



[Français](#)

Farm Implements Act

R.R.O. 1990, REGULATION 369

GENERAL

Consolidation Period: From July 1, 2017 to the [e-Laws currency date](#).

Last amendment: [201/17](#).

Legislative History: [+]

This is the English version of a bilingual regulation.

1. The following farm implements are exempted from the Act and this Regulation:

1. A motor vehicle as defined in the *Highway Traffic Act*.
2. A tractor that, according to the manufacturer's published rating, develops twenty horsepower or less than twenty horsepower.
3. Lawn and garden equipment.
4. Tires attached to a farm implement.
5. Machines used in installing drainage works under the *Agricultural Tile Drainage Installation Act*. R.R.O. 1990, Reg. 369, s. 1; O. Reg. 65/94, s. 1.

2. For the purposes of section 2 of the Act, the manufacturer's suggested list price of a farm implement is \$3,500. R.R.O. 1990, Reg. 369, s. 2.

3. REVOKED: O. Reg. 400/03, s. 1.

4. (1) An applicant for registration as a dealer must,

- (a) pay a fee of \$200;
- (b) provide the Director with,
 - (i) the name of the applicant, as an individual, a partnership or a corporation,
 - (ii) the name under which the applicant carries on business,
 - (iii) the address and telephone number of the applicant's principal place of business in Ontario, and
 - (iv) the name of the owner or manager of the applicant's principal place of business in Ontario, and
 - (v), (vi) REVOKED: O. Reg. 252/10, s. 1.
- (c) provide the Director with a copy of,
 - (i) REVOKED: O. Reg. 252/10, s. 2.
 - (ii) a list of all distributors the applicant is representing, and
 - (iii) a list of all brands and types of farm implements the applicant is selling,
 - (iv) REVOKED: O. Reg. 252/10, s. 2.

R.R.O. 1990, Reg. 369, s. 4 (1); O. Reg. 65/94, s. 2 (1, 2); O. Reg. 400/03, s. 2; O. Reg. 252/10, ss. 1, 2.

(2) An applicant for registration as a distributor must,

- (a) pay a fee of \$300;
- (b) provide the Director with,
 - (i) the name of the applicant, as an individual, a partnership or a corporation,
 - (ii) the name under which the applicant carries on business, and
 - (iii) the address and telephone number of the applicant's principal place of business serving Ontario, and
 - (iv), (v) REVOKED: O. Reg. 252/10, s. 3.
- (c) provide the Director with a copy of,
 - (i), (ii) REVOKED: O. Reg. 252/10, s. 4.

