

The Snowmobile Act

being

Chapter S-52 of *The Revised Statutes of Saskatchewan, 1978*, (effective February 26, 1979) as amended by the *Statutes of Saskatchewan*, 1982-83, c.16; 1983, c.82; 1984-85-86, c.15 and 54; 1986, c.33; 1996, c.39; 1999, c.26; 2004, c.L-16.1, T-18.1, 10 and 29; 2006, c.35; 2010, c.N-5.2; and 2014, c.E-13.1 and c.19.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-52

An Act respecting the operation of Snowmobiles

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Snowmobile Act*.

1999, c.26, s.3.

Interpretation

2 In this Act:

(a) “**administrator**” means the administrator as defined in *The Traffic Safety Act*;

(b) “**board**” means the Highway Traffic Board continued pursuant to *The Traffic Safety Act*;

(b.1) “**certificate of registration**” means a certificate of registration for a snowmobile issued pursuant to *The Traffic Safety Act*;

(c) “**dealer**” means a person who is a dealer under *The Motor Dealers Act*, and who is the holder of a subsisting licence under that Act;

(c.01) “**designated trail**” means a trail that is designated pursuant to section 20.3;

(c.1) “**driver’s licence**” means a driver’s licence issued pursuant to *The Traffic Safety Act* authorizing the person to whom the licence is issued to operate a snowmobile;

(c.2) “**fund**” means the Saskatchewan Snowmobile Fund continued pursuant to section 20.7;

(d) “**highway**” means a highway as defined in *The Traffic Safety Act*, but does not include a designated trail on private land;

(e) “**licence plate**” means a licence plate issued by the administrator pursuant to *The Traffic Safety Act* for a snowmobile, on which there is an imprint or to which there is attached a validation sticker or stickers showing the year and month in which the licence period expires;

(e.1) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(f) **Repealed.** 1986, c.33, s.23.

(g) **Repealed.** 1986, c.33, s.23.

(h) **“non-resident”** means a person who is not a resident of the province, and for the purpose of this Act a person who resides in the province for any period not exceeding ninety days shall with respect to that period be deemed to be a nonresident;

(i) **“operator”** means a person who uses or operates, or is in actual physical control of, a snowmobile;

(j) **“owner”** includes a person who is in possession of a snowmobile under a contract by which he may become the owner of the snowmobile upon full compliance with the terms of the contract;

(j.1) **“peace officer”** means a peace officer as defined in *The Traffic Safety Act*;

(k) **“privately owned land”** and **“private land”** mean land other than land vested in the Crown in the right of the Province;

(k.1) **“registered”** means registered pursuant to *The Traffic Safety Act*;

(k.2) **“registration permit”** means a registration permit for a snowmobile issued pursuant to *The Traffic Safety Act*;

(l) **“snowmobile”** means a vehicle that:

(i) is not equipped with wheels but is equipped with tractor treads alone or with skis or with skis and a propeller; or

(ii) is a toboggan equipped with tractor treads or a propeller; and

(iii) is designed primarily for operating over snow and is used exclusively for that purpose; and

(iv) is designed to be self propelled; and

(v) does not weigh more than 500 kilograms;

other than any vehicle that is designed to accommodate eight or more persons and is used for the transportation of goods or persons;

(m) **“towed conveyance”** includes any sled, cutter, trailer, toboggan or carrier that may be towed by a snowmobile;

(n) **“trail manager”** means the person designated pursuant to section 20.11;

(o) **“trail permit”** means the permit mentioned in section 20.1.

R.S.S. 1978, c.S-52, s.2; 1982-83, c.16, s.61;
1983, c.82, s.6; 1986, c.33, s.23; 1999, c.26, s.4;
2004, c.T-18.1, s.297; 2006, c.35, s.3.

