

Manitoba Laws

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C.C.S.M. c. O31

The Off-Road Vehicles Act

Table of Contents		Bilingual (PDF)	Regulations	
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(Assented to July 17, 1987)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions

1(1) In this Act

"all-terrain vehicle" means an off-road vehicle that

- (a) operates or travels on three or more low-pressure tires,
- (b) has a seat designed to be straddled by the operator of the vehicle, and
- (c) has handlebars for steering the vehicle; (« véhicule tout-terrain »)

"cannabis" means cannabis as defined in the *Cannabis Act* (Canada); (« cannabis »)

"common-law partner" of a registered owner means

- (a) a person who, with the registered owner, registered a common-law relationship under section 13.1 of *The Vital Statistics Act*, and who is cohabiting with the registered owner, or
- (b) a person who, not being married to the registered owner, is cohabiting with him or her in a conjugal relationship and has so cohabited
 - (i) for a period of at least three years, or
 - (ii) for a period of at least one year and they are together the parents of a child,

and if the registered owner is dead, **"common-law partner"** means a person who, not having been married to the registered owner, cohabited with him or her at the time of death and so cohabited with him or her as set out in clause (a) or (b); (« conjoint de fait »)

"departmental road" means

- (a) a provincial trunk highway,
- (b) a provincial road, and
- (c) any highway in an unorganized territory,
- (d) [repealed] S.M. 2018, c. 10, Sch. A, s. 54

but does not include parking lots, or roads or driveways on grounds appurtenant to a public work as defined in *The Public Works Act*, any highway the cost of construction or maintenance of which is paid from and out of the Consolidated Fund with moneys authorized to be expended for the purposes of any other Act of the Legislature, any highway built and maintained at the expense of the Government of Canada, or any highway built and maintained on private land by the owner of the land; (« route de régime provincial »)

"family" includes a common-law partner; (« famille »)

"highway" means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used for the parking of vehicles and the necessary passage-ways thereon; (« route »)

"interchange" means a general area where two intersecting roadways cross at different levels and includes the turning lanes between these two intersecting roadways; (« échangeur »)

"intersection" means the area embraced within the straight projection of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one of the highways crosses another; (« intersection »)

"local authorized enforcement agency" means any member of the Royal Canadian Mounted Police Force or any other police officer, special constable or other person, employed for the preservation and maintenance of the public peace; (« agent local d'application de la loi »)

"minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; (« ministre »)

"non-ambulatory person" means any person who is incapable of walking under the person's own control; (« impotent »)

"occupier" means an occupier at common law and includes

- (a) a person who is in physical possession of premises, or
- (b) a person who has responsibility for, and control over, the condition of the premises, the activities conducted on those premises or the persons allowed to enter the premises; (« occupant »)

"off-road maintenance machine" means an off-road vehicle that is designed or modified, and used primarily, for the purposes of clearing or maintaining off-road vehicle trails or tracks, or ski trails or slopes; (« pisteur »)

"off-road vehicle" means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain and includes, but is not limited to,

- (a) a snowmobile,
- (b) an all-terrain vehicle,
- (c) a mini-bike, dirt-bike and trail-bike,
- (d) a miniature vehicle such as a dune or sport buggy,
- (e) an off-road maintenance machine,
- (f) an amphibious vehicle, and
- (g) a four-wheel drive motor vehicle or motorcycle that is being driven elsewhere than on a highway, whether or not it is registered under *The Drivers and Vehicles Act*,

but does not include agricultural equipment, infrastructure equipment, or a garden tractor, lawnmower, lawn tractor or golf cart; (« véhicule à caractère non routier »)

"operate" means to drive or to be in actual physical control of an off-road vehicle; (« conduire »)

"operator" means a person operating or driving an off-road vehicle or a person in actual physical control of an off-road vehicle; (« conducteur »)

"owner" means owner as defined in *The Drivers and Vehicles Act*; (« propriétaire »)

"peace officer" means

- (a) any member of the Royal Canadian Mounted Police Force and any other police officer, special constable, or other person employed for the preservation and maintenance of the public peace,

(b) any person lawfully authorized to direct or regulate traffic, or to enforce this Act or traffic by-laws or regulations, and

(c) a conservation officer appointed under *The Conservation Officers Act* or a person appointed as an officer under *The Provincial Parks Act*; (« agent de la paix »)

"registrar" means registrar as defined in *The Drivers and Vehicles Act*; (« registraire »)

"registration card" means a card that signifies that the off-road vehicle described in the card is registered under *The Drivers and Vehicles Act* for the registration period shown in the card and, in any provision of this Act or of the regulations that requires a person to produce an off-road vehicle's registration card to a peace officer, includes any document that signifies that the off-road vehicle is registered under the laws of a jurisdiction outside Manitoba; (« carte d'immatriculation »)

"registration period" means registration period as defined in *The Drivers and Vehicles Act*; (« période d'immatriculation »)

"regulation", except when specified otherwise, means a regulation made under this Act; (« règlement »)

"right-of-way" means an area of land acquired for a public thoroughfare including any other facility incidental thereto; (« emprise »)

"roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used, but does not include the shoulder; and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not all the roadways collectively; (« chaussée »)

"seat belt assembly" means a device or assembly, securely fastened to the off-road vehicle, composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint, or both of them, capable of restraining the movement of a person in order to prevent or mitigate injury to the person; (« ceinture de sécurité »)

"shoulder" means the portion of a highway contiguous with the travelled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses; (« accotement »)

"snowmobile" means a vehicle that has a gross vehicle weight not exceeding 454 kilograms and

(a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,

(b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and

(c) is designed to be self-propelled; (« motoneige »)

"stand" or **"stop"** as applied to an off-road vehicle, whether occupied or not, means when required or prohibited, to cause the vehicle to remain motionless in one place except when necessary to avoid conflict with other traffic in compliance with the directions of a peace officer or a traffic control device; (« immobiliser » ou « arrêter »)

"traffic authority" means

(a) in the case of departmental roads, the minister,

(b) in the case of inter-municipal highways, a municipality acting with the approval of the Minister of Local Government,

(c) in the case of highways within municipalities, except those on privately owned land, the municipality within the limits of which the highway is situated,

(d) in the case of a highway in an Indian Reserve, except a departmental road, the council of the band on the reserve,

(e) in the case of a highway on privately owned land, the owner thereof, and

(f) in the case of a highway in a local government district, or part thereof, that has been designated in an order made under section 321 of *The Highway Traffic Act*, that local government district; (« autorité chargée de la circulation »)

"validation sticker" means validation sticker as defined in *The Drivers and Vehicles Act*. (« vignette de validation »)

1(2) [Repealed] S.M. 2005, c. 37, Sch. A, s. 159.

