational activities. Children and people who have not had training in the use of ATV's are particularly at risk. Saskatchewan law regulates who can operate an ATV as well as where and how one can be operated.

Most people picture an ATV as a small, three or four wheeled vehicle with handle bars, knobby balloon tires and a motorcycle engine. The law defines ATVs more broadly. An ATV is any self-propelled vehicle which is designed primarily for moving people or goods on surfaces not prepared for vehicles. This definition includes restricted-use motorcycles (dirt bikes), mini-bikes and all terrain cycles. It does not include golf carts.

Generally, no person can legally operate an ATV unless they are at least age 16 and hold a valid driver's licence. This means a standard operator's licence issued by Saskatchewan Government Insurance that you would need to drive a car. There are exceptions to this general rule.

An ATV can be operated by anybody on private land owned or occupied by the operator or a member of his or her immediate family; here, no driver's licence is required. As well, a person between the ages of 12 and 16 who takes an approved ATV training course or is accompanied or supervised by someone who has had a valid driver's licence for at least a year can operate an ATV outside of the family land.

ATVs are not to be operated on private land owned by

someone other than the operator's family unless that owner has given permission. Use on highways is not permitted unless the Highway Traffic Board makes an order allowing this or a municipality passes a bylaw allowing such operation in the municipality. Highways anywhere may be crossed by ATVs, but only after a full stop, after any passengers are removed, if all other traffic is yielded to, and if the shortest route across is taken.

Other rules apply when an ATV is operated on land not owned by the operator or his or her immediate family. An ATV must be operated with due care and attention at a reasonable speed that never exceeds 80 kilometres per hour, and in accordance with several other "rules of the off-road". A helmet and eye protection are to be worn at all times the ATV is in operation. There must also be insurance in place to cover the use and operation of the ATV. Of course, these rules should be followed when operating an ATV anywhere.

A person is liable for any injury or damage caused through the operation of an ATV. If someone other than the owner causes damage or injury while operating the ATV, the owner is liable to the same degree as is the operator unless the ATV was stolen or otherwise wrongfully taken from the owner.

Violation of any of these laws is an offence punishable by a fine of no greater than \$1,000 and, in default of payment, no more than thirty days in jail.

It can be seen that an ATV is treated in many respects by the law like cars and trucks licenced for use on the highways. Any time an ATV is used outside of one's own private property, this use is highly regulated to ensure the safety of the operator and any other people in the vicinity.

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*This article is intended to be general information only. People who need specific advice should see a lawyer.*

*For general legal information on other areas of the law, contact Public Legal Education Association, 300 - 201 21st Street East, Saskatoon, Saskatchewan S7K 0B8, Phone: (306) 653-1868, E-mail: [plea@plea.org](mailto:plea@plea.org) or see our web site at [www.plea.org](http://www.plea.org).*