PART II
Registration

Registration required to operate snowmobile and exceptions

3(1) Except as otherwise provided in this Act, no person shall operate or authorize or permit any other person to operate, a snowmobile unless:

- (a) that person has obtained:
 - (i) a certificate of registration for the snowmobile; or
 - (ii) a registration permit for the snowmobile; and
- (b) notwithstanding section 37 of *The Vehicle Administration Act*, either:
 - (i) the identification number plate or registration permit is displayed on the lower left-hand side toward the rear of the snowmobile; or
 - (ii) if it is not practicable to display the permit on the snowmobile due to the design of the snowmobile, the permit is carried by:
 - (A) the owner, if the owner is operating the snowmobile or supervising the operation of the snowmobile; or
 - (B) the person in immediate charge of the snowmobile.
- (2) A certificate of registration or a registration permit is not required when operating a snowmobile:
 - (a) on private land:
 - (i) owned or lawfully occupied by the person operating the snowmobile; or
 - or
 - (ii) owned by a person who has given consent, whether expressed or implied, to the operation of a snowmobile on that person's land;
 - (b) on a designated trail situated on private land that is owned by the person operating the snowmobile or a member of the operator's immediate family; or
 - (c) when crossing a designated trail or a highway in the manner set out in subsection 21(3).
- (3) An operator who is not a resident of Saskatchewan does not contravene subsection (1) if:
 - (a) the snowmobile is registered in another jurisdiction in accordance with the laws of that jurisdiction;
 - (b) the snowmobile's licence plate issued by that jurisdiction is attached to the snowmobile;
 - (c) the snowmobile does not remain in Saskatchewan for more than 90 consecutive days; and
 - (d) the operator is able to furnish proof of financial responsibility as required by *The Traffic Safety Act* when requested to do so by a peace officer.

(4) Subsection (1) does not apply within the Northern Saskatchewan Administration District to:

- (a) a person engaged in trapping or big game hunting who:
 - (i) is licensed pursuant to *The Wildlife Act, 1998* or the regulations pursuant to that Act;
 - (ii) is operating a snowmobile in the area permitted by the licence; and
 - (iii) produces evidence of the licence mentioned in subclause (i) for inspection at the request of a peace officer; or
- (b) a person engaged in commercial fishing who:
 - (i) is licensed pursuant to *The Fisheries Act (Saskatchewan), 1994* or the regulations pursuant to that Act;
 - (ii) is operating a snowmobile in the area permitted by the licence; and
 - (iii) produces evidence of the licence mentioned in subclause (i) for inspection at the request of a peace officer.

2004, c.29, s.3; 2004, c.T-18.1, s.297; 2006, c.35, s.4; 2010, c.N-5.2, s.468.

4 Repealed. 1986, c.33, s.23.

5 Repealed. 1986, c.33, s.23.

Records

6(1) Every person engaged in the business of renting snowmobiles required to be registered by this Act shall keep a record, which shall be signed by the person to whom a snowmobile is rented, and shall contain particulars of the snowmobile rented, the name and address of the person to whom it is rented, the day on which it is rented, the time for which it is rented, and the time during which it is in the possession of the person to whom it is rented.

(2) The record kept pursuant to subsection (1) shall be a public record and open to inspection by any person during normal business hours.

R.S.S. 1978, c.S-52, s.6; 1986, c.33, s.23.

7 to 12 Repealed. 1986, c.33, s.23.

Production of certificate

13 Every owner or operator of a snowmobile required by this Act to be registered shall, when requested to do so by a peace officer, produce the certificate of registration or registration permit of the snowmobile either at the time of the request or within 48 hours thereafter at any time and place that may be designated by the peace officer.

1986, c.33, s.23.

Expiration of certificate of registration, etc., operation with new registration, etc.

14(1) Irrespective of the date of issue, a certificate of registration or driver's licence shall, unless it is earlier suspended, revoked or cancelled, expire at midnight on the date set by the board and indicated on the certificate of registration or licence.

(2) **Repealed.** 1986, c.33, s.23.

(3) The certificate of registration of a snowmobile shall expire on the expiration of thirty days after the date of the death of the holder of the certificate.

(4) The certificate of registration of a snowmobile shall expire upon the sale, exchange or other disposal of the snowmobile by the owner.

R.S.S. 1978, c.S-52, s.14; 1986, c.33, s.23.

Licence to operate

15(1) In this section:

(a) **“class”** means, with respect to a driver's licence, a class as defined in the regulations;

(b) **“safety course”** means a safety course that meets the requirements set out in the regulations.