S.M. 1993, c. 48, s. 82; S.M. 1994, c. 4, s. 36; S.M. 1994, c. 26, s. 2; S.M. 1995, c. 11, s. 2; S.M. 1999, c. 12, s. 14; S.M. 2000, c. 35, s. 64; S.M. 2001, c. 43, s. 49; S.M. 2002, c. 24, s. 45; S.M. 2002, c. 42, s. 2; S.M. 2002, c. 48, s. 18; S.M. 2004, c. 42, s. 76; S.M. 2005, c. 37, Sch. A, s. 159; S.M. 2008, c. 42, s. 71; S.M. 2010, c. 33, s. 86; S.M. 2015, c. 4, s. 24; S.M. 2017, c. 22, s. 28 and 32; S.M. 2018, c. 10, Sch. A, s. 54; S.M. 2018, c. 10, Sch. B, s. 130.

Application of Drivers and Vehicles Act definitions

2(1) The following terms have the same meaning in this Act as they have in *The Drivers and Vehicles Act*:

- (a) "driver's licence";
- (b) "number plate";
- (c) "off-road vehicle dealer";
- (d) "out-of-province driving permit".

Meaning of other words and expressions

2(2) Words and expressions used in this Act and not defined in this Act have the meaning given to them in *The Drivers and Vehicles Act* or *The Highway Traffic Act*.

S.M. 2005, c. 37, Sch. A, s. 159.

PART I

REGISTRATION OF OFF-ROAD VEHICLES

Registration and plating of vehicles

3 No person shall operate an off-road vehicle in any location, and the person who owns an off-road vehicle may not allow another person to drive it in any location,

- (a) unless
 - (i) a registration card for the vehicle has been issued under *The Drivers and Vehicles Act* and is valid,
 - (ii) the vehicle displays, in accordance with the regulations under that Act, the quantity and type of number plates that those regulations prescribe for use on an off-road vehicle of its registration class, and
 - (iii) the number plates display the vehicle's registration card number and, in accordance with the regulations under that Act, stickers showing that the registration is valid; or
- (b) unless the person and the vehicle are in compliance with a provision of *The Drivers and Vehicles Act*, or of the regulations under that Act, that allows the person to operate the vehicle without complying with the requirements of clause (a).

S.M. 1995, c. 11, s. 3; S.M. 2005, c. 37, Sch. A, s. 159; S.M. 2008, c. 42, s. 71.

4 to 12 [Repealed]

S.M. 1994, c. 4, s. 36; S.M. 1994, c. 26, s. 3 to 5; S.M. 1999, c. 12, s. 15 and 16; S.M. 2002, c. 24, s. 45; S.M. 2002, c. 42, s. 3 and 45; S.M. 2005, c. 37, Sch. A, s. 159.

Age limit for registration

13(1) No person who is under 16 years of age shall register an off-road vehicle.

Limitation on registration by minors

13(2) No person who is 16 or 17 years of age shall register an off-road vehicle unless the application for registration is approved and signed

- (a) by both of the applicant's parents;
- (b) if the registrar is satisfied that it is not practical or desirable to obtain the approval and signature of both of the applicant's parents, by either of them;
- (c) if one of the applicant's parents is dead, by the surviving parent;
- (d) if the registrar is satisfied that the approval and signature of neither of the applicant's parents should be required, or if both of the applicant's parents are dead, by the applicant's legal guardian; or
- (e) in circumstances described in clause (d) but in which the applicant has no legal guardian, by his or her employer, or any other person the registrar considers to be a responsible and suitable person.

S.M. 2005, c. 37, Sch. A, s. 159.

14 to 19 [Repealed]

S.M. 2005, c. 37, Sch. A, s. 159.

20 [Repealed]

S.M. 1994, c. 26, s. 6.

Offences respecting registration and insurance

21 No person shall

- (a) apply for or obtain the registration of an off-road vehicle when the off-road vehicle is not insured as required under *The Drivers and Vehicles Act*;
- (b) fail to maintain proper insurance on the off-road vehicle owned by the person as required under that Act;
- (c) operate or permit the operation of an off-road vehicle required to be registered under that Act unless it is insured as required under that Act and there is displayed thereon a number plate for the registration period and validation sticker when required;
- (d) deface or alter any registration card, number plate or validation sticker issued under that Act;
- (e) use or permit the use of any defaced or altered registration card, number plate or validation sticker issued under that Act; or
- (f) except as provided in that Act, use or permit the use of any number plate and validation sticker upon an off-road vehicle other than the off-road vehicle for which the number plate and validation sticker were issued.

S.M. 2002, c. 42, s. 5; S.M. 2005, c. 37, Sch. A, s. 159.

Production of registration certificate

22(1) Where an off-road vehicle is required to be registered under *The Drivers and Vehicles Act*, the registered owner of an off-road vehicle shall produce the registration certificate to a peace officer on demand.

Production of evidence of insurance

22(2) Subject to subsection (4), the owner of an off-road vehicle shall produce evidence that the off-road vehicle is insured as required under *The Drivers and Vehicles Act* to a peace officer on demand.

Operator to provide information with respect to owner

22(3) Where the operator of an off-road vehicle informs a peace officer that the operator is not the owner, the operator shall, on demand, give to the peace officer the name and address of the owner of the off-road vehicle, or of the person who authorized or permitted the operator to operate it, and shall produce to the peace officer on demand

- (a) the registration certificate, where the off-road vehicle is required to be registered under *The Drivers and Vehicles Act*; and

(b) subject to subsection (4), evidence that the off-road vehicle is insured as required under *The Drivers and Vehicles Act*.

