

Off-Highway Vehicle (OHV) Helmet Law

Frequently Asked Questions

1. What is an OHV?

In Alberta, an off-highway vehicle (OHV) is defined in the *Traffic Safety Act* as any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain, and without limiting the generality of the foregoing, includes, when specifically designed for such travel,

- 4-wheel drive vehicles,
- low pressure tire vehicles,
- motorcycles and related 2-wheel vehicles,
- amphibious vehicles,
- all-terrain vehicles (ATVs),
- utility terrain vehicles,
- miniature motor vehicles,
- snow vehicles,
- minibikes, and
- any other means of motorized transportation.

This definition includes OHVs known as side-by-sides, dirt bikes, snowmobiles and snow bikes. Excluded are motor boats, farm machinery and construction machinery.

2. When does the new law take effect?

May 15, 2017 is when the new OHV helmet law will in effect.

3. What will the penalty be for not wearing a helmet?

The fine for not wearing a helmet when operating or riding on an OHV on public land would be \$155 in total, including the victim surcharge. This is same penalty as riding a motorcycle without a helmet.

4. When do I have to wear a helmet?

Helmets would be required for anyone driving, operating, riding in or on, or being towed by, an OHV on public land. You are not required to wear a helmet when using an OHV:

- on your own property,
- on private property with permission of the owner,
- on First Nations Reserve or Metis Settlement lands, unless they have a law requiring it;
- that has safe, manufacturer installed rollover protective structures and seat belts, which have not been modified and are being properly worn;
- that meets the standards for a motor vehicle designed for use on a roadway, has seat belt assemblies maintained in compliance with the *Vehicle Equipment Regulation*, and that person is wearing a seat belt (e.g. unmodified 4x4 trucks, sport utility vehicles, and jeeps);
- if you are a bona fide member of the Sikh religion who wears a turban;
- during the performance of farming or ranching operations exempt from Alberta's [occupational health and safety laws](#);
- during the performance of work where Alberta's [occupational health and safety laws](#) have exempted OHV helmet use; and
- if you have documentation from Alberta Transportation indicating you are exempt and are complying with the terms and conditions of that exemption.

OHV helmet use is recommended for all OHV users, even if they are exempt.

5. What type of helmet do I have to use?

OHV safety helmets must comply with the same standards that exist for motorcycle helmets in Alberta's *Vehicle Equipment Regulation*, which indicates the standards are:

- CSA Standard CAN3-D230-M85, Protective Headgear in Motor Vehicle Applications;
- Standard No. 218; Motorcycle helmets under Part 571.218 of the Code of Federal Regulations (United States), Title 49;
- British Standards Institution Standard BS 6658: 1985, Specification for protective helmets for vehicle users;
- Snell Memorial Foundation 2000 or 2005 or 2010 Standard For Protective Headgear, For Use with Motorcycles and Other Motorized Vehicles; and
- United Nations Economic Commission for Europe Regulation 22-05, Uniform provisions concerning the approval of protective helmets and their visors for drivers and passengers of motorcycles and mopeds.

The fine for not wearing a helmet meeting the standards is \$155 in total, which includes the victim surcharge. If your helmet is compliant but is missing the organization's designation or is damaged/modified the fine will be \$93 in total, which includes the victim surcharge.

6. What do you mean exactly by public land? Private land?

Public land means Crown land, including areas that have been designated for public OHV use, public roadways and highway rights-of-way. Certain municipalities already have helmet legislation in place where provincial highways pass through their jurisdiction. This includes crown land that has been leased.

Private land is any land owned by the OHV operator, or any land owned by someone that has given the OHV operator permission to use it.

7. Where are the First Nations and Metis settlements?

To locate First Nations Reserve and Metis settlement lands, use this interactive [map](#).

8. Will I have to wear a helmet when off-roading in my 4x4 truck, SUV, or jeep?

No, provided your vehicle meets the standards for motor vehicles designed for use on a road way and has seat belt assemblies maintained in compliance with the *Vehicle Equipment Regulation*, and all users are wearing their seat belts. Seat belts must be properly adjusted and securely fastened.

9. Does my OHV have appropriate rollover protective structures and seat belt assemblies?

An appropriate rollover protective structure is a cab or frame that is capable of supporting an OHV in an overturned position, regardless of the direction the OHV overturned. It must also be installed by the manufacturer and be unmodified.