(2) Notwithstanding any other Act or the regulations made pursuant to any other Act, no person shall operate a snowmobile that is required to be registered by this Act unless that person:

(a) holds a class 1, 2, 3, 4 or 5 driver's licence;

(b) is at least 16 years of age and has completed a safety course; or

(c) is 12 years of age or older but less than 16 years of age and has completed a safety course if that person is:

(i) accompanied on the snowmobile by another person who holds a class 1, 2, 3, 4 or 5 driver's licence; or

(ii) accompanied and supervised by another person who holds a class 1, 2, 3, 4 or 5 driver's licence and is operating another snowmobile.

(3) For the purposes of this Act, any other Act and the regulations made pursuant to this Act or any other Act, a person who accompanies an operator as mentioned in subclause (2)(c)(i) or (ii) or in clause (6)(a) or (b) is deemed to be the operator of the snowmobile over which the person is exercising supervision.

(4) Notwithstanding clause (2)(a), no person born on or after January 1, 1989 shall operate a snowmobile that is required to be registered pursuant to this Act unless that person has completed a safety course.

(5) Notwithstanding subsection (2) and subject to subsection (3) and except for the purposes of crossing a highway, no person shall operate a snowmobile on the travelled portion of a highway unless the person holds a class 1, 2, 3, 4 or 5 driver's licence.

(6) Notwithstanding subsection (2) and subject to subsection (3) and except for the purposes of crossing a highway, no person who holds a class 7 driver's licence may operate a snowmobile on the travelled portion of a highway unless that person is:

(a) accompanied on the snowmobile by another person who holds a class 1, 2, 3, 4 or 5 driver's licence; or

(b) accompanied and supervised by another person who holds a class 1, 2, 3, 4 or 5 driver's licence and is operating another snowmobile.

(7) A non-resident who is at least 16 years of age may operate a snowmobile that is required to be registered by this Act within Saskatchewan for a period not exceeding 90 consecutive days if the non-resident:

(a) is the holder of a licence that permits the non-resident to operate a motor vehicle in the province, territory, state or country in which the non-resident resides or formerly resided, as the case may be;

(b) carries the licence mentioned in clause (a) at all times while operating the snowmobile; and

(c) produces the licence mentioned in clause (a) for inspection at the request of a peace officer.

2004, c.29, s.4.

16 Repealed. 1986, c.33, s.23.

Production of licence

17 Every person who holds a driver's licence shall produce the driver's licence when requested to do so by a peace officer either at the time of the request or within 48 hours thereafter at any time and place that may be designated by the peace officer.

1986, c.33, s.23.

18 Repealed. 1986, c.33, s.23.

19 Repealed. 1984-85-86, c.15, s.2.

20 Repealed. 1986, c.33, s.23.

PART III
Designated Trails

Trail permit required and exemptions

20.1(1) Subject to subsection (2), if required by the regulations, no person shall operate a snowmobile on a designated trail situated on private land or on a highway right of way without a valid trail permit permanently attached to that snowmobile.

(2) Subsection (1) does not apply to any person or class of persons prescribed in the regulations.

2006, c.35, s.5.

Trail manager

20.11 The Lieutenant Governor in Council may designate any person that the Lieutenant Governor in Council considers appropriate as the trail manager.

2006, c.35, s.5.

Trail manager not a Crown agent

20.2 The trail manager is not an agent of the Crown in right of Saskatchewan.

1999, c.26, s.7.

Designation of snowmobile trails

20.3 In accordance with any conditions or restrictions that may be prescribed in the regulations and in any manner that may be prescribed in the regulations, the trail manager may designate areas of land as designated trails in Saskatchewan on Crown land and privately owned land for the use of snowmobiles.

2006, c.35, s.6.

Responsibilities of trail manager

20.4(1) The trail manager:

- (a) may set trail permit fees to be paid by any person or class of persons, and exempt any person or class of persons from the requirement to pay a trail permit fee;
- (b) may print and sell trail permits; and
- (c) shall carry out those responsibilities, tasks and duties that are set out in this Act or are prescribed in the regulations.

(2) In addition to the responsibilities, tasks and duties that are set out in this Act or are prescribed in the regulations, the trail manager is responsible for any additional responsibilities, tasks and duties that the minister considers necessary and that are set out in an agreement between the minister and the trail manager.

(3) For the purposes of subsection (2), the minister and the trail manager may enter into an agreement respecting the responsibilities, tasks and duties that the trail manager shall fulfil, including but not limited to any responsibilities, tasks and duties respecting:

- (a) the establishment and maintenance of designated trails; and
- (b) the management of the fund.