Time for production of evidence of insurance

22(4) Where at the time of a peace officer's demand under subsection (2) or clause (3)(b) the owner or operator of an off-road vehicle cannot produce evidence that it is insured as required under *The Drivers and Vehicles Act*, he or she shall provide the evidence of insurance to the peace officer or another peace officer at the peace officer's detachment within 72 hours after the demand.

Peace officer may stop off-road vehicles

22(5) A peace officer, for the purpose of making a demand under one or more of subsections (1) to (3), may by signal require the operator of an off-road vehicle to stop the vehicle, and section 30 applies in such an event.

S.M. 1999, c. 12, s. 17; S.M. 2005, c. 37, Sch. A, s. 159.

PART II

MINIMUM SAFETY EQUIPMENT REQUIREMENTS

Headlights and taillights

23(1) No person shall operate an off-road vehicle at the times specified in subsection (2) unless it is equipped with

- (a) at least one headlamp in good working order which casts a white light; and
- (b) at least one lamp which is in good working order which casts a red light to the rear of the off-road vehicle.

When lamps required to be on

23(2) The operator shall have the lamps with which the off-road vehicle is equipped on

- (a) at any time from one-half hour before sunset until one-half hour after sunrise; and
- (b) at any other time when visibility is reduced to 60 m or less.

S.M. 2002, c. 42, s. 7.

Mufflers

24(1) Every off-road vehicle shall be equipped with a noise muffler in good working order which shall be in operation while the engine is running to prevent excessive or unusual noise and no person shall equip, operate or permit the operation of an off-road vehicle that has a muffler cut out, straight exhaust, gutted muffler, by-pass or any device which has the effect of by-passing or reducing the effectiveness of a noise muffler.

Spark arresters

24(2) Every off-road vehicle shall be equipped with a spark arrester in good working order which shall be in operation while the engine is running to prevent the possibility of a fire hazard to the terrain.

Compliance with safety standards by manufacturer

25(1) No manufacturer or distributor of off-road vehicles manufactured for sale in the province shall sell, offer for sale, have in possession for sale or deliver for sale any off-road vehicle unless it and its equipment and components comply with all the safety standards prescribed by regulations under this Act.

Compliance with safety standards by vendors

25(2) No person shall sell, offer for sale, have in possession for sale, or deliver for sale, in the province, a new off-road vehicle unless it and its equipment and components comply with all the safety standards prescribed by the regulations under this Act.

Alterations, etc. to comply with safety standards

25(3) No person shall modify or alter an off-road vehicle, or replace equipment or components of an off-road vehicle in such a manner or to such an extent that the off-road vehicle no longer complies with the safety standards prescribed by the regulations under this Act.

Equipment and components to comply with safety standards

25(4) No person shall sell, offer for sale, have in possession for sale, in the province, equipment or components of an off-road vehicle which do not meet the safety standards prescribed by the regulations under this Act.

Homemade off-road vehicles to comply with safety standards

25(5) No person shall manufacture an off-road vehicle for use in the province unless the off-road vehicle complies with the safety standards prescribed by the regulations under this Act.

PART III

RULES GOVERNING THE OPERATION OF OFF-ROAD VEHICLES

Age restriction

26(1) No person under the age of 14 years shall operate an off-road vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent.

Responsibility of owner

26(2) Except as provided in subsection (1), the owner of an off-road vehicle shall not permit a person under the age of 14 years to operate an off-road vehicle of which he or she is the owner.

Off-road vehicle registrable under Drivers and Vehicles Act

26(3) Notwithstanding subsection (1), no person shall operate an off-road vehicle which is a four-wheel drive vehicle or motorcycle registrable under *The Drivers and Vehicles Act*, unless he or she is 16 years of age or older and holds a licence other than one that has a restriction on operating off-road vehicles.

Production of driver's licence

26(4) Where the operator of an off-road vehicle is required to hold a driver's licence, the operator shall produce the licence to a peace officer on demand.

S.M. 2001, c. 7, s. 29; S.M. 2005, c. 37, Sch. A, s. 159; S.M. 2018, c. 10, Sch. B, s. 130.

Passengers on an off-road vehicle

27 No person shall operate an off-road vehicle while carrying more persons than the number for which the off-road vehicle was designed.

Helmets required

28(1) No person shall ride on or operate an off-road vehicle unless the person is wearing on his or her head a properly adjusted and securely fastened helmet in compliance with the requirements contained in the regulations under this Act.

Where helmets not required

28(2) Subsection (1) does not apply

- (a) to a person operating an off-road vehicle being used in the course of farming, commercial fishing, hunting or trapping operations; or
- (b) to the operator or passengers of an off-road vehicle equipped with occupant roll-over protection and seat belt assemblies that meet the safety standards prescribed in the regulations and the seat belt assemblies are being worn in a properly adjusted and securely fashioned manner.

Occupant roll-over protection

28(3) For the purposes of subsection (2), "**occupant roll-over protection**" means a cab or frame that is capable of supporting an off-road vehicle in an overturned position.

Seat belt required

29(1) Every operator of and passenger in an off-road vehicle which is being operated in accordance with the provisions of this Act and in which a seat belt assembly is provided, shall wear a complete seat belt assembly in a properly adjusted and securely fastened manner.

Prohibition of removal of seat belt

29(2) No person shall remove from an off-road vehicle a seat belt, or any part thereof, that was installed by the manufacturer, except to replace broken or worn seat belts or parts thereof.

Compliance with order of peace officer

30 Every operator or owner of an off-road vehicle shall, on a signal from a peace officer requiring the operator or owner to do so, immediately bring the off-road vehicle to a stop or cause the off-road vehicle to be brought to a stop at a place directed by the peace officer, and shall not proceed until so directed by the peace officer; and shall forthwith comply with an order of the peace officer as to moving the off-road vehicle from any place.

S.M. 2002, c. 42, s. 8.

Identification of operator to peace officer

30.1(1) The operator of an off-road vehicle shall give his or her correct name, date of birth and address to a peace officer on demand.