- (iii) a list of all brands and types of farm implements sold, consigned or delivered by the applicant to dealers,
 - (iii.1) a list of all manufacturers of farm implements sold, consigned or delivered by the applicant to dealers, and
 - (iv) a list of all dealers with whom the applicant has an agreement for the sale, consignment or delivery of farm implements. R.R.O. 1990, Reg. 369, s. 4 (2); O. Reg. 65/94, s. 2 (3, 4); O. Reg. 400/03, ss. 2, 3; O. Reg. 252/10, ss. 3, 4.
- (3) The Director may dispense with any of the requirements set out in clause (1) (b) and (c) or (2) (b) and (c). R.R.O. 1990, Reg. 369, s. 4 (3); O. Reg. 400/03, s. 2.
- (4) A registered distributor who applies for registration as a dealer is exempt from the requirement to pay under clause (1) (a). R.R.O. 1990, Reg. 369, s. 4 (4).
- (5) A registered dealer who applies for registration as a distributor must pay a fee of \$100 instead of the fee set out in clause (2) (a). R.R.O. 1990, Reg. 369, s. 4 (5).
- (6) An applicant for registration as a dealer and distributor must pay a fee of \$300 instead of the fees set out in clauses (1) (a) and (2) (a). R.R.O. 1990, Reg. 369, s. 4 (6).
- (7) The application fee for registration as a dealer or a distributor shall be pro-rated on the basis of a one-year registration if,
- (a) the registration is for a period of less than one year; and
 - (b) the applicant has not carried on the business of a dealer or a distributor, as the case may be, before making the application. O. Reg. 195/96, s. 1.
- 5. The dealer shall at all times,**
- (a) display in a clearly visible manner the registration certificate at the dealer's principal place of business; and
 - (b) display and make available to purchasers all publications that the Director directs to be displayed and made available. R.R.O. 1990, Reg. 369, s. 5; O. Reg. 400/03, s. 2.
- 6. (1) Registration under section 4 is effective from,**
- (a) the 1st day of January if the application is accepted in the preceding year; or
 - (b) the day the application is accepted if the application is made in the year for which registration is applied for. R.R.O. 1990, Reg. 369, s. 6 (1).
- (2) Registration under section 4 expires on the 31st day of December in each year. R.R.O. 1990, Reg. 369, s. 6 (2).
- 7. (1) A dealer who sells new farm implements shall, at the time of delivery of the new farm implement to a purchaser,**
- (a) ensure that all safety decals and protective shielding provided by the manufacturer of the farm implement are in place on the implement;
 - (b) provide an operator's manual and operating instructions;
 - (c) convey all safety related instructions recommended by the manufacturer; and
 - (d) obtain from the purchaser a written confirmation acknowledging compliance with clauses (a), (b) and (c). O. Reg. 65/94, s. 3; O. Reg. 400/03, s. 4 (1).
- (2) A dealer who sells a used farm implement shall, at the time of delivery to the purchaser, ensure that there are in place,
- (a) all safety decals and protective shielding as originally provided by the manufacturer;
 - (b) comparable replacement safety decals and protective shielding according to subsection (7); or
 - (c) a combination of the requirements set out in clauses (a) and (b). O. Reg. 65/94, s. 3; O. Reg. 400/03, s. 2; O. Reg. 252/10, s. 5.
- (3) REVOKED: O. Reg. 252/10, s. 6.
- (4) A dealer who sells a used farm implement shall, at the time of delivery to the purchaser,
- (a) provide the purchaser with a copy of the manufacturer's operator's manual or an appropriate industry safety manual and safety related instructions; and
 - (b) get from the purchaser a written confirmation acknowledging compliance with subsections (2) and (4). O. Reg. 65/94, s. 3.
- (4.1) A dealer who sells new or used liquid manure spreaders shall, at the time of delivery of the manure spreader to the purchaser, provide, in addition to the information the dealer is required to provide to a purchaser under subsections (1) and (4), a safety manual that identifies,
- (a) the hazards associated with liquid manure spreaders, such as the presence of toxic gases in the manure tank of the spreader; and
 - (b) the measures that a prudent operator would take to minimize the risk of the hazards. O. Reg. 400/03, s. 4 (2).
- (5) If the manual referred to in subsection (4) or (4.1) is not in stock when delivery is made to the purchaser, it must be provided within fifteen days after delivery. O. Reg. 65/94, s. 3; O. Reg. 400/03, s. 4 (4).
- (6) Subsections (4) and (5) do not apply if the dealer is not able to get a copy of the manual after making a reasonable effort to do so. O. Reg. 65/94, s. 3.

(7) The following safety standards in respect of protective shielding for farm implements are prescribed:

1. A machinery part that can cause injury on direct contact or by entanglement of personal apparel must be guarded unless the part's location provides equivalent protection.
2. Components that must be exposed for proper function, drainage or cleaning shall be guarded to the maximum extent that is practical and reasonable in view of the intended use or operation. O. Reg. 65/94, s. 3.

(8) This section does not apply in respect of a used farm implement if the purchaser provides written confirmation that the implement will be used for parts only. O. Reg. 65/94, s. 3; O. Reg. 400/03, s. 4 (5).

7.1 A farm implement is exempt from section 19 of the Act if the warranty on it set out in section 15 of the Act has expired. O. Reg. 195/96, s. 2.

8. If a purchaser notifies in writing a dealer that a farm implement requires emergency repair parts, the dealer shall inform the purchaser in writing of the costs that will be incurred in obtaining emergency parts and of the obligations imposed on dealers and distributors by section 19 of the Act. R.R.O. 1990, Reg. 369, s. 8.