2006, c.35, s.6.

Signs

20.5(1) The trail manager may erect signs to regulate, prohibit, restrict or limit the operation of snowmobiles on designated trails.

(2) Signs must be constructed so that:

- (a) the sign is clearly visible in daylight under normal conditions; and
- (b) the sign is reflectorized or illuminated so that the sign is visible at a distance of 60 metres on a clear night when a person is using headlamps.

(3) No person shall tear down, remove, damage, deface or cover a sign erected pursuant to this Act.

(4) No person shall operate a snowmobile on a designated trail or any portion of a designated trail in contravention of a sign erected pursuant to this Act or the regulations.

1999, c.26, s.7.

Obligation to insure

20.6 The trail manager must at all times carry liability insurance as prescribed in the regulations.

1999, c.26, s.7.

Fund continued

20.7(1) The Saskatchewan Snowmobile Fund is continued.

(2) The fund consists of:

- (a) the assets of the fund as at the date this section comes into force; and
- (b) the moneys and sources of revenue that are prescribed in the regulations.

(3) Assets of the fund may be used for the purposes and objects that are prescribed in the regulations.

(4) The fund is to be administered in the manner set out in the regulations.

(5) The fiscal year of the fund is the period commencing on April 1 of one year and ending on March 31 of the following year.

- (6) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the fund:
- (a) annually; and
 - (b) at any other times that the Lieutenant Governor in Council may require.
- (7) In each fiscal year, the trail manager shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister:
- (a) a report to the minister on the activities of the fund for the preceding fiscal year; and
 - (b) a financial statement showing the business of the fund for the preceding fiscal year in any form that may be required by Treasury Board.
- (8) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report and statement submitted to the minister pursuant to this section.
- (9) The fund may be wound up in the circumstances and in the manner prescribed in the regulations.

2006, c.35, s.7; 2014, c.E-13.1, s.62.

20.8 Repealed. 2006, c.35, s.7.

20.9 Repealed. 2006, c.35, s.7.

PART IV Operation

Operation of snowmobiles on highways

- 21(1)** Subject to section 21.2 and except in accordance with this section, no person shall operate a snowmobile on the travelled portion of a highway except for the purposes of crossing a highway.
- (2) No person shall cross a highway unless the highway:
- (a) does not lie within the boundaries of any city, town or village or of that part of a municipal district that is prescribed in the regulations; or
 - (b) is a highway designated in an order or a bylaw pursuant to section 21.2 and the operator crosses the highway at a time when the operation of snowmobiles on the highway is not restricted.
- (3) When crossing a highway:
- (a) the operator must stop the snowmobile before entering on the travelled portion of the highway;
 - (b) any passengers on the snowmobile or any towed conveyance being towed by the snowmobile must disembark from the snowmobile and the towed conveyance before the operator of the snowmobile commences to cross the highway and remain disembarked during the crossing;

- (c) the operator must yield the right of way to all other vehicles and persons using the highway; and
 - (d) the operator must cross the highway by the most direct and shortest route of travel available to him or her.
- (4) No person who is 12 years of age or older but less than 16 years of age shall cross a highway unless:
- (a) the person is crossing the highway for the purpose of proceeding from one parcel of privately owned land to another parcel of privately owned land on the opposite side of the highway; and
 - (b) the person is crossing a highway in accordance with subsection (3) and clause 15(2)(c).

2004, c.29, s.6; 2014, c.19, s.57.

Operation of snowmobile at night or under dangerous conditions

21.1 No person shall operate a snowmobile:

- (a) subject to clause (b), between the time of sunset on any day and sunrise of the day next following or at any time when atmospheric conditions render the operation of a snowmobile dangerous to traffic in the area unless:
 - (i) the snowmobile is equipped with lamps required pursuant to the regulations made pursuant to *The Vehicle Administration Act*; and
 - (ii) the lamps mentioned in subclause (i):
 - (A) are in good working condition; and
 - (B) are activated; and
- (b) subject to any order made pursuant to section 21.2, within 30 metres of the highway between the time of sunset on any day and sunrise of the day next following except in the same direction as the nearest traffic lane of the highway.

2004, c.29, s.6.