Peace officer may stop off-road vehicles

30.1(2) A peace officer may, for the purpose of making a demand under subsection (1), by signal require the operator of an off-road vehicle to stop the vehicle, and section 30 applies in such an event.

Exception re land owned or occupied by the operator, etc.

30.1(3) Subsections (1) and (2) do not apply to a person who is operating an off-road vehicle exclusively on land owned or occupied by the operator or by the owner of the vehicle.

S.M. 1999, c. 12, s. 18.

Careless operation

31 No person shall operate an off-road vehicle

- (a) in a careless manner or without due care and attention; or
- (b) without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property.

Reasonable and prudent operation

31.1 No person shall operate an off-road vehicle

- (a) at a speed greater than is reasonable and prudent;
- (b) at a speed otherwise permitted under this Act if any factor exists in the face of which failure to reduce that speed, or to stop the vehicle temporarily, constitutes a danger to any person or property visible to the operator; or
- (c) in a manner that is not reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

S.M. 2002, c. 42, s. 9.

Transporting cannabis in or on off-road vehicles

31.2 No person shall operate an off-road vehicle if there is cannabis in or on the vehicle, unless the cannabis is stored in an exterior compartment on the vehicle or another space designed for the carriage of goods or baggage that is not readily accessible to any person in or on the vehicle.

S.M. 2017, c. 22, s. 29.

Consumption of cannabis in or on off-road vehicles

31.3 No person shall inhale, ingest or otherwise consume cannabis in or on an off-road vehicle, whether or not the vehicle is in motion.

S.M. 2017, c. 22, s. 29.

Certain operations prohibited

32(1) No person shall operate an off-road vehicle

- (a) on privately owned land without the express or implied consent of the owner or lawful occupier of the property;
- (b) on Crown land allocated by lease or permit, without the express or implied consent of the lawful occupier of the property, unless the operator is otherwise lawfully authorized to enter such land;
- (c) within 30 m of a dwelling between the hours of twelve midnight and seven o'clock in the morning, unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest; or
- (d) within 30 m of a playground, or area set aside for other recreational use, unless the area is enclosed or fenced or unless the off-road vehicle is required for the maintenance or operation thereof.

Operation in parking lots

32(2) No person shall operate an off-road vehicle in a parking lot unless it is used to gain access

- (a) to or from an off-road vehicle use area; or
- (b) to the vehicle used to transport the off-road vehicle to an off-road vehicle use area.

S.M. 2002, c. 42, s. 10.

Operation of off-road vehicles on highways

33(1) Except as may be authorized under another provision of this Act or under the regulations, no person shall operate an off-road vehicle

- (a) upon or across a roadway or the shoulder thereof;
- (b) on or across the median of a divided highway;
- (c) on the right-of-way of an interchange; or
- (d) on or across a sidewalk.

Four-wheel drives prohibited from right-of-way

33(2) No person shall operate a four-wheel drive motor vehicle registrable under *The Highway Traffic Act* on any portion of a right-of-way except where

- (a) it is used for the maintenance of the right-of-way or the construction, repair or maintenance of public utilities; or
- (b) it is registered as a motor vehicle under *The Highway Traffic Act* and is being operated upon the roadway or shoulder portions of the right-of-way.

Definition of "registrable"

33(3)

For the purposes of subsections (2) and 26(3), "**registrable**" means that the four-wheel drive motor vehicle or motorcycle when manufactured, complied with the *Motor Vehicle Safety Act* (Canada) and was eligible to be registered as a motor vehicle under *The Drivers and Vehicles Act*.

33(4) [Repealed] S.M. 1999, c. 12, s. 19.

S.M. 1999, c. 12, s. 19; S.M. 2002, c. 42, s. 11; S.M. 2005, c. 37, Sch. A, s. 159; S.M. 2018, c. 10, Sch. B, s. 130.

Where operation on the shoulder is permitted

34(1) An off-road vehicle may be operated upon the shoulder only when

- (a) the off-road vehicle has more than two wheels and is being used for agricultural purposes;
- (b) the off-road vehicle displays to the rear a slow moving vehicle sign; and
- (c) the operator is 16 years of age or older and holds a licence other than one that has a restriction on operating off-road vehicles.

Method of operation on the shoulder

34(2) Where an off-road vehicle is being operated on the shoulder as permitted under subsection (1), the operator shall drive

- (a) in the same direction as vehicular traffic on that side of the roadway; and
- (b) at a speed not exceeding 40 km/h.

S.M. 2001, c. 7, s. 29; S.M. 2002, c. 42, s. 12.

Authority to cross a roadway and shoulder

35(1) A person may operate an off-road vehicle directly across a roadway or shoulder

- (a) at or within 5 m of an intersection, unless prohibited by the traffic authority;
- (b) at any other place along the highway if the distance to the nearest intersection is 3 km or more, unless prohibited by the traffic authority;
- (c) at any place designated by the traffic authority as a place on the highway where off-road vehicles may cross a roadway and shoulder; or
- (d) along any highway or portion thereof where the traffic authority has permitted off-road vehicles to cross without regard to location.

Licence requirement

35(2) No person shall operate an off-road vehicle directly across a roadway and shoulder unless he or she holds a licence other than one that has a restriction on operating off-road vehicles.

Clear view of crossing

35(3) No person shall operate an off-road vehicle across any roadway and shoulder if the operator does not have a clear view of traffic for a sufficient distance to determine whether the roadway and shoulder can be crossed in safety.

Rules before crossing roadway or shoulder

35(4) Before entering onto a roadway or shoulder, the operator of an off-road vehicle shall

- (a) bring the off-road vehicle to a stop; and
- (b) yield the right-of-way to pedestrians crossing the roadway or shoulder and to traffic that is approaching and is so close that it constitutes a hazard.

Crossing roadway or shoulder at ninety degree angle

35(5) Where an operator of an off-road vehicle intends to cross a roadway and shoulder, the operator shall enter and cross at an angle of approximately ninety degrees to the direction of the roadway and shoulder.

