



ORV Act Implementation: Systemic deficiencies require moratorium of registration implementation

Problem

Current British Columbia ORV Act implementation problems have seemingly grown exponentially to include vehicle identification expectations, taxation on used vehicles, vehicle documentation requirements for registration, new ORV enforcement actions, and widely varying application of requirements by ICBC agents among others. The many components of application of the Act and its resulting Regulations and Policies are not coordinated and supported, leading to wide variations in application.

All this is a backdrop to an increasingly looming mandatory registration date of June 1, 2015. This is causing a visceral public backlash against implementation the new ORV Act which is not what parties to the conception and creation of the Act were seeking from the original 2007 recommendations to Government.

Current Situation

The ORV Act was passed in Spring 2014. The Government is now bringing in voluntary registration, with mandatory registration in 2015. The voluntary registration period started on November 17, 2014 and mandatory registration will start on June 1, 2015.

Ken McClelland, BCORMA President, and Peter Sprague, BCORMA Executive Director, have been working with Government to design and implement the ORV Act that will have the strongest success since 2007. The ORV Act was to reflect the original goals as expressed in the “Solutions for a Sustainable Future: Final Recommendation for Registration, Licensing and Management of Off-Road Vehicles in British Columbia” (December 2005), as delivered to Government in 2007.

Our stand has always been that riders need to see actual benefits to them and their trails from this legislation for it to be widely accepted. Increasingly, we are getting reports of numerous problems with lack of public education, ICBC brokers don't have correct or complete knowledge of ORV registration process and requirements, enforcement of insurance under a volunteer program by Compliance Officers, and vehicle identification requirements that are not possible to comply with safely to name a few of the problem areas.

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This all points to a systemic problem, with numerous components operating without context or connection to other components. Until the deficiencies are fully addressed and mutual solutions found, the June 1, 2015 date of mandatory ORV registration has to be postponed.

Background

- BC ORV trail recreation represents upwards of \$1 billion per year to the BC economy
- Upwards of 15% of BC households have one or more ORV
- ORV recreation in BC is growing, particularly with women and youth, bringing the whole family outdoors for scientifically proven healthy exercise on BC's vast world-class trail networks
- BCORMA represents approximately 40,000 BC off-road motorcyclists, who spend on average \$3,000 per year on their sport. That equates to \$120 million per year of expenditures, plus all the health benefits, reducing costs to the Government health system.
- Off-road motorcycling is unique in its focus on multi-use single-track, sharing trail with mountain bikers, hikers, horseback riders, trail runners and others
- Vast majority of trails are built and maintained by volunteer stewards. Off-road motorcyclists steward and co-manage over 5,000 km of multi-use single-track trails all across BC. Trails represent a \$100 million public infrastructure for the benefit and use of all BC.
- Locally, there is a vibrant growing family and tourism-based recreation around multi-use single track and off-road motorcycling in the British Columbia. If recommendations from the ORV community are not well implemented under the ORV Act, Government risks discouraging continued tourist and local family participation in healthy outdoor recreation that benefits both citizens and business of British Columbia.

Discussion

- **Vehicle identification**
 - The proposed regulation metal license plate is just not a practical, workable or safe solution on either off-road motorcycles or snowmobiles. There are a number of issues surrounding a metal plate, including damage to the plate, falling off/getting knocked off, and the high likelihood of rider injury in the event of an unscheduled departure from the machine. We have broached the subject of a decaling system of identification a number of times with both

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ICBC, and staff on the legislative file, to no avail. A decaling system makes much more sense from both a practicality and safety standpoint. There isn't generally a large enough flat surface on an off-road motorcycle to mount a plate, particularly on Trials and kid-sized bikes, and on snowmobiles, with the side of the tunnel being the most likely mounting surface, at least one manufacturer has indicated that any alteration of the tunnel by drilling or other means will void the factory warranty. (see <http://bcorma.ca/node/1535> for further details)

- **Insurance requirements, sales tax obligations, and increased documentation requirements**
 - There is generally a great deal of confusion among the riding public and ICBC Brokers around the issue of insurance requirements and options, and what taxes are due and why. I have asked for a clarification in writing of the taxation policy from Ministry of Finance vis a vis a four-year statute of limitations (information verbally provided) on collection of PST on old sales. That has not been provided to date. Original stated policy was to apply a July 1, 2010 cut-off for taxation on private used machine transfers.
 - The Broker network, through anecdotal stories received from dealers and riders that have already attempted to register, do not appear to have been properly trained in the areas of taxation, insurance required to operate in different situations i.e. on or across MVA jurisdiction roads vs. FSR vs. Crown Land, or correct documentation to serve the intended purpose of legally registering an ORV in BC. This, in many instances, is causing riders to pay much more than they ought to in order to register and be considered "legal". This can be hundreds of dollars per machine in cases, adding up to potentially millions of dollars for the estimated 200,000 ORV machines that BC citizens own. Please refer to rider reports on BCORMA Facebook page: <https://www.facebook.com/groups/11140817555/>
- **Trail Network sustainability**
 - One of the lynch-pin recommendations in the original 47 Recommendations made by the ORV Licensing and Registration Coalition was for a Trails Trust fund, not unlike the HCTF that hunters and fishers pay into. Of the original 47, I can only clearly identify a couple i.e. registration fees and a helmet law that have actually been implemented by government. This fund would insure the ability to maintain, enhance, and build or add to trail networks in future in a revenue-neutral manner, a true user-pay system. As things stand now, there has only been a vague hint at the possibility of such a fund, at least 5 years down the road.

Riders want, and need, to feel there is some value being received for the money they are paying, not only in direct registration fees, but in various types of taxation, including for fuel, haul vehicles, accommodation and restaurant meals purchased, and the list goes on.

- **Enforcement**

- We are already receiving reports of what we view as illegal enforcement of not-yet-enacted law in some parts of the Province. This enforcement mostly centres around “requirement” for Highway Crossing insurance under ICBC's new interpretation that all ORV “parking lots”, aka staging areas, require Highway Crossing insurance. In all of our meetings, legal Highway Crossings have not been legally defined in terms of ORV usage.
- The ORM community and its representatives have never really discussed and come to a mutually acceptable conclusions on most of the original 47 recommendations to Government by the Coalition for Licensing & Registration of Off-Road Vehicles in British Columbia.
- ORV community representatives need to have an honest and open discussion about current systemic deficiencies in the implementation of the ORV Act with Ministers who can and will make the actual decisions on these very important matters.
- One of the key goals for the ORV Joint Advisory Group has been compliance, but Government seems to be taking the path of highest resistance. With over 200,000 ORV machines and owners in British Columbia, we are asking the Government to act on a number of our ORV Provincial Federations recommendations that have been largely ignored to this point.
- BCORMA continues to ask for more public discussion and input on ORV Act implementation from riders. Their input and acceptance of that input is vital if our present government wants this new legislation to be a success.

Recommendation

BCORMA is requesting a moratorium/postponement on the June 1, 2015 mandatory registration date until everybody, including riders, ICBC, government staff, and enforcement personnel clearly understand and apply appropriately the new legislation, tax obligations, insurance requirements, and enforcement parameters.

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