9. For the purposes of subsection 19 (4) of the Act, the maximum service charge payable in respect of an order for an emergency repair part is 5 per cent of the manufacturer's suggested list price for the emergency repair part. R.R.O. 1990, Reg. 369, s. 9.

10. For the purposes of subsection 26 (2) of the Act, the rate of interest shall be equivalent to,

- (a) the rate of interest due, under the agreement between the distributor and the dealer, to the distributor when payment under the agreement is overdue; or
- (b) the prime rate charged by major lending institutions on the due date set out in subsection 26 (1) of the Act, plus 1 per cent, if there is no agreement between the distributor and dealer. R.R.O. 1990, Reg. 369, s. 10.

11. (1) In this section,

"CSA" means the Canadian Standards Association; ("CSA")

"ISO" means the International Organization for Standardization; ("ISO")

"SAE" means the Society of Automotive Engineers. ("SAE") O. Reg. 464/05, s. 1.

(2) On and after June 15, 2005, a dealer shall ensure that a tractor manufactured after January 1, 1992 and sold or offered for sale shall be equipped with,

- (a) a rollover protective structure described in subsection (3) and labelled in accordance with subsection (4); and
- (b) a restraining device described in subsection (5). O. Reg. 464/05, s. 1; O. Reg. 252/10, s. 7.

(3) A dealer shall ensure that a rollover protective structure on a tractor manufactured before July 1, 2017 complies with,

- (a) the provisions referred to in item 1 of Table 1 to this section in the column that applies to the tractor; or
- (b) the provision referred to in item 2 of Table 1 to this section in the column that applies to the tractor and,
 - (i) the standard referred to in item 3 of Table 1 to this section in the column that applies to the tractor,
 - (ii) the standard referred to in item 4 of Table 1 to this section in the column that applies to the tractor,
 - (iii) the standard referred to in item 5 of Table 1 to this section in the column that applies to the tractor, or
 - (iv) the standard referred to in item 6 of Table 1 to this section in the column that applies to the tractor. O. Reg. 201/17, s. 1 (1).

(3.1) A dealer shall ensure that a rollover protective structure on a tractor manufactured on or after July 1, 2017 complies with,

- (a) the provisions referred to in item 1 of Table 2 to this section in the column that applies to the tractor; or
- (b) the provision referred to in item 2 of Table 2 to this section in the column that applies to the tractor and,
 - (i) the standard referred to in item 3 of Table 2 to this section in the column that applies to the tractor,
 - (ii) the standard referred to in item 4 of Table 2 to this section in the column that applies to the tractor,
 - (iii) the standard referred to in item 5 of Table 2 to this section in the column that applies to the tractor, or
 - (iv) the standard referred to in item 6 of Table 2 to this section in the column that applies to the tractor. O. Reg. 201/17, s. 1 (1).

(4) A rollover protective structure on a tractor shall have permanent legible label showing,

- (a) the manufacturer's name;
- (b) the make and model of tractor that it is designed to fit; and
- (c) the standards referred to in subsection (3) or (3.1) with which it complies. O. Reg. 464/05, s. 1; O. Reg. 201/17, s. 1 (2).

(5) A restraining device on a tractor shall comply with the seat and seat belt requirements set out in,

(a) section 5 of SAE Standard J1194, entitled “Rollover Protective Structures (ROPS) for Wheeled Agricultural Tractors” and dated April 2009; or

(b) clause 4.4.1, under the heading “Seat belts”, from CSA Standard B352.0-16 entitled “Rollover protective structures (ROPS), falling object protective structures (FOPS), operator protective structures (OPS), and tip-over protective structures (TOPS) for mobile machinery — General Canadian requirements” and dated July 2016. O. Reg. 464/05, s. 1; O. Reg. 201/17, s. 1 (3).

(6) Despite subsections (3) and (4), where a tractor was manufactured before the date of publication of a standard referred to in either of those subsections, the tractor may comply with a predecessor of the standard that was in effect on the date that the tractor was manufactured. O. Reg. 464/05, s. 1.