Authority to cross a sidewalk

35(6) A person may operate an off-road vehicle directly across a sidewalk

- (a) at or within 5 m of an intersection, unless prohibited by the traffic authority;
- (b) at any other place along the sidewalk if the distance to the nearest intersection is 3 km or more, unless prohibited by the traffic authority;
- (c) at any place designated by the traffic authority as a place on the highway where off-road vehicles may cross a sidewalk; or
- (d) along any sidewalk or portion of one where the traffic authority has permitted off-road vehicles to cross without regard to location.

Clear view of crossing

35(7) No person shall operate an off-road vehicle across a sidewalk if the operator does not have a clear view of traffic for a sufficient distance to determine whether the sidewalk can be crossed in safety.

Rules before crossing sidewalk

35(8) Before crossing a sidewalk, the operator of an off-road vehicle shall

- (a) bring the off-road vehicle to a stop; and
- (b) yield the right-of-way to pedestrians and other traffic.

Crossing sidewalk at 90 angle

35(9) Where an operator of an off-road vehicle intends to cross a sidewalk, the operator shall enter and cross at an angle of approximately 90 to the direction of the sidewalk.

Stopping when sidewalk adjacent to roadway

35(10) Notwithstanding clause (4)(a), a person who stops his or her off-road vehicle before crossing a sidewalk that is immediately adjacent to a roadway does not have to stop the vehicle again before crossing the roadway as long as at the point of stopping he or she has a clear view of traffic on the roadway for a sufficient distance to determine whether the roadway can be crossed in safety.

S.M. 2001, c. 7, s. 29; S.M. 2002, c. 42, s. 13.

Method of towing

36(1) No person shall operate an off-road vehicle that draws or tows another vehicle unless the other vehicle is connected to the off-road vehicle by a rigid tow bar that is so constructed and connected to the off-road vehicle that the front of the body of the other vehicle is no more than 3 m from the rear of the body of the off-road vehicle.

Towing a disabled vehicle

36(2) Subsection (1) does not apply to the operator of an off-road vehicle being used to tow another off-road vehicle that is disabled.

No towing across a roadway and shoulder

36(3) Notwithstanding subsections (1) and (2), no person shall tow or draw with an off-road vehicle another vehicle across a roadway and shoulder if that other vehicle is carrying a person unless

- (a) the person is a non-ambulatory person; or
- (b) the other vehicle is a disabled off-road vehicle and a person is required to steer it while it is in tow.

Definition of "vehicle"

36(4) In this section, "**vehicle**" means an off-road vehicle, trailer, sleigh, cutter or toboggan, or any other apparatus that can be towed or drawn.

S.M. 2002, c. 42, s. 14.

Only one off-road vehicle to cross roadway at a time

37 Where the operator of an off-road vehicle is permitted to operate an off-road vehicle across a roadway and shoulder, the operator shall not cross the roadway and shoulder at the same time as any other off-road vehicle.

Use of roadways in emergencies

38(1) Notwithstanding any other provision of this Act, where a storm or blizzard renders a roadway impassable to vehicular traffic, a local authority may authorize, for a fixed period, the operation of designated off-road vehicles on the roadway or shoulder or designated portions thereof; and during that period, operators may operate off-road vehicles on the roadways or shoulders.

Definition of "local authority"

38(2) For the purposes of subsection (1), "local authority" means

- (a) the council of
 - (i) an incorporated city, town or village, or another municipality, and
 - (ii) a community or incorporated community, as defined in *The Northern Affairs Act*;
- (b) the resident administrator and council of a local government district; or
- (c) the Minister of Aboriginal and Northern Affairs with respect to Northern Manitoba.

S.M. 2000, c. 35, s. 64; S.M. 2002, c. 42, s. 15.

Authority of a peace officer

39(1) Notwithstanding any other provision of this Act, but subject to subsection (2), a peace officer operating an off-road vehicle in an emergency situation or in pursuit of an actual or suspected violator of the law may

- (a) drive on any portion of the right-of-way;
- (b) exceed the speed limit;
- (c) proceed past a traffic control signal showing a red light or a signal without stopping;
- (d) disregard rules and traffic control devices governing the movement of traffic; or
- (e) stop or stand.

Requirements respecting off-road vehicles for emergency use

39(2) The operator of an off-road vehicle to which subsection (1) applies, shall not exercise the privilege granted under that subsection unless

- (a) the off-road vehicle is showing a flashing red light or a combination of flashing red and blue lights; and
- (b) the action is necessary in the interests of the public or of safety;

and the operator shall exercise due regard for safety having regard to all the existing circumstances.

Authority of peace officer to control traffic

39(3) Where a peace officer considers it reasonably necessary, in order

- (a) to ensure orderly movement of vehicular and off-road traffic;
- (b) to prevent injury or damage to persons or property;
- (c) to permit proper action in an emergency; or
- (d) where applicable, to inspect the driver's licence, registration card and evidence of insurance of the off-road vehicle;

the peace officer may direct or halt traffic.

S.M. 2002, c. 42, s. 16; S.M. 2005, c. 37, Sch. A, s. 159.

Permit for special events

40(1) Notwithstanding any other provisions of this Act, the local authorized enforcement agency may issue a special permit authorizing the operation of off-road vehicles, participating in parades or special events, to be operated upon a roadway or shoulder.

Terms and conditions of permit

40(2) In granting a permit under this section, the local authorized enforcement agency may impose such conditions or restrictions necessary or required to ensure the safety of other persons; and the person, organization, or association to whom the permit is issued shall comply with the conditions or restrictions imposed and indicated on the permit.

Compliance with rules on highway

41 While operating an off-road vehicle on a right-of-way, the operator shall obey and observe

- (a) the instructions or directions indicated on or by any traffic control device erected in accordance with *The Highway Traffic Act*; and
- (b) the instructions and directions of any peace officer.

Keeping to the right of the roadway and shoulder

42(1) Where an off-road vehicle is being operated on the right-of-way but not upon or across the roadway or shoulder, the operator shall drive the off-road vehicle to the right of the roadway and shoulder and in the same direction as vehicular traffic on that side of the roadway.

Manner of operating off-road vehicle on a roadway

42(2) Where an off-road vehicle is being operated on a roadway as permitted under this Act or any by-law, regulation or rule, the operator shall

- (a) drive the off-road vehicle as close to the right hand edge or curb of the roadway as is practicable; and
- (b) except to pass another vehicle, drive in a single line with other off-road vehicles.

