

Off-Highway Vehicle Helmets in the *Traffic Safety Act*

Proposed Amendments to the *Traffic Safety Act*

On December 6, 2016, Bill 36 *An Act to Enhance Safety for Off Highway Vehicles* was passed, amending the *Traffic Safety Act*. The amendments create helmet requirements for Off-highway Vehicle (OHV) riders.

Alberta joins the rest of the jurisdictions in Canada in having some type of OHV helmet law. Certain provisions of the *Occupational Health and Safety (OHS) Code* require workers who ride OHVs to wear helmets, but farm and ranch work is exempt.

FACTS ABOUT OHV INJURIES IN ALBERTA*

- On average, approximately 19 people are killed while operating OHVs in Alberta every year.
- Between 2002 and 2013, there were 185 people killed while riding all-terrain vehicles (ATVs) in Alberta.
- 74 of those people died from head injuries (40 per cent).
- Nearly 80 per cent of those fatalities involved people not wearing helmets.
- Each year in Alberta, there are nearly 6,000 OHV-related emergency room visits
- In 2015, more than 1,000 children under the age of 16 were injured while riding OHVs

*Data taken from *Injury Prevention Centre*

Details of the bill:

- Helmets would be required for anyone driving, operating, riding in or on, or being towed by, an OHV on public land.
- Use on one's own property, or on private property with permission of the owner, is from the helmet requirement.
- Farming and ranching operations continue to be exempt under the existing OH&S code.
- First Nations and Métis Settlement lands are exempt.
- Regulations will be developed to determine other exemptions, including for OHVs equipped with roll-over protection and seatbelts.

DEFINITION OF OHV

Any motorized mode of transportation built for cross-country travel on:

- Land
- Water
- Snow
- Ice
- Marsh/swamp land, or
- Other natural terrain and when specifically built for such travel.

Important definitions for OHV law:

• Private land:

Land an OHV is operated on which is owned by the OHV operator, or is owned by someone who has given permission to the OHV operator to be on.

• Public land:

Crown land or other land which is not privately owned including areas that have been designated for public OHV use, public roadways and highway rights-of-way.

• Highway:

Any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, or trestleway that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, including a ditch adjacent to and parallel with the roadway.

TYPES OF OHVS

- 4-wheel drive vehicles
- Low pressure tire vehicles
- Motorcycles and related 2-wheel vehicles
- Amphibious vehicles
- All-terrain vehicles (ATVs)
- Miniature motor vehicles
- Snow vehicles and snowmobiles
- Minibikes