



FCMQ

LA FÉDÉRATION DES CLUBS DE
MOTONEIGISTES DU QUÉBEC

MEMO

NON-PRESCRIBED SNOWMOBILE RENTAL

Terrebonne, February 2nd, 2023 - La Fédération des clubs de motoneigistes du Québec (FCMQ) wishes to express its concerns regarding the rental of snowmobiles with regular annual trail permits rather than annual rental trail permits for that purpose. Specifically, a regular annual trail permit used for rental purposes is non-prescribed and exposes both the lessor and the lessee to risks and penalties.

AROHV AND FCMQ BY-LAWS

The *Act respecting off-highway vehicles* (AROHV) and the FCMQ by-laws are very clear on the requirement that any snowmobile involved in a rental transaction must have an annual rental trail permit.

Specifically, section 72 of the AROHV states that “**an off-highway vehicle on a trail is not authorized if a user fails to comply with** any of the conditions or restrictions on operation provided for in this Act or another Act, including **payment of the access fee for the trail**”

Furthermore, section 11.3 of the FCMQ by-laws clearly states that the annual rental trail permit is that provided “to the owner of a rental snowmobile registered in accordance with the provisions of the Highway Safety Code for his benefit and the benefit of the persons to whom he rents the said snowmobile.” It follows that the use of a regular annual trail permit on a snowmobile involved in a rental transaction is not prescribed, with the result that the regular annual trail permit is not valid.

Finally, section 100 of the AROHV states that peace officers or trail wardens “may move a vehicle or cause it to be moved, or impound a vehicle or cause it to be impounded, to stop the commission of an offence » (that is, the non-prescribed rental).

In the event of interception, the lessee's ride will be suddenly interrupted and, because of his violation of section 72 of the AROHV, he will be issued a \$350 fine (section 113 of the AROHV). The lessor, for his part, will be responsible for organizing the recovery of the said snowmobile, in addition to being liable to a fine of \$250 (section 114 of the AROHV) for having put an uninsured vehicle into circulation (violation of section 25).

CIVIL LIABILITY INSURANCE

The FCMQ wishes to inform lessors that the use of a regular annual trail permit for rental purposes is a non-prescribed rental within the meaning of the civil liability insurance policy included with the purchase of the trail permit (section 6.1. of Intact Insurance's Civil Liability Insurance Program) and the Act respecting off-highway vehicles (section 22), **which has the effect of excluding the \$1 million liability insurance coverage provided with the purchase of the annual trail permit: offenders will therefore not be covered in the event of an incident.**

For your information, Section 6.1 of the Summary of Benefits provided by the insurer states:

6.1. Excluded or prohibited uses of the insured snowmobile

Q.P.F. No. 1, Section A, art. 5 Q.P.F. No. 1, General conditions, art. 7

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

To learn more about Intact Insurance's liability insurance program, please visit https://fcmq.qc.ca/application/files/2016/6802/0030/03-M-351-47e_SommaireFCMQ_2022_07-22_V7.pdf

Avoid risk and hassle

To avoid inconvenience and risk, it is the responsibility of each lessor to equip each of their rental snowmobiles with trail permit for this purpose, the annual rental trail permit.

For more information, please contact our customer service department:
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(514) 252-3076