

BULLETIN

08-2017

April 12, 2017

To all Authorized Employers:

Re: New Helmet Requirement for Off-Highway Vehicle Riders

Alberta Transportation has requested that the following information regarding the amendments to the *Traffic Safety Act*, *Off-Highway Vehicle Regulation* and *Procedures Regulation* be provided to all peace officers.

New legislation requiring off-highway vehicle (OHV) riders to wear helmets when driving, operating, riding in or on, or being towed by, an OHV, unless otherwise exempt will go into effect on **May 15, 2017**.

Exemptions

Land-Based Exemptions

Wearing a helmet when using an OHV is not required by this law when an OHV is used on the following types of land:

Summary	Description	Reference
Private Property	Helmet use is exempt on land owned by the person driving the OHV (e.g. your own land) and land owned by another person if that person has expressly or impliedly consented to allow that OHV to be driven on that land (e.g. private property).	<i>Traffic Safety Act</i> 128.1(3)(c) and 119(2)(a-b)
Indigenous Lands	Helmet use is exempt on land within an Indian or First Nations Reserve or Metis Settlement.	<i>Traffic Safety Act</i> 128.1(3) (a-b)

OHV riders are required to wear helmets on all other land, including public land that is leased or has some other type of land disposition that allows someone else to use it.

To locate First Nations Reserve and Metis settlement lands, there is an interactive map on Alberta Indigenous Relations' website at, <http://indigenous.alberta.ca/InteractiveMap.cfm>

Use-Based Exemptions

Workers already regulated under Alberta's occupational health and safety laws and must wear helmets unless alternative safety measures described in the laws are in place.

Summary	Description	Reference
Farm and Ranch Workers	Occupational health and safety laws do not apply to owners of family members of owners. The Occupational health and safety laws only apply to farm and ranch operations that employ paid workers. These workers are not required to wear a helmet as safety on farms and ranches is not subject to any technical rules at this time.	<i>Traffic Safety Act</i> 128.1(4)
Other Workers	Do not have to wear helmets if a specific alternative safety measure described in Alberta's occupational health and safety laws are in place.	<i>Off-Highway Vehicle Regulation</i> 9.1 (9)(a)

If you have questions about Alberta's occupational health and safety laws, please contact the OHS Contact Centre at 1-866-415-8690.

Vehicle-Based Exemptions

Wearing a helmet when using an OHV is not required by this law for riders using the following types of OHVs:

Summary	Description	Reference
Meet On-Highway Vehicle Safety Standards (e.g. 4x4 jeep)	<p>Helmet use is exempt when seat belts are worn in a motor vehicle that has met the standards for a motor vehicle designed for use on a roadway and has seat belt assemblies maintained in compliance with the <i>Vehicle Equipment Regulation</i>. These protective features cannot be modified or removed.</p> <p>Most of these can be easily identified because they will be insured and registered as on-highway vehicles rather than off-highway vehicles.</p>	<i>Off-Highway Vehicle Regulation</i> 9.1(9)(b)
Have Rollover Protective Structures and Seat Belts	Helmet use is exempt when seat belts are worn in OHVs designed with appropriate rollover protective structures and seat belts and the riders are wearing properly adjusted and securely fastened seat belts. A rollover protective structure means a cab or frame that is capable of supporting an off-highway vehicle in an overturned position, regardless of the direction the off-highway vehicle overturned, and that is installed by the manufacturer. Seat belt assembly is defined to mean a device or assembly that is securely fastened to the vehicle, is composed of straps or webbing, includes pelvic and/or upper torso restraint, is capable of restraining a person to prevent injury, and is supplied by a manufacturer. These protective features cannot be modified or removed.	<i>Off-Highway Vehicle Regulation</i> 9.1(9)(d), 9.1(10)(a-b)

Rider-Based Exemptions

Wearing a helmet when using an OHV is not required by this law for the following types of individuals:

Summary	Description	Reference
Turbaned Sikhs	Helmet use is not required by individuals who are a bona fide member of the Sikh religion wearing turbans. This means that someone self-identifying as a member of the Sikh religion and wearing a long length of cloth wound around his or her head into a headdress is exempt.	Off-Highway Vehicle Regulation 9.1(9)(c)
Written Notice from Registrar	Helmet use is not required by individuals or groups who have a valid, written notice from the Registrar of Motor Vehicles indicating they are exempt and are following any terms and conditions specified in the notice. Notices may be electronically posted on Alberta Transportation's website; if this occurs, enforcement agencies will be notified.	Off-Highway Vehicle Regulation 9.1(12-15)

Specified Penalties

The table below indicates the specified penalties. Fines include the victim surcharge.

Section	Particulars	Total
Traffic Safety Act		
128.1(2)	Operate/ride as passenger on an OHV without properly wearing safety helmet; and/or not properly complying with the details of an exemption. Examples of not complying with an exemption are: <ul style="list-style-type: none"> Saying you are Sikh but not wearing a turban; Riding in an OHV with rollover protective structures and seatbelts, but not wearing the seatbelt; and Riding an OHV recreationally on public land leased for agricultural purposes without a helmet. 	\$155
Off-Highway Vehicle Regulation		
9.1(2)	Safety helmet not complying w/ prescribed standards (OHV)	\$155
9.1(3)	Safety helmet not have required mark or label of prescribed standards	\$93
9.1(4)	Safety helmet is not free of damage/modification.	\$93
9.1(5)	Safety helmet construction not meeting requirements.	\$93
9.1(6)	Buy/sell/offer for sale a safety helmet not complying with prescribed standards.	\$155
9.1(7)	Carrying a passenger under 14 who is not wearing a helmet.	\$155
9.1(8)	Parent/guardian of person under 14 years authorize/knowingly permit person to operate/ride as a passenger on an OHV without properly wearing a safety helmet.	\$155
9.1(15)	Non-compliance with Registrar's terms/conditions for an exemption.	\$155

Additional Direction

Prior to May 15, 2017, enforcement officers are encouraged to remind OHV users that the law will be changing and helmets will be required. On and after May 15, 2017, specified penalties may be issued.

Individuals who have questions about the new legislation are encouraged to email Alberta Transportation's Office of Traffic Safety at: trans.officeoftraffi@gov.ab.ca.

Thank you for taking the time to become aware about this new law. Without your support, we will be unable to help reduce OHV-related injuries and save lives

Sincerely,

Sean Bonneteau
Director
Policing Standards and Audits