Board may authorize certain operations of snowmobiles

21.2(1) Notwithstanding *The Highway Traffic Act*:

- (a) the board may, by order, authorize the operation of snowmobiles on any highway or portion of a highway or class or classes of highways designated in the order;
- (b) subject to the approval of the board, the council of a municipality may, by bylaw, authorize the operation of snowmobiles on any highway or portion of a highway, designated in the bylaw, within the area of the municipality;
- (c) the Wascana Centre Authority may, by bylaw, authorize the operation of snowmobiles on any highway or portion of a highway, designated in the bylaw, within Wascana Centre; and

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- (d) the member of the Executive Council responsible for all or any part of any highway may, by order, authorize the operation of snowmobiles on any highway, or portion of a highway, under the jurisdiction of the member of the Executive Council.
- (2) An order or bylaw mentioned in subsection (1) may restrict the hours of operation of a snowmobile and may prescribe the maximum speed at which a snowmobile may be operated on a highway authorized in the order or bylaw.

2004, c.29, s.6.

Equipment requirements

- 22(1)** No person shall operate a snowmobile that is required by this Act to be registered unless the snowmobile and any towed conveyance are equipped in the manner prescribed pursuant to *The Vehicle Equipment Regulations, 1987* made pursuant to *The Vehicle Administration Act*.
- (2) Subject to subsection (3), no person shall operate a snowmobile unless the operator and any passengers on the snowmobile or in any towed conveyance are wearing safety helmets that meet or exceed the standards prescribed in *The Vehicle Equipment Regulations, 1987* made pursuant to *The Vehicle Administration Act*.
- (3) Subsection (2) does not apply to any person or category of persons that may be exempted in the regulations.

1996, c.39, s.4.

Certain prohibitions respecting operation of snowmobiles

- 23(1)** No person shall operate a snowmobile that is required to be registered by this Act without due care and attention, or without reasonable consideration for other persons or property.
- (2) No person shall operate a snowmobile that is required by this Act to be registered:
- (a) at a speed greater than 80 kilometres per hour; or
 - (b) on a designated trail at a speed greater than the maximum speed indicated by any sign that is erected by the trail manager in accordance with section 20.5.
- (3) Notwithstanding subsection (2), no person shall operate a snowmobile that is required to be registered by this Act at a speed greater than is reasonable and safe having regard to all the circumstances including, and without restricting the generality of the foregoing, the nature of the terrain over which the snowmobile is being operated and existing conditions in the area.
- (4) No operator of a snowmobile that is required to be registered by this Act shall follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicle and the amount and nature of traffic in the area and the condition of the terrain over which the snowmobile is being operated.

R.S.S. 1978, c.S-52, s.23; 1986, c.33, s.23; 1999, c.26, s.10.

Same

24(1) No person shall operate a snowmobile required to be registered by this Act that tows a towed conveyance unless the towed conveyance is connected to the snowmobile by a rigid drawbar that is so constructed and connects the snowmobile and the towed conveyance so that a distance of no more than one metre separates the extreme rear point of the snowmobile and the extreme front part of the towed conveyance.

(2) No operator of a snowmobile that is required to be registered by this Act shall tow or draw any object, conveyance, person or thing except in accordance with subsection (1).

R.S.S. 1978, c.S-52, s.24; 1986, c.33, s.23.

Same

25(1) No person shall operate a snowmobile over any privately owned land, whether enclosed or not, without the consent of the owner or occupant of the land.

(2) Subsection (1) does not apply in respect of any private land outside of a city, town, village or hamlet unless there are signs at least 30 centimetres in length and 25 centimetres in width prominently placed at each corner of the land and at intervals not exceeding 800 metres along the boundaries of the land bearing the words "SNOWMOBILES PROHIBITED", "NO TRESPASSING" or words or symbols to a like effect.

(3) No person shall erect or place, or cause to be erected or placed, a sign mentioned in subsection (2) at a corner, or at any place along the boundary of, any land of which he is not the owner or occupant except with the written consent of the owner or occupant.

(4) No person shall tear down, remove, damage, deface or cover a sign within the meaning of subsection (2) erected or placed by, or with the written consent of, the owner or occupant of the land in respect of which the sign was erected or placed.

(5) In a prosecution for a contravention of subsection (1), the onus is upon the person charged to prove:

(a) that he had obtained the consent required in subsection (1); or

(b) where he is being prosecuted for operating a snowmobile over any private land outside of a city, town, village or hamlet, that the land was not posted with signs as set out in subsection (2).

