

SCHEDULE A

Proposed ORV Legislation and Regulations in BC**TERMS OF REFERENCE****I. INTRODUCTION**

In November, 2002, the Coalition for Licensing and Registration of Off-Road Vehicles (ORVs), a coalition of recreation and conservation groups, convened to begin a process of developing proposed Off Road Vehicle (ORV) legislation and regulations to bring to government for enactment and implementation. In some jurisdictions, ORVs are otherwise known as Off-Highway Vehicles or OHVs.

The idea of regulating ORV's in BC has been discussed since the 1970's. However, comprehensive action has not been taken. The Motor Vehicle (All Terrain) Act covers snowmobiles only. ATV's and other ORV's (mini bikes etc.) are not regulated by this act.

To date regulatory action has been piecemeal. A few regulations have been passed under various acts. However, many important issues remain outstanding without regulation. These include public safety, education and training, environment and resource stewardship, enforcement, and last, but not least, a return of a portion of the registration and licensing fee to the recreational user group that has paid it. Such funds will be used for their education and safety programs and for trail development, including maintenance and enhancement.

The goal for this project is to produce a written document that will clearly articulate the issues, the problems and the solutions as well as provide a clear and thoughtful process as to how these issues may be resolved by government and the parties involved.

II.RATIONALE

There is a clear and immediate need for legislation and regulations for ORV's. Most recently, the popularity of off road riding has increased dramatically both in terms of private and commercial use. We recognize that while most ORV users ride responsibly, as in any sport, there are a few who degrade sensitive public and private lands at the expense of the good reputation of all riders. To combat this, the Coalition supports legislation that would require licensing and registration of all motorized off-road vehicles in BC, including the prominent display of a vehicle license and/or decal on the vehicle.

The Coalition requires a document that will assist government in developing an articulate, comprehensive and fair ORV strategy, including legislation and various delivery mechanisms for licensing and registration of ORV's in BC.

This process is critically important, as it will result in better management of issues regarding ORV's in BC. The timing for a proposal to government is opportune.

III.OBJECTIVES

To develop proposed legislation and regulations on behalf of and in consultation with the Coalition that will be presented to government on receiving approval by the Coalition.

The objectives for this project are to:

- Research and gather the most current existing information (i.e. updated legislation - 2003) and documentation from BC and all other provinces in Canada as well as other relevant jurisdictions,
- Provide clear and compelling justification for a system of registration and licensing of ORVs in BC,
- Propose clear and comprehensive DRAFT legislation that will require licensing and registration of all motorized ORV's in BC, including the prominent display of a vehicle license and/or decal on the vehicle.

- Propose licensing and fee collection/disbursement options that will include the following considerations:
 - "some of the general revenue collected by government (or their representatives) as part of the annual licensing of ORV's be dedicated to a trust fund (modeled after the Habitat Conservation Trust Fund, managed by a government ministry supported by an appointed advisory board) to improve safety, enforcement and resource stewardship. Additionally, a portion of the license fees should be returned to the Quad Riders (ATV) Association of BC to be dedicated to education and safety programs and, in conjunction with local clubs, for trail development including maintenance and enhancement" (from the DRAFT Common Goal Statement, on approval by Coalition Feb 21, 2003).
 - a portion of the license fees be held and be available to other off-road motorized recreational groups who have paid into the fund on the same basis as the portion returned to ATV/BC.
 - address exemptions for BC Cattlemen and other agricultural users in seeking the addition of ATV's to their Provincial Sales Tax Agricultural Input Exemption List.
 - an appropriate computer database system for fee and licensing administration that would be developed and operated outside of government (eg. by a group of motorized outdoor recreation user groups, such as ATV/BC, BCSF, etc.) as a fee for service to government. The database should include information on stolen vehicles which would allow 24-hour access for interested government agencies, including RCMP and ICBC. A portion of the funding received for licensing and registration could be allocated to funding this database.
- Develop a clear, concise, articulate and professional document for presentation to government.

IV.TASKS

The Consultant / Contractor will:

- Meet with the Coalition Co-Chairs regarding these Terms of Reference,

- Research and compile the following:
 - Updated current legislation and regulations (i.e. 2003) from all other jurisdictions in Canada (especially New Brunswick, Ontario and Quebec) and the United States,
 - Consult with Coalition members regarding specific issues and background information. The executive of ATV/BC is to be consulted regarding ATV/BC's position paper on specific issues such as road crossings etc.
 - In consultation with the Coalition, develop a justification for legislation and regulations that will be provided to decision makers
 - Provide a rationale for the benefits of returning a portion of the collected fee to the recreational group that paid it.
 - Provide statistical information on the growing numbers of ATVs within Canada.
 - Provide information on Loss of Sales Tax Revenue to the Province due to cross-province purchases. (CATV stats as well as ATV/BC stats).
 - Include comprehensive information on the economics of ATV based tourism (resident and non-resident) in BC (especially related to rural communities). (ATV/BC is in the process of compiling statistics from a recent Economic Impact Survey on resident ATV'ers).
 - Include the need for prominently displayed 'Visitor Permits or Decals' for Out-of-Province ATVer's (or their ATV's) who travel to and ride their own machines in BC.
 - Provide information on the benefits of public safety programs and mandatory safety programs e.g. mandatory use of helmets and CSC approved "Safe Rider Courses" (ATV/BC has some letters of support).
 - Provide information on the benefits to the environment that these type of regulations bring with them.
- Develop proposals for legislation and regulations for BC consistent with the Coalition's Common Goal Statement.
- Research and propose an administrative process(es) for licensing and fee collection and disbursement based on the considerations noted in the Objectives of this document.

V.REQUIREMENTS

The Consultant/Contractor should have strong research and organizational skills and be capable of presenting facts and information in the final document in a clear, concise format which is easy to understand.

- He/She should be prepared to present to the Coalition Committee (or Co-Chairs - whosoever deemed by the Coalition) for consideration, examples of previous works and/or previous works of this nature.
- He/She should be prepared to present to the Coalition Committee current references.

VI.DELIVERABLES

A report proposing ORV legislation and regulations in BC to be brought to the Coalition table for consideration and approval by all Coalition members (one paper copy for each Coalition member). The report should be clear, concise and definitive and include proposed legislation and regulations based on examples researched and developed as well as all items as required in Section IV. Tasks. References and acknowledgement to works should be given where appropriate. Gathered research information used as an example to cite existing jurisdictional registration and licensing should be presented in table format with the Issue/Heading on the left and the corresponding criteria and/or example on the right (including the jurisdiction). The report will be delivered as one integrated file in Microsoft Word format and one paper copy for each Coalition member. The report must be PDF friendly.

VII.CLOSING DATE

viii.TIME FRAME

The document must be ready for presentation to the Coalition in Summer 2003. The contract time frame may be negotiated by the Consultant/Contractor and the Co-Chairs of the Coalition.