Duty of owner re operation by others

43(1) The owner of an off-road vehicle shall not permit or authorize a person to operate it upon or across a roadway or shoulder unless the person

- (a) is 16 years of age or older; and
- (b) holds a licence other than one that has a restriction on operating off-road vehicles.

Certain operators deemed to have owner's permission

43(2) For the purposes of subsection (1), where the operator of an off-road vehicle operates the off-road vehicle upon or across a roadway or shoulder, if the operator

- (a) is living with the owner as a member of the family of the owner of the vehicle; or
- (b) is employed by the owner of the vehicle;

the owner shall be conclusively deemed to have permitted and authorized the operator to operate the off-road vehicle upon or across a roadway or shoulder.

S.M. 2001, c. 7, s. 29.

Owner liable for offence

44(1) Where an offence, resulting from the violation of any provision of this Act or of the regulations

- (a) is committed by means of, or with respect to, an off-road vehicle; or
- (b) occurs by reason of, or with respect to, the ownership, use, or operation of an off-road vehicle;

the owner of the off-road vehicle may be charged with the commission of the offence and, if the judge or justice before whom the charge is tried, is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided for that offence, unless the owner satisfies the judge or justice that, at the time of the violation, the off-road vehicle was in the possession of a person without the consent of the owner.

Operator liable for offence

44(2) Nothing in subsection (1) relieves the operator of an off-road vehicle from any liability for any offence or violation of any provision of this Act or the regulations.

PART IV CONTROL OF TRAFFIC

Rules respecting the operation of off-road vehicles

45(1) Subject to subsections (2), (3) and (4), the traffic authority of a highway may make by-laws and the minister may make rules supplementary to, or in addition to, but not contrary to any provision of this Act or the regulations made under this Act

- (a) permitting or prohibiting the operation of designated off-road vehicles across a roadway and shoulder at any place or at a designated place along the highway or on any portion thereof;
- (a.1) permitting the operation of designated off-road vehicles upon a roadway or the shoulder of a roadway; and
- (b) prohibiting the operation of designated off-road vehicles upon a designated right-of-way or a specified portion thereof.

Submission of by-law to minister

45(2) After a traffic authority has given second reading to a by-law which affects a departmental road, it shall forward the by-law to the minister for approval of the minister or a person authorized by the minister who may approve the by-law or require the traffic authority to comply with certain conditions or requirements before approving the by-law.

Compliance with conditions

45(3) Where under subsection (2) the minister or the authorized person has imposed conditions and requirements on a traffic authority, it shall not give third reading to the by-law until the conditions and requirements have been met by the traffic authority.

Erection of off-road vehicle route signs

45(4) Where a traffic authority has by by-law permitted the operation of off-road vehicles across designated roadways or shoulders or portions thereof, it shall erect signs in accordance with the regulations.

S.M. 1999, c. 12, s. 20.

By-laws respecting the operation of off-road vehicles in other areas

46(1) Rules supplementary to, or in addition to, but not contrary to any other provision of this Act or the regulations made under this Act

- (a) prescribing the periods of the day, or of the year, during which designated off-road vehicles shall not be operated;
- (a.1) prescribing the maximum speed above which off-road vehicles shall not be operated;
- (b) prescribing areas in which the operation of designated off-road vehicles shall be permitted or prohibited; and
- (c) fixing penalties for violation of by-laws passed under this section;

may be made

- (d) in respect of a municipality, by the council thereof;

- (e) in respect of a local government district, by the resident administrator thereof;
- (f) in respect of a community in Northern Manitoba for which a community council has been established under *The Northern Affairs Act*, the community council thereof through the minister of the Executive Council charged with the administration of that Act; and
- (g) in respect of any area not within a municipality, a local government district, or a community in Northern Manitoba in which a community council has been established, or in respect of any Crown lands within a municipality or a local government district, or such a community in Northern Manitoba, by the Lieutenant Governor in Council.

Manner of making rules

46(2) Rules made under subsection (1) shall be made

- (a) where the rule-making authority is a municipal council, the resident administrator of a local government district, or the community council of a community in Northern Manitoba, by by-law; and
- (b) where the rule-making authority is the Lieutenant Governor in Council, by regulation.

S.M. 2002, c. 42, s. 17; S.M. 2013, c. 39, Sch. A, s. 78.

No cause of action against traffic authority

47(1) No person has a cause of action for damages against a traffic authority having jurisdiction over a roadway or shoulder for injury, death or loss suffered by that person arising out of or in connection with the operation of an off-road vehicle on a roadway or shoulder unless the injury, death or loss results from the negligence of the traffic authority or someone acting on behalf of the traffic authority.

No cause of action for operation beyond roadway and shoulder

47(2) No person has a cause of action for damages against a traffic authority for injury, death or loss suffered by that person arising out of or in connection with the operation of an off-road vehicle in or upon a place or area that extends beyond the outer limits of any roadway and shoulder.

No cause of action against minister

47(3) No person has a cause of action for damages for injury, death or loss suffered by that person arising out of or in connection with the operation of an off-road vehicle against the minister, or a person authorized by the minister under subsection 45(2), by reason of the minister's or person's approval of a by-law under that subsection or by reason of the imposition of conditions on the approval.

S.M. 1999, c. 12, s. 21.

PART V ACCIDENTS

Information to be produced in case of accidents

48(1) Subject to subsection (2), when an accident occurs involving, directly or indirectly, an off-road vehicle, the operator, passenger or owner shall forthwith produce, in writing, to anyone sustaining loss or injury from the accident, or to any peace officer

- (a) the name and address of the operator;
- (b) the name and address of the owner or registered owner of the off-road vehicle; and
- (c) in the case of a registered off-road vehicle, the registration number of the off-road vehicle and evidence of insurance as required under this Act.

Notice to owner of damaged property

48(2)

Where an accident occurs involving, directly or indirectly, an off-road vehicle, and resulting in damage to any property, the operator shall take all reasonable steps to locate and notify the owner or person in charge of the damaged property of the damage and shall give the owner or person in charge of the damaged property the name and address of the operator and owner of the vehicle and the registration number of the off-road vehicle and particulars of any insurance on the off-road vehicle.