(6) An owner or occupant of land who does not post his land in accordance with subsection (2) shall not, for the purposes of determining civil liability, be considered to have implicitly consented to the entry upon his land by a person who is driving or riding on a snowmobile or being towed by a snowmobile.

R.S.S. 1978, c.S-52, s.25; 1986, c.33, s.23.

Operator to obey traffic laws, etc.

26 Where a snowmobile is being operated on a highway as authorized pursuant to an order or a bylaw made under subsection 21(2), or is approaching a highway, the operator shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

R.S.S. 1978, c.S-52, s.26.

Right of way, etc.

27 Every person operating a snowmobile shall:

- (a) when meeting another vehicle alter the course of the snowmobile to the right;
- (b) yield the right of way to all vehicles approaching the snowmobile from the right;
- (c) when overtaking another vehicle, keep clear of the other vehicle.

R.S.S. 1978, c.S-52, s.27.

Duties of persons involved in accidents

28(1) Where a snowmobile is involved in an accident, the operator, or the person in charge or supervising the operation, of the snowmobile:

- (a) shall render all reasonable assistance;
- (b) shall remain at or immediately return to the scene of the accident; and
- (c) shall produce in writing to anyone sustaining loss or injury, or to any peace officer:
 - (i) the name and address of the operator of the snowmobile;
 - (ii) the name and address of the owner of the snowmobile; and
 - (iii) the licence plate number of the snowmobile, or such of that information as is requested.

(2) The operator, or the person in charge or supervising the operation, of a snowmobile that is involved in an accident with an unattended vehicle shall stop and:

- (a) shall locate the owner or person in charge of the unattended vehicle and advise him of the name and address of the operator and the licence plate number of the snowmobile operated by him and involved in the accident; or
- (b) shall leave in a conspicuous place upon the vehicle with which the snowmobile collided a written notice giving the name and address of the operator of the snowmobile and the licence plate number of the snowmobile.

(3) The operator, or the person in charge of supervising the operation, of a snowmobile involved in an accident resulting in damage to any property other than that mentioned in subsections (1) and (2) shall take reasonable steps to locate the owner or person in charge of the property and notify him of the fact and the name and address of the operator of the snowmobile and the licence plate number of the snowmobile.

R.S.S. 1978, c.S-52, s.28; 1986, c.33, s.23.

Duty to report certain accidents

29(1) Subject to subsection (2), every person who is the operator, or person in charge or supervising the operation, of a snowmobile who is directly or indirectly involved in an accident shall, if the accident results in injury or death to a person or in damage to property apparently exceeding the amount prescribed pursuant to *The Traffic Safety Act*, shall forthwith make a written report, in the form provided by the board and containing such information as may be required by the board to a peace officer having jurisdiction where the accident occurred.

(2) Where the operator, or person in charge or supervising the operation, of the snowmobile is incapable of making the report required by subsection (1) and there is a passenger of the snowmobile capable of making the report, the passenger shall make the report.

(3) Where no report has been made under subsection (1) or (2) and the owner is not the operator, person in charge or supervising the operation, of the snowmobile or a passenger of the snowmobile, the owner shall forthwith after learning of the accident make the report.

(4) Where the operator was not accompanied by any person on the snowmobile, or on any towed conveyance towed by the snowmobile, at the time of the accident, and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

R.S.S. 1978, c.S-52, s.29; 1986, c.33, s.23; 2004, c.T-18.1, s.297.

Peace officers to submit reports of accidents to board

30 A peace officer who has witnessed, or has investigated, an accident involving a snowmobile shall forthwith forward to the board a written report of the accident, in the form provided by the board, setting forth full particulars of the accident, including the names and addresses of the persons involved and the extent of the personal injuries sustained or property damage incurred as a result of the accident.

R.S.S. 1978, c.S-52, s.30; 1986, c.33, s.23.

Liability of owner and operator for loss, damage or injury

31 When any loss, damage or injury is caused to a person by a snowmobile, the person operating it at the time is liable for the loss, damage or injury, if it was caused by his negligence or improper conduct, and the owner thereof is also liable to the same extent as the operator unless at the time of the incident causing the loss, damage or injury the snowmobile had been stolen from the owner or otherwise wrongfully taken out of his possession or out of the possession of a person entrusted by him with the care thereof.