(7) The standards referred to in this section are available for public inspection at the offices of the Ministry of Agriculture, Food and Rural Affairs, Farm Implements Act Program, 1 Stone Road West, 3rd Floor North East, Guelph, Ontario, N1G 4Y2. O. Reg. 464/05, s. 1; O. Reg. 252/10, s. 8 (3).

TABLE 1
TRACTORS MANUFACTURED BEFORE JULY 1, 2017

Item	Description of Standard	Tractor manufactured on or before December 31, 2005	Tractor manufactured from January 1, 2006 to June 30, 2010	Tractor manufactured from July 1, 2010 to June 30, 2017
1.	Requirements for ROPS on Agricultural Tractors	Clause 5 of CSA Standard B352.1-95, entitled “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines — Part 2: Testing Requirements for ROPS on Agricultural Tractors” dated August 1995 (Reaffirmed 2004)	Clause 5 of CSA Standard B352.1-95, entitled “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines — Part 2: Testing Requirements for ROPS on Agricultural Tractors” dated August 1995 (Reaffirmed 2006)	Clause 5 of CSA Standard B352.1-95, entitled “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines — Part 2: Testing Requirements for ROPS on Agricultural Tractors” dated August 1995 (Reaffirmed 2006)
2.	Rollover Protective Structure Steel Material / Test Temperature Requirements	Clause 4.2 of CSA Standard B352.0-95, entitled “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines — Part 1: General Requirements for ROPS” dated September 1995 (Reaffirmed 2004)	Clause 4.2 of CSA Standard B352.0-95, entitled “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines — Part 1: General Requirements for ROPS” dated September 1995 (Reaffirmed 2006)	Clause 4.2 of CSA Standard B352.0-09, entitled “Roll-over protective structures (ROPS), falling object protective structures (FOPS), operator protective structures (OPS), and tip-over protective structures (TOPS) for mobile machinery — General Canadian requirements” dated September 2009 (Reaffirmed 2014), as amended from time to time up to the date of manufacture
3.	Static Test Method and Acceptance Conditions	ISO Standard 5700-1989 (Third edition), entitled “Wheeled tractors for agriculture and forestry — Protective structures — Static test method and acceptance conditions”, published in 1989 and amended in 1998	ISO Standard 5700:2006, entitled “Tractors for agriculture and forestry — Roll-over protective structures (ROPS) — Static test method and acceptance conditions” published in 2006	ISO Standard 5700:2006, entitled “Tractors for agriculture and forestry — Roll-over protective structures (ROPS) — Static test method and acceptance conditions” published in 2006, as amended from time to time up to the date of manufacture
4.	Dynamic Test Method and Acceptance Conditions	ISO Standard 3463-1989 (Third edition), entitled “Wheeled tractors for agriculture and forestry — Protective structures — Dynamic test method and acceptance conditions”, published in 1989 and amended in 1998	ISO Standard 3463:2006, entitled “Tractors for agriculture and forestry — Roll-over protective structures (ROPS) — Dynamic test method and acceptance conditions” published in 2006	ISO Standard 3463:2006, entitled “Tractors for agriculture and forestry — Roll-over protective structures (ROPS) — Dynamic test method and acceptance conditions” published in 2006, as amended from time to time up to the date of manufacture
5.	International Standards	SAE Standard J2194, entitled “Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors” dated August 2002	SAE Standard J2194, entitled “Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors” dated August 2002	SAE Standard J2194, entitled “Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors” dated August 2002, as amended from time to time up to the date of manufacture

6.	International Standards	Code 3 (Dynamic Test), dated February 2002, or Code 4 (Static Test), dated February 2002, of the Organization for Economic Co-operation and Development Standard Code for the Official Testing of Protective Structures on Agricultural and Forestry Tractors.	Code 3 (Dynamic Test), dated February 2002, or Code 4 (Static Test), dated February 2002, of the Organization for Economic Co-operation and Development Standard Code for the Official Testing of Protective Structures on Agricultural and Forestry Tractors.	Code 3 (Dynamic Test), dated February 2002, or Code 4 (Static Test), dated February 2002, of the Organization for Economic Co-operation and Development Standard Code for the Official Testing of Protective Structures on Agricultural and Forestry Tractors, as amended from time to time up to the date of manufacture.
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O. Reg. 201/17, s. 1 (4).