Report on accidents by operator

49(1) Where an accident occurs involving directly or indirectly, an off-road vehicle resulting in bodily injury to, or death of any person, or damage to property to an apparent extent of \$1,000. or more, the operator shall within seven days of the accident, make a written report on a form approved by the registrar, containing such information as may be required, to a peace officer having jurisdiction in the area in which the accident occurred.

Where operator incapable of making report

49(2) Where the operator is incapable of making the report required under subsection (1) and there is another occupant of the off-road vehicle capable of making the report, the other occupant shall make the report.

Report by owner

49(3) Where a report required under subsection (1) has not been made under subsection (1) or (2) and the operator or any passenger or occupant of the off-road vehicle involved in the accident is not the owner of the off-road vehicle, the owner shall within seven days after learning of the accident, make the report.

Report as soon as possible

49(4) Where the operator of an off-road vehicle involved in an accident in respect of which a report is required under subsection (1) is alone on the off-road vehicle at the time of the accident, is the owner of the off-road vehicle and is unable to make the report required by subsection (1) because of injuries sustained by the operator, the operator shall make the report forthwith after becoming capable of making it.

S.M. 1995, c. 11, s. 4.

Copy of report sent to registrar

50 Where a report of an accident is made under section 49, the senior officer in Manitoba of the police force of which the peace officer to whom the report is made is a member, shall forthwith send to the registrar the original copy of the report on a form approved by or satisfactory to the registrar.

Onus on owner or operator

51(1) Where loss or damage is sustained by any person by reason of the use, operation or maintenance of an off-road vehicle, the onus of proof that the loss or damage did not arise entirely or solely through the negligence or improper conduct of the owner or operator of the off-road vehicle is upon the owner or operator.

Non-application of subsection (1)

51(2) Subsection (1) does not apply in case of a collision between off-road vehicles or to an action brought by a person in respect of any injury sustained by that person while a passenger in or on an off-road vehicle.

Certain operators deemed agents of owner

52 In an action for the recovery of loss or damage sustained by a person by reason of the use, operation or maintenance of an off-road vehicle, every person operating the off-road vehicle who is living with the owner as a member of the family of the owner of the off-road vehicle, and every person operating the off-road vehicle who has acquired possession of it with the consent, expressed or implied, of the owner thereof, is deemed to be the agent or servant of the owner of the off-road vehicle and to be employed as such and to be operating the off-road vehicle in the course of the operator's employment; but nothing in this section relieves any person deemed to be the agent or servant of the owner of the off-road vehicle and to be operating the off-road vehicle in the course of the operator's employment from liability for such loss or damage.

PART VI

ENFORCEMENT PROVISIONS AND SUSPENSION OF REGISTRATION**Detention of off-road vehicle**

53 A peace officer who has reason to believe that an offence has been committed by means of, or in relation to, an off-road vehicle may detain the vehicle for five clear days, but the vehicle may be released sooner if security for its production is given to the satisfaction of a justice.

S.M. 2000, c. 34, s. 7.

Order for extending period of detention

54(1) Where an off-road vehicle has been detained under section 53 and it is required

- (a) as evidence in a prosecution for an alleged offence under this Act or an alleged offence under the *Criminal Code* (Canada) committed by means of, or in relation to, an off-road vehicle; or
- (b) for further investigation related to an offence under this Act or an alleged offence under the *Criminal Code* (Canada) committed by means of, or in relation to, an off-road vehicle;

a peace officer may apply to a justice for an order to continue the detention of the off-road vehicle beyond the period prescribed in section 53, and the peace officer making the application shall furnish to the justice full particulars of the reasons for the continuance of detention of the off-road vehicle.

Notification of detention to owner

54(2) Where the owner of an off-road vehicle was not present at the time when the off-road vehicle was detained, the peace officer shall take all reasonable steps to notify the owner that the vehicle was detained, together with the reasons for its detention and the place where it is detained or stored.

Personal property to be returned

54(3) Any personal property present in or on an off-road vehicle that has been detained shall be returned to the owner of the off-road vehicle upon request, unless it is required as evidence in a prosecution or in connection with an investigation of an offence under this Act, *The Drivers and Vehicles Act* or *The Highway Traffic Act*, in which case subsections (1) and (2) apply, with necessary modifications.

S.M. 1999, c. 12, s. 22; S.M. 2000, c. 34, s. 7; S.M. 2005, c. 37, Sch. A, s. 159.

Application of Drivers and Vehicles Act

54.1(1) Sections 21 to 23 of *The Drivers and Vehicles Act* apply to off-road vehicles and to the operators of off-road vehicles.

Application of Highway Traffic Act

54.1(2) Subsections 225(1.1), (4), (5), (5.2) and (6) and sections 242.1, 263.1, 263.2, 264, 265 and 279 of *The Highway Traffic Act* apply to off-road vehicles and to the owners and operators of off-road vehicles.

S.M. 1995, c. 11, s. 5 to 7; S.M. 1999, c. 12, s. 23; S.M. 2001, c. 29, s. 13; S.M. 2005, c. 37, Sch. A, s. 159; S.M. 2008, c. 42, s. 71.

55 to 57.2 [Repealed]

S.M. 1994, c. 26, s. 7 to 9; S.M. 1995, c. 11, s. 6 to 8; S.M. 1999, c. 12, s. 24; S.M. 2002, c. 42, s. 18; S.M. 2005, c. 37, Sch. A, s. 159.

57.3 [Repealed]

S.M. 1995, c. 11, s. 9; S.M. 1999, c. 12, s. 24.

Certificate of conviction to registrar

58(1) A judge or justice who convicts any person of an offence under this Act or under any other Act of the Legislature or of the Parliament of Canada committed in the operation of an off-road vehicle shall forthwith certify and report the conviction to the registrar in such form as the registrar may require, setting out the name, address

and date of birth of the person convicted, the registration number of the off-road vehicle with which the offence or violation was committed, the name of the Act, and the number of the section thereof contravened, and the date and time the offence was committed.