R.S.S. 1978, c.S-52, s.31.

Onus of proof

32(1) Where loss, damage or injury is sustained by a person by reason of a snowmobile, the onus of proof that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or operator of the snowmobile is on the owner or operator.

(2) This section does not apply in the case of a collision between a snowmobile and another snowmobile or other vehicle.

R.S.S. 1978, c.S-52, s.32; 1984-85-86, c.54, s.4.

PART V
Miscellaneous

Limitation of actions

33 Notwithstanding *The Limitations Act*, in a case where death is caused, no action may be brought against a person for the recovery of damages occasioned by a snowmobile after the expiry of two years from the date of death.

2004, c.L-16.1, s.78.

Limitation of liability

34(1) Subject to subsection (2), no action or proceeding lies or shall be commenced against an owner or occupier of land, the Crown in right of Saskatchewan, any minister of the Crown in right of Saskatchewan or any employee, officer or agent of any of them for any injury, loss or damage suffered as a result of, arising out of or stemming from any person using, driving, riding on or being towed by a snowmobile except against an owner or occupier of land, the Crown in right of Saskatchewan, a minister of the Crown in right of Saskatchewan or an employee, officer or agent of any of them in circumstances where that owner or that occupier, the Crown in right of Saskatchewan, the minister of the Crown in right of Saskatchewan or that employee, officer or agent, as the case may be:

- (a) creates or has created a danger with the deliberate intent of doing harm or damage to the person or the person's property;
- (b) does or has done a wilful act with reckless disregard of the presence of the person or the person's property; or
- (c) is negligent while using, driving, riding on or being towed by a snowmobile or in failing to properly oversee an employee, officer or agent who is using, driving, riding on or being towed by a snowmobile.

(2) With respect to an area of land that is not designated as a designated trail, where a person uses, drives, rides on or is towed by a snowmobile on the land of another person with the express or implied permission of the occupier of the land for a purpose in which the person and the occupier have a common material or business interest, the occupier of the land owes a duty to use reasonable care to prevent harm or damage from unusual danger that the occupier knows or ought to know exists on the land.

1999, c.26, s.12.

Prohibition against making of false statements

35 No person shall knowingly make a false statement in any application or document required or made under this Act or the regulations.

R.S.S. 1978, c.S-52, s.35.

No defacing or altering

36 Subject to *The Traffic Safety Act*, no person shall wilfully deface or alter any driver's licence, certificate of registration or licence plate.

1986, c.33, s.23; 2004, c.T-18.1, s.297.

Offences

37(1) Every person who contravenes any provision of this Act or the regulations or any order or bylaw made under this Act is guilty of an offence.

(2) Any person who authorizes or permits another person to operate a snowmobile in contravention of this Act or the regulations or any order or bylaw made under this Act is guilty of an offence.

R.S.S. 1978, c.S-52, s.37.

Liability of owner of snowmobile

38 The owner of a snowmobile is liable for a contravention of any provision of this Act or the regulations or any order or bylaw made under this Act in connection with the operation of the snowmobile unless he proves that at the time of the offence the snowmobile was not being operated by him nor by any other person with his consent.

R.S.S. 1978, c.S-52, s.38.

Penalties

39 A person who is guilty of an offence against this Act or the regulations or any order or bylaw made under this Act is liable on summary conviction:

- (a) for the first offence to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than thirty days; and
- (b) for a second or subsequent offence to a fine of not more than \$200 and in default of payment to imprisonment for a term of not more than sixty days.

R.S.S. 1978, c.S-52, s.39.

Reports not available to public

40(1) Subject to *The Traffic Safety Act*, reports made to the board pursuant to this Act are the property of Her Majesty in right of Saskatchewan and shall not be made public.

(2) Notwithstanding subsection (1), the board may release reports made to it pursuant to this Act to the administrator.

1986, c.33, s.23; 2004, c.T-18.1, s.297.

