



Farm ATV/ORV Use

Off-road vehicle (ORV) describes a range of vehicle configurations including all-terrain vehicles (ATVs), designed for off-road use.

Regulatory amendments effective July 1, 2015 have expanded the definition of an ATV and defined a “multi-purpose off-road vehicle”. Some of these provisions affect farm ATV/ORV use.

An ATV is now defined as a vehicle that;

- has 4 wheels, the tires are in direct contact with the ground,
- is steered by handlebars,
- has a seat designed to be straddled by the driver, and
- is designed to carry the driver only, or the driver and one passenger.

A “multi-purpose off-road vehicle” is defined as a vehicle that has;

- 4 or more wheels, the tires are in direct contact with the ground,
- a steering wheel,
- seats not designed to be straddled, and
- a minimum cargo capacity of 159 kg. (350 lbs.)

The John Deere GATOR, Kawasaki Mule and Kubota RTV are examples of a multi-purpose off-road vehicle (ORV). Farm tractors and self-propelled implements of husbandry (e.g. combines, sprayers) **are not** off-road vehicles. A 2014 Ontario Court of Appeal decision reaffirmed that ATVs **are not** self-propelled implements of husbandry, even

when used by a farmer for agricultural purposes.

ATV/ORV use is governed by the *Off-Road Vehicles Act* (ORVA) and section 191.8 of the *Highway Traffic Act* (HTA). In general, ATVs and ORVs cannot be driven on a public road. The two key **exceptions** are found in section 2 of the ORVA, namely;

- **farmers** driving an off-road vehicle on the traveled portion of most roads for “**agricultural purposes**”, and
- licensed trappers driving an off-road vehicle on the traveled portion of most roads for “trapping purposes”.

Section 191.8 of the HTA and Regulation 316/03 address **recreational** ATV/ORV use on the shoulder of specified provincial highways. Municipalities can allow similar use on their roads by by-law. No municipal by-law means no recreational on-road use.

Despite section 191.8, farmers can drive an ATV/ORV on the travelled portion of most provincial highways and municipal roads, for “agricultural purposes”, provided **all** the requirements noted below are followed, even if the highway is not on the provincial list or included under a municipal by-law.

1. the ATV/ORV is insured under an auto policy (see note below); the driver must carry proof of insurance [ORVA, section 15],
2. the driver is licensed (minimum G2/M2); the driver must carry their Driver’s License [ORVA, section 2],

3. the ATV/ORV is registered, *i.e.* it has an ORV plate [ORVA, section 3], the driver and any passengers must wear an approved helmet [ORVA, section 19 and O.Reg 316/03, section 19],
4. a Slow-Moving Vehicle (SMV) sign must be on the rear of the vehicle, or on the rear of any towed implement or trailer [ORVA, section 2], and
5. for vehicles equipped with seatbelts, the driver and passengers must wear them [O.Reg 316/03, sections 19.1, 19.2 and 19.3].

The seatbelt requirements are new and **do** apply to farmers (and farm employees) when the ORV is equipped with seatbelts.

NOTE: Insuring your ORV/ATV under an auto policy, as required by law, provides automatic accident benefits.

Farmers with seasonal or full-time employees, who operate an ATV/ORV while fulfilling their farm duties, need to ensure their employees are in **full** compliance with **all** the provisions noted above.

References:

Highway Traffic Act:

<http://www.ontario.ca/laws/statute/90h08>

Regulation 316/03:

<http://www.ontario.ca/laws/regulation/030316>

Off-Road Vehicles Act:

<http://www.ontario.ca/laws/statute/90o04>

Regulation 863:

<http://www.ontario.ca/laws/regulation/900863>

MTO FAQs:

<http://www.mto.gov.on.ca/english/driver/drive-ATV-faq.shtml>

For further information, contact your local OFA Member Service Representative or OFA's Guelph office.

Revised June 2018