

Attention Motorcyclists: Bill 117

Contributed by Brenda Grundt

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Bill 117 2008

An Act to amend the Highway Traffic Act to prohibit the driving and operation of motorcycles with child passengers

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Highway Traffic Act is amended by adding the following section:

Prohibition of passengers under 14 years old on motorcycles

38.1 No person shall drive or operate a motorcycle on a highway if another person under the age of 14 years is a passenger on the motorcycle.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Highway Traffic Amendment Act (Child Passengers on Motorcycles), 2008.

EXPLANATORY NOTE

The Bill amends the Highway Traffic Act to prohibit driving or operating a motorcycle on a highway while a person under the age of 14 is a passenger on the motorcycle, with a view to promoting safety on Ontario's roads and protecting youth from preventable injuries.

This bill was read in Ontario's House of Commons on October 27th. Ms. Jaczek moved the first reading of this bill, with the Speaker of the House, the Honourable Steve Peters saying, "Is it the pleasure of the House that the motion carry?" The motion was carried, and the first reading agreed to. The Speaker asked Ms. Helena Jaczed for a short statement, to which she replied, "The bill amends the Highway Traffic Act to prohibit driving or operating a motorcycle on a highway while a person under the age of 14 is a passenger on the motorcycle with a view to promoting safety on Ontario's roads and protecting youth from preventable injuries."

An interesting clip from CTV News can be viewed [here](#). During the video Ms. Jaczek mentions that 50 young children were seriously injured in motorcycle incidents across Canada in 2006. Most motorcyclists take care to ensure that their children wear full face helmets, and proper gear. But in my opinion, this law doesn't take into account that many young children weigh as much as some small adults, and have the same physical profile. For instance, the young lad in the video clip is nearly the same height as his father. My daughter Katherine, who travelled on her first road trip this past summer, weighs 160 pounds and is 5 foot 4 inches, but is only 11. Currently Ontario has booster seat legislation requires children who are 40 to 80 pounds (18 to 36 kilograms) and/or at least 9 years old and/or at least 4 feet 9 inches tall to use one while travelling in a car. Perhaps the lawmakers should create regulations that reflect a height and weight restriction, instead of an age. Wawa-news is waiting for clarification under the Highway Traffic Act from the Ontario Provincial Police, as we (Marcus and I) always believed that it only required that a person's legs had to reach the footpegs.

Editor's Note: Regulation 596, subsection 10(3) of Ontario's Highway Traffic Act states: "A person who is a passenger on a motorcycle operated on a highway and who is occupying the seat referred to in clause (2) (b) shall sit astride the seat in such a manner that his or her feet are placed upon the foot rests referred to in clause (2) (b)."

This private member's bill has a number of implications beyond those of preventing responsible parents from taking their children on their motorcycles. It will also shut our doors to the small group of motorcycling families who participate in the Wolf's Head Rally who travel yearly around Lake Superior, visiting overnight in Wawa. Just how much fun might that be to be turned around at the Sault Ste. Marie Border Crossing on a family holiday...

If you are a motorcyclist, or intending to be one, and have children under the age of 14 who might just like to savor the pleasure