TABLE 2
TRACTORS MANUFACTURED ON OR AFTER JULY 1, 2017

Item	Description of Standard	Tractor manufactured on or after July 1, 2017
1.	Requirements for ROPS on Agricultural Tractors	CSA Standard B352.0-16, entitled "Rollover protective structures (ROPS), falling object protective structures (FOPS), operator protective structures (OPS), and tip-over protective structures (TOPS) for mobile machinery — General Canadian requirements" published in 2016, as amended from time to time up to the date of manufacture
2.	Rollover Protective Structure Steel Material / Test Temperature Requirements	Clause 4.2 of CSA Standard B352.0-16, entitled "Rollover protective structures (ROPS), falling object protective structures (FOPS), operator protective structures (OPS), and tip-over protective structures (TOPS) for mobile machinery — General Canadian requirements" published in 2016, as amended from time to time up to the date of manufacture
3.	Static Test Method and Acceptance Conditions	CSA Standard CAN/CSA - M5700-09, entitled "Tractors for agriculture and forestry — Roll-over protective structures (ROPS) — Static test method and acceptance conditions" published in 2009 (Reaffirmed 2015), as amended from time to time up to the date of manufacture
4.	Dynamic Test Method and Acceptance Conditions	CSA Standard CAN/CSA - M3463-09, entitled "Tractors for agriculture and forestry — Roll-over protective structures (ROPS) — Dynamic test method and acceptance conditions" published in 2009 (Reaffirmed 2014), as amended from time to time up to the date of manufacture
5.	International Standards	SAE Standard J2194, entitled "Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors" dated August 2002, as amended from time to time up to the date of manufacture
6.	International Standards	Code 3 (Dynamic Test), dated February 2002, or Code 4 (Static Test), dated February 2002, of the Organization for Economic Co-operation and Development Standard Code for the Official Testing of Protective Structures on Agricultural and Forestry Tractors, as amended from time to time up to the date of manufacture.

O. Reg. 201/17, s. 1 (4).

11.1 (1) In this section,

"instructional seat" means an area of sufficient size and shape with an integral or separate backrest in which a person, other than the operator, may be seated in a tractor or other self-propelled farm implement with an enclosed cab. O. Reg. 464/05, s. 1.

(2) On and after June 15, 2005 but before July 1, 2017, every tractor or other self-propelled farm implement with an instructional seat that is sold or offered for sale by a dealer shall comply with the American Society of Agricultural Engineers Standard S574, entitled "Instructional Seat for Agricultural Equipment" and dated August 2000. O. Reg. 464/05, s. 1; O. Reg. 201/17, s. 2 (1).

(2.1) On and after July 1, 2017, every tractor or other self-propelled farm implement with an instructional seat that is sold or offered for sale by a dealer shall comply with the CSA Standard CAN/CSA-M23205:12 entitled Agricultural tractors — Instructional seat and published in 2012, as amended from time to time up to the date of the sale or offer. O. Reg. 201/17, s. 2 (2).

(3) The standard referred to in this section is available for public inspection at the offices of the Ministry of Agriculture, Food and Rural Affairs, Farm Implements Act Program, 1 Stone Road West, 3rd Floor North East, Guelph, Ontario, N1G 4Y2. O. Reg. 464/05, s. 1; O. Reg. 252/10, s. 9.

12. Every new or used liquid manure spreader that is sold or offered for sale by a dealer shall meet the following safety standards and requirements for safety decals, in addition to those prescribed in section 7:

1. The fill opening in the manure tank of the spreader must be covered by a semi-permanent grate that will prevent a person from entering the tank when the grate is in place.
2. The grate must be attached to the tank so that, when it is removed from the fill opening, it remains attached to the tank.
3. There must be no ladders or steps installed inside the tank of the spreader.
4. A safety decal, that is a safety warning about the hazards associated with liquid manure spreaders and that is in the form that the Director approves, must be affixed,
 - i. to the front of the manure tank of the spreader, and
 - ii. close to all ladders mounted on the outside of the tank. O. Reg. 400/03, s. 6; O. Reg. 464/05, s. 2.

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