Regulations

41(1) The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) prescribing the terms and conditions governing the registration of snowmobiles;
- (c) prescribing the purposes for which snowmobiles may be used and operated;
- (d) prescribing rates of speed for snowmobiles;
- (e) regulating, restricting or prohibiting the use of any snowmobile that is required by this Act to be registered that, in the opinion of the board, may be a hazard to the operator or to other persons by reason of the unusual size, weight or operating characteristics of the snowmobile or by reason of any alteration or modification of the original design or construction of the snowmobile;
- (f) exempting any snowmobile or any category of snowmobiles from any or all of the provisions of this Act or the regulations;
- (g) exempting any person or category of persons from the requirements of subsection 22(2);
- (h) prescribing fees and charges for the purposes of this Act;
- (i) prescribing minimum standards for safety courses;
- (j) respecting the determination of any matter pursuant to this Act that is to be determined by the board;
- (k) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (l) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purpose and intent of this Act;
 - (1.1) for the purposes of section 20.1, prescribing the circumstances in which a valid trail permit is required to operate a snowmobile on a designated trail;
 - (1.2) prescribing conditions and restrictions on the designation of designated trails by the trail manager and the manner in which designated trails may be designated and marked;
 - (1.3) respecting the responsibilities, tasks and duties of the trail manager;
 - (1.4) prescribing moneys and sources of revenue that are to contribute to and comprise the fund;
 - (1.5) prescribing the purposes and objects for which assets of the fund may be used;

- (l.6) respecting the administration of the fund;
 - (l.7) prescribing information that is to be included in an annual written report of the fund;
 - (l.8) prescribing the manner in which and circumstances in which the fund may be wound up, including authorizing the minister to determine the circumstances in which the fund is to be wound up;
 - (m) prescribing the trail permit fees to be paid by any person or class of persons or exempting any person or class of persons from the requirement to pay a trail permit fee;
 - (n) providing standards for the design, construction, length, width, surface-type, maintenance, operation and administration of designated trails;
 - (o) providing safety, health and environmental standards with respect to designated trails and adjacent land;
 - (p) exempting any person from the requirement to obtain a trail permit and to display it on the person's snowmobile;
 - (q) respecting the display of trail permits;
 - (q.1) requiring the trail manager to establish signs along a designated trail and, for that purpose, respecting the manner of establishing and placing signs and prescribing the signs to be used;
 - (r) prescribing minimum standards for signs:
 - (i) that indicate the location of designated trails; and
 - (ii) that prohibit or regulate certain uses of or activities on designated trails;
 - (s) **Repealed.** 2006, c.35, s.8.
 - (t) prescribing the minimum requirements and the terms and conditions for the liability insurance mentioned in section 20.6;
 - (u) **Repealed.** 2006, c.35, s.8.
- (2) The Lieutenant Governor in Council may, by regulation, adopt by reference, in whole or in part, with any modifications that the Lieutenant Governor in Council considers necessary, any code of standards or specifications, as amended from time to time or otherwise, for any component, equipment or material to be used or installed in, on or with snowmobiles or to be used by an operator or passenger on a snowmobile.

Fees

42(1) Subject to subsection (2), the administrator shall pay over to the general revenue fund:

- (a) fees collected pursuant to this Act and the regulations for:
 - (i) driver's licences;
 - (ii) certificates of registration; and
 - (iii) permits; and
- (b) any moneys designated by the Lieutenant Governor in Council.

(2) The administrator shall retain any moneys designated by the Lieutenant Governor in Council.

1986, c.33, s.23; 2004, c.10, s.17.

Application of provisions of certain Acts

43(1) **Repealed.** 1986, c.33, s.23.

(2) The provisions of *The Traffic Safety Act* with respect to the financial responsibility of owners and operators apply *mutatis mutandis* to owners and operators of snowmobiles under this Act so far as not inconsistent with this Act.

(3) The provisions of *The Traffic Safety Act* with respect to enforcement apply *mutatis mutandis* so far as not inconsistent with this Act.

R.S.S. 1978, c.S-52, s.43; 1983, c.82, s.6; 1986, c.33, s.23; 2004, c.T-18.1, s.297.

44 **Repealed.** 1986, c.33, s.23.

Deemed snowmobile operator's licence

45 Any person who holds a valid driver's licence issued under *The Traffic Safety Act* shall be deemed to hold a snowmobile operator's licence for all the purposes of this Act and any other Act.

R.S.S. 1978, c.S-52, s.45; 1983, c.82, s.6; 1986, c.33, s.23; 2004, c.T-18.1, s.297.

