



Current Articles 2007 – January

It's Snowmobile time ...

Now that it is winter many of your clients enjoy the season by partaking in regular family outings on their snow machines. If there is insufficient snow locally they will pack up and head off to cottage country and the provincial groomed snowmobile trails.

Several years ago the OAP 1 was amended to include a "motorized snow vehicle" to be included in the definition of **automobile**. This followed a court case that attempted to have the snowmobile removed from the coverage on an auto policy. For most uses the snowmobiles must be licensed and insured. Coverage is obtained on an OAP 1. However the Statutory Condition 4(1) of this policy requires that all drivers be **authorized by law to drive or operate the snow vehicle**. When the snowmobile is operated by children under the age of 16 or by unlicensed seniors, coverage is obtained by attaching to the policy an OPCF 32 endorsement –"Use of Recreational Vehicles by Unlicensed Operators." This endorsement no longer has any age requirements. (An earlier version limited coverage to drivers 12 years of age or older.) However some snowmobile trails may have rules with regard to a minimum age for a driver, this has nothing to do with the insurance coverages.

This endorsement waives compliance with Statutory Condition 4(1) but has some conditions that apply to a driver who does not have a driver's license. The snowmobile is only permitted to be operated **"off a public highway."** The lengthy definition of a public highway includes **the untravelled portion**. This applies to the shoulders of a highway and other parts that may be deemed part of the highway (approach ramps, exits, etc.) In reality, an unlicensed driver will not be covered if he/she drives the snowmobile across a highway. Technically, it should be "walked" across the highway or driven across by a licensed driver. It is a good idea for a broker who knows that there are children in the family that may be operating their snowmobiles to make them aware of this condition.

We often read about snowmobiles going through the ice. Coverage for loss to the snowmobile or costs to recover the unit is covered under Comprehensive or All Perils only. Such a loss would not be covered if the client purchased Specified Perils.

When clients trailer their snowmobiles to the north, coverage under the OAP 1 for the snowmobile will apply while being transported. But what about the trailer itself? The basic OAP 1 that insured the towing vehicle will provide certain coverages automatically. Liability, Accident Benefits and Uninsured automobile Coverage applies even if the trailer is not described. The DCPD will also apply if the towing vehicle is less than 4500 kg. DCPD applies to all trailers that are not used for living in, to carry passengers or for commercial purposes. Hence DCPD will apply to a snowmobile trailer as it does not fit the excluded uses.

To be covered for loss or damage to the snowmobile, it must be described on an OAP 1 and the client can elect which Loss or Damage coverage they require and all with appropriate deductibles.

Enjoy the winter and safe snowmobiling!

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