Fee for certificate

58(2) The judge or justice may add to the costs of conviction the amount of the prescribed fee for the cost of the certificate.

Certificate of registrar as evidence

59(1) A certificate purporting to be signed by the registrar and certifying as to any matter of record in the registrar's office is admissible in evidence in any action or proceedings in any court, or in any matter before any board, commission or other body, as prima facie proof of the matter therein certified, without proof of the signature of the registrar.

Signature of registrar

59(2) An engraved, lithographed, printed or otherwise mechanically or electronically reproduced signature or facsimile signature of the registrar is a sufficient authentication of a certificate, whether or not the signature was on the document that becomes the certificate before the matter of record was indicated on the document.

S.M. 1995, c. 11, s. 10.

60 [Repealed]

S.M. 1994, c. 4, s. 36; S.M. 2005, c. 37, Sch. A, s. 159.

PART VII**OFFENCES AND PENALTIES**

61 [Repealed]

S.M. 2002, c. 42, s. 19.

Penalties for contravention of section 25

62 A person who contravenes section 25 is guilty of an offence and is liable on summary conviction

(a) in the case of a person other than a manufacturer, to a fine of not more than \$2,000.; and

(b) in the case of a manufacturer, to a fine of not more than \$5,000.

S.M. 2002, c. 42, s. 20.

Penalties for contravention of section 31

62.1 A person who contravenes section 31 is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.

S.M. 2002, c. 42, s. 20.

63 to 65 [Repealed]

S.M. 2002, c. 42, s. 21.

False statements

66(1) No person shall knowingly make a false statement in any document required or made under this Act or the regulations.

Offence and penalty

66(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.

Additional penalty

66(3) If a permit or registration has been issued to the person by reason of the commission of the offence, it is cancelled and the convicting judge or justice may, in addition to imposing a fine under subsection (2),

- (a) order the permit or registration certificate and any number plates issued with it confiscated; and
- (b) disqualify the person convicted from holding a permit and making a registration for a period not exceeding one year.

Seizure of permit or registration card

66(4) A peace officer who on reasonable grounds believes that a permit or registration has been issued to a person as the result of a contravention of subsection (1) may seize the permit or registration card and any number plates issued with it.

S.M. 2002, c. 42, s. 22; S.M. 2005, c. 37, Sch. A, s. 159.

General offences and penalties

67(1) A person who contravenes a provision of this Act or the regulations, or of a by-law passed under the authority of this Act, for which a penalty is not otherwise provided is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000.

Judge may acquit or reprimand

67(2) In any prosecution for an offence under this Act or any regulation or by-law passed pursuant thereto, if the judge or justice is satisfied from the evidence that the offence charged occurred through accident or under circumstances not wholly attributable to the fault of the accused, the judge or justice may, either acquit or reprimand the accused.

S.M. 2002, c. 42, s. 23.

PART VIII REGULATIONS

Regulations

68 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations ancillary thereto and not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law; and without limiting the generality of the foregoing, the Lieutenant Governor in Council may make regulations,

- (a) and (a.1) [repealed] S.M. 2005, c. 37, Sch. A, s. 159;
- (b) prescribing the fees payable in respect of any matter under this Act or the regulations;
- (c) requiring or prohibiting the use of any equipment in connection with off-road vehicles or things that may be attached to off-road vehicles;
- (d) prescribing the requirements, rules and conditions to be observed by the owners and operators of off-road vehicles;
- (d.1) [repealed] S.M. 2005, c. 37, Sch. A, s. 159;
- (e) providing for the payment of fees for copies or access to any writing, paper or document filed in the office of the registrar under this Act or the regulations, or any statement containing information from the records of the registrar and prescribing the amount of the fees;
- (f) exempting designated off-road vehicles in specified areas, or throughout the province, and the owners, operators and passengers thereof, from specified provisions of this Act other than sections 24 (1), 30, 31, 47, 48, 49, 51 and 66;
- (g) prescribing maximum level of noise, measured in decibels on the "A" scale of a sound level measuring

device for off-road vehicles;

- (h) [repealed] S.M. 2005, c. 37, Sch. A, s. 159;
- (i) respecting any matter deemed necessary in connection with prescribing or approving training courses for the proper and safe operation of off-road vehicles and the issuance of certificates to graduates of such courses;
- (j) prohibiting the use of designated off-road vehicles in designated areas;
- (k) designating specific roadways and shoulders on which designated off-road vehicles may be used;
- (l) prohibiting designated off-road vehicles from crossing certain roadways and shoulders;
- (m) prescribing the standards that off-road vehicle safety helmets shall meet;
- (n) exempting certain persons, classes of persons or members of certain groups or organizations from wearing safety helmets and seat belt assemblies;
- (o) prescribing the manner in which the registration plate shall be affixed to the off-road vehicle and the validation sticker affixed to the registration plate;
- (p) prescribing the equipment that off-road vehicles shall be equipped with and the standards that the equipment shall meet;
- (q) designating the type and location of signs to be erected by a traffic authority.

S.M. 1988-89, c. 13, s. 33; S.M. 1994, c. 4, s. 36; S.M. 1995, c. 11, s. 11; S.M. 1999, c. 12, s. 25; S.M. 2005, c. 37, Sch. A, s. 159.

69 [Repealed]

S.M. 2005, c. 37, Sch. A, s. 159.

Reference in Continuing Consolidation

70 This Act may be referred to as chapter O31 in the *Continuing Consolidation of the Statutes of Manitoba*.

Repeal

71 The Lieutenant Governor in Council may by proclamation repeal all or any part of *The Snowmobile Act*, chapter S150 of the *Continuing Consolidation of the Statutes of Manitoba*.

Commencement of Act

72 This Act comes into force on a day fixed by proclamation.

NOTE: *The Snowmobile Act*, chapter S150 of the *Continuing Consolidation of the Statutes of Manitoba*, was repealed, and S.M. 1987-88, c. 64 came into force by proclamation on October 1, 1988.

[Table of Contents](#)

[Bilingual \(PDF\)](#)

[Regulations](#)

[Accessibility](#) [Disclaimer](#) [Copyright](#) [Privacy](#) [Contact Us](#)