



MEMO

FOR IMMEDIATE ATTENTION

NON-REGULATORY SNOWMOBILE RENTALS

Terrebonne, October 26th, 2023 - The Fédération des clubs de motoneigistes du Québec (FCMQ) wishes to express its deep concerns about the rental of snowmobiles with annual trail permits rather than the rental trail permits provided for this purpose.

Despite an initial attempt to raise awareness in January 2022, the FCMQ is now obliged to issue an **explicitly formal warning**, as this practice, which persists in certain centres, **is unacceptable and will not be tolerated.** This is a serious breach of the *Act respecting off-highway vehicles* (AROHV) and the FCMQ's by-laws. This practice also contravenes the civil liability insurance that accompanies the purchase of trail permits, which is automatically invalidated. **Riding without insurance represents a serious risk for the lessor/renter, the lessee and all trail users.**

Please note that if rental centres fail to comply and purchase the appropriate trail permits, the FCMQ will henceforth be obliged to **report the recalcitrant centres to the competent authorities.** Be advised that **fin**s - **ranging from \$2,000 to \$20,000** - will be issued directly to the rental centres concerned by a peace officer or a Ministère des Transports inspector.

RELEVANT ARTICLES OF LAW AND REGULATIONS

Obligation to have a trail permit

Article 72 of the Act respecting off-highway vehicles (AROHV) states "*the operation of an off-highway vehicle on a trail is not authorized if a user fails to comply with any of the conditions or restrictions on operation provided for in this Act or another Act, including payment of the access fee for the trail*"

In addition, article 11.3 of the FCMQ's by-laws clearly states that the trail permit for rental purposes must be the one provided for this purpose: "*The annual trail permit for rental purposes issued by the FCMQ to the owner of a rental snowmobile registered in accordance with the provisions of the Highway Safety Code for his benefit and the benefit of the persons to whom he rents said snowmobile.*" **A regular annual trail permit used for rental purposes is therefore**

illegal and exposes the lessor and the lessee to risks and monetary administrative penalties.

In the case of a contravention of article 72, the AROHV (section 113, par. 9) provides that the driver or owner of the off-highway vehicle commits an offence and is liable to a fine of \$350 to \$700 in the case of a natural person and \$2,000 to \$20,000 in the case of a legal person.

Obligation to have civil liability insurance

Article 25 of the AROHV stipulates that, in order to be able to put the vehicle in operation, the owner of an off-highway vehicle must hold a civil liability insurance policy guaranteeing compensation for bodily injury or material damage caused by this vehicle.

The civil liability insurance policy included with the purchase of the trail permit complies with this requirement. However, because of the terms set out in section 6.1 of the insurance policy, the effect of the non-regulatory rental is to invalidate the protection provided, placing the lessors in contravention of the requirement imposed by section 25. More specifically :

“6. Exclusions that apply to Coverages 1 and 2

1 Excluded or prohibited uses of the insured snowmobile

Q.P.F. No. 1, Section A, art. 5

Q.P.F. No. 1, General conditions, art. 7

- The insured snowmobile is leased to another person, unless you have specifically obtained civil liability insurance for rented snowmobiles.”

Section 114 of the AROHV also provides that the owner of an off-highway vehicle who contravenes section 25 is guilty of an offence and liable to a fine of between \$250 and \$500 in the case of a natural person and between \$1,000 and \$15,000 in the case of a legal person.

Finally, apart from the question of compliance with the AROHV, operating a snowmobile without insurance represents a serious risk for the lessor, the lessee and all trail users.

Inspection

According to articles 97 and 98 of the AROHV, any peace officer may act as an inspector to verify the application of the law and its regulations. More precisely, *“For the purpose of ascertaining compliance with this Act and the regulations, a peace officer and an inspector appointed under the Act respecting the Ministère des Transports may, as part of their inspection, enter, at any reasonable time and elsewhere than in a dwelling house, the premises of a lessor of off-highway vehicles or an off-highway vehicle club that lays out or operates a trail to examine and make copies of books, registers, accounts, records and other documents containing information relating to the obligations imposed on the lessor or club by this Act”*

It is the FCMQ's right to ask a peace officer or a Ministère des Transports inspector if there is any doubt about a lessor.

Moving the snowmobile

As stipulated in section 100 of the AROHV, peace officers and trail security officers (ie. trail wardens) may "move a vehicle or cause it to be moved, or impound a vehicle or cause it to be impounded, to stop the commission of an offence" (that is, the non-regulatory rental). The lessee's ride will therefore be suddenly interrupted and the lessor will be responsible for organising the recovery of the snowmobile.

Avoid the risk and hassle

To avoid any inconvenience or risk, it is the responsibility of each lessor to equip each of his rental snowmobiles with a trail permit for this purpose, i.e. the rental trail permit. .

For more information, please contact our Customer Service department:

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