



Farm Use of ORVs

Off-road vehicle (ORV) is a general term for several different vehicles designed for off-road such as All-Terrain Vehicles, Two-Up ATVs, Recreational Off Highway Vehicles and Utility Terrain Vehicles. While most ORVs are permitted to ride off-road, only certain ORVs meet Ontario Regulation 316/03 requirements to ride along provincial roads and municipal roads if permitted by by-law. ORVs must be registered, display a licence plate, and must be insured under a motor vehicle liability policy. When riding on-road or off-road the driver of an ORV must carry the registration permit or a true copy and proof of insurance. Drivers and passengers must wear an approved helmet.

An ATV is 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.)

Ontario regulates **on-road** ORV use and off-road under the *Highway Traffic Act* (HTA), and **off-road** use under the *Off-Road Vehicles Act* (ORVA). This creates operating-environment regulatory inconsistencies. A farm tractor or self-propelled implement of husbandry (e.g. combine, sprayer) **is not** an ORV, even when used by a farmer for agricultural purposes¹.

ORV use, including use on the shoulder of specified provincial highways, is subject to the [Off-Road Vehicles Act](#) (ORVA) and the [Highway Traffic Act](#) (HTA) S.191.8. In general, ORVs cannot be driven on public roads. Despite HTA S.191.8, **farmers and farm employees can drive an 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 2014 Ontario Court of Appeal decision reaffirmed that ATVs **are not** self-propelled implements of husbandry,

1. driver must carry proof of ORV coverage under a motor vehicle liability policy
2. driver is licensed (minimum G2/M2) and must carry their Driver's License
3. ORV is registered (has an ORV plate)
4. driver and passengers must wear approved helmets
5. Slow-Moving Vehicle (SMV) sign must be on the rear of the ORV, or on the rear of a towed implement or trailer, and the ORV must not exceed 40 kilometres per hour [HTA, S. 76], if the posted limit is below 50 km/h, the ORV cannot exceed 20 km/h
6. if equipped with seatbelts, driver and passengers must wear them, **including** farmers and farm employees,
7. any passenger must be at least the age of eight
8. ORVs must have one or two white front lights and one or two red taillights. The lights must be lit at all times when operated on the highway.

Provincial highways

ORVs can travel on: <ul style="list-style-type: none"> • Highways 500 to 899 • many 7000-series highways • highways with low traffic volumes 	ORVs cannot drive on: <ul style="list-style-type: none"> • 400-series highways • the Queen Elizabeth Way • sections of the Trans-Canada Highway
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Municipal roads

Municipalities have different rules for ORVs, and not all municipalities allow them on roads. The general public cannot drive ORVs where there is no bylaw in place and the municipality is not listed under [Ontario Regulation 8/03](#).

Along a road

When travelling along a road, your ORV must:

- travel in the same direction as traffic
- travel on the shoulder (if shoulder is unsafe or too narrow, ORV can be driven on the travelled portion of the road)
- have headlights and taillights on (mandatory at all times)

Crossing a highway

Where permitted, you can drive an ORV to cross a highway only if:

- it is registered and displays a rear licence plate
- it is insured under a motor vehicle liability policy
- the driver is at least 16 years old and has a valid driver's licence of any class
- driver and passengers wear approved helmets

Speed limits

On roads, ORVs must travel at speeds less than the posted speed limit for cars and trucks:

Posted speed limit	Maximum speed limit for ORVs
Over 50 km/h	50 km/h

Posted speed limit

50 km/h or less

Maximum speed limit for ORVs

20 km/h

Municipalities can set lower speed limits or have additional guidelines.

Drivers

For on-road riding, a driver must:

- be at least 16 years old
- hold at least a valid G2 or M2 licence
- wear a seat belt, if provided
- travel below posted speed limit

For off-road riding, the driver must:

- be at least 12 years old, unless directly supervised by an adult or while driving on land occupied by the owner of the ORV
- carry the ORV's registration permit or a true copy

Passengers

For on-road riding, a passenger on an ORV:

- must be at least 8 years old
- must wear a seat belt or use footrests, when applicable

The Office of the Chief Coroner inquest into the death of nine-year-old Horatio McLeod from an ORV collision in 2017 provided recommendations to address ORV safety and prevent similar incidents. The Ministry of Transportation plans to introduce an off-road vehicles (ORV) safety enhancement strategy with proposed legislative amendments. There are four key problem areas MTO would like to address: Alcohol and drugs are highly overrepresented in severe ORV collisions, and younger drivers have high ER and hospitalization rates, have greater difficulty controlling ORVs due to mass, strength, and are likely to have head injuries and fractures. MTO noted that there is no minimum age required for off-road ORV passengers and no restrictions for passengers in single-rider ORVs driving off-road. MTO is considering:

- increasing the minimum age from 12 to 14 to operate off-road regardless of supervision or driving on land occupied by the owner of the ORV.
- increasing minimum age of operator to carry passengers on-road and off-road from 16 to 18 (currently no age restriction to carry passengers off-road).

While OFA supports on-road safety improvements, imposing off-road age requirements to operate and carry passengers presents challenges/limitations to many rural farm operations.

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 ORV Information: <https://www.ontario.ca/page/driving-road-vehicle-orv>

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