A seat assembly is a device that is securely fastened to the OHV composed of straps or webbing, including a pelvic and/or upper torso restraint, is capable of restraining a person to prevent injury, and is supplied by a manufacturer. This means if the manufacturer of your OHV installed appropriate seat belts and they have not been removed or modified in any way reducing their effectiveness, you are exempt from helmet use, provided you are properly wearing them and your OHV also has an appropriate rollover protective structure.

10. How much does an OHV helmet cost?

Prices vary, however, they can be as little as \$100.

11. Where do I buy an OHV helmet?

You can purchase an OHV helmet at your local OHV dealer and other retailers that sell helmets for motorized vehicles.

12. Who qualifies for an exemption from Alberta Transportation's Registrar of Motor Vehicles?

Anyone can submit a request for an exemption. Those who submit must provide documentation demonstrating why they need an exemption. Types of exemptions that have been considered for other helmet laws are if there is a medical or physical condition that prevents helmet use or if the vehicle has protections installed by someone other than the manufacturer and they provide an equivalent or greater level of protection than required vehicle features. To contact Alberta Transportation to learn the types of documentation you should submit with an exemption request, please visit [Contact Us](#).

13. Where am I allowed to use an OHV in Alberta?

An OHV may not be operated on any highway, road or ditch unless permission has been expressly granted by the Minister of Transportation through written documentation, such as a Ministerial Order or a permit, or a municipality has a bylaw allowing operation on the road and/or within the road right-of-way. The only provincial Ministerial Order allows four wheeled all-terrain vehicles to be used on three digit-numbered highways during daylight hours in the course of farming operations or an emergency. You will need to contact your local municipality to determine whether they have a bylaw that allows operation on roads and/or ditches and under what conditions.

OHVs being used recreationally are not allowed in Wilderness Areas, Ecological Reserves, and Willmore Wilderness Park.

OHVs are generally permitted on vacant public land for recreational use; however specific areas can be closed to OHVs due to over use or poor/detreating ground conditions or high fire hazard for example. Areas of public land closed to use are listed on [Alberta Environment and Parks website](#).

OHV use is typically not allowed in Provincial Parks; recreational OHVs may be allowed in Wildland Provincial Parks (only on designated trails) and in Provincial Recreation Areas (only on designated trails or designated areas). OHVs may also be permitted in some specific Natural Area sites. Although motorized use may be permitted within a particular classification, it may not be permitted or suitable in all sites based on site values and objectives. For more information, please visit the [Alberta Parks website](#).

14. What are the other rules that OHV recreational riders must follow in Alberta?

There are both provincial and municipal laws regarding OHV use in Alberta. For municipal bylaws, you will need to contact the municipality where you will be riding your OHV.

Anywhere in Alberta, you cannot drive an OHV when impaired or drive it dangerously. When riding on private property, you must obtain permission beforehand from the owner.

When off-roading on public land, including Crown land, you must ensure:

- your OHV is registered and insured;
- your OHV is equipped with a licence plate, head-light, tail-light, muffler and a spark arrester;
- the driver of the OHV is at least 14 years of age unless the child is closely supervised by an adult of at least 18 years of age;
- your OHV does not go in streams, rivers, lakes or on the beds or shores of watercourses, wetlands or waterbodies unless on a designated trail or crossing or if granted specific authorization by Environment and Parks;
- you have the permission of the leaseholder on public lands leased for agriculture. To contact a leaseholder, you can call 310-3773 for assistance or use the [Leased Land Contact Information - Mapping Tool](#); and
- you obey all posted signs and notices in Public Land Use Zones, Public Land Recreation Areas, Wildland Provincial Parks, Provincial Parks, and on Public Land Recreational Trails. Signs and notices will inform users of restrictions, such as areas where OHVs may or may not be used, the type or size OHVs permissible, hours of use, parking areas, or speed limits. Rules for each type of public land can be found on the [Alberta Environment and Parks website](#). Please note that in a [Public Land Recreation Area or on a Public Land Recreation Trail](#), the speed limit is 20 km/hr, unless otherwise posted.

When riding on public roads, you must ensure:

- you have a driver's licence (Class 1, 2, 3, 4, 5 or 7);
- follow all the rules of the road like other vehicles; and
- you are driving on a road that OHVs have been given special permission to ride on through written documentation from Alberta Transportation or a municipal bylaw and are following any conditions of that permission.

When crossing a road, you must ensure:

- you stop the OHV before crossing;
- all passengers are off of the OHV and any vehicle or thing attached to it before crossing;
- you yield the right of way to all other vehicles and persons on the road; and
- you drive across in the most direct, shortest, and safest route of travel available.