



## Current Articles 2007 – May

### Motorized Vehicles – an Update

In March, 2006 the monthly article was titled “Motorized Vehicles – “Toys” and Scooters”. This article created more email and telephone inquiries than any article that I have written in the past ten years. Inquiries came from all over Canada, several from the United States and one from Great Britain. As a result of IBAO receiving questions on the same topic, IBAO (with permission) reprinted my article in their April 2006 monthly bulletin. Several brokerages have also reprinted the article to send to clients or placed it on their web page for benefit of their clients. The number of inquiries to IBAO prompted them to print and make available stickers that can be attached to invoices noting “Motorized Vehicles (Toys) – Your policy may not cover loss or damage caused by a motorized vehicle.”

Most of the inquiries focused on the same question: “How can I obtain coverage for these motorized scooters, etc.?” The answer at that time was that there was no coverage including liability that could be obtained for these “toys”. My previous article reported on a serious uninsured liability loss from a motorized dune buggy and since then I have become involved in other cases where coverage has been denied and serious injuries have occurred.

Well, time for SOME changes! In October 2006, The Highway Traffic Act was amended to include a 5 year Pilot Project for the use of Segway Personal Transporters. The first change is that a Segway is deemed NOT to be a motor vehicle under the Highway Traffic Act. However you are still prohibited from operating a Segway except as permitted by the Regulation. Ontario Regulation 488/06 permits the use of Segways by:

1. A Police Officer in the course of his/her duties
2. A letter carrier who is an employee of Canada Post, while engaged in door-to-door delivery of mail
3. A person who is 14 years old or older **may operate a Segway** if his or her mobility **is limited one or more disabilities, conditions or functional impairments.**

A Recent visit to the Burlington Police Station involved an interesting conversation as to how one may prove such impairment. The final conclusion that a dated letter from a physician, outlining the condition is all that may be required (at least for Burlington).

Although the Act has been changed, there still exists the problem as to whether a local municipality will permit the Segway to be operated on a sidewalk or roadway. As previously mentioned, Burlington does not permit ANY motorized vehicles on sidewalks (except motorized wheelchairs).

It is also encouraging that some insurers have addressed the problem and have “come to the table” with insurance coverage for certain motorized vehicles. I complement the Economical for

their acceptance of both liability and physical damage for electric bicycles, electric powered children's toys, SEGWAYS, and battery powered scooters. Lombard has also included liability and physical damage for certain motorized vehicles, including Segways. Hopefully, the other insurers will address the need for change for these items. Information from other insurers would be appreciated.

As a broker, it is necessary that you know which markets can handle these items and you should advise your client to also check with the municipality as to where a motorized vehicle may or not be operated.

I recently operated a Segway in their display at Disney World and they are fun! O yes, I have a letter from my doctor! See you on my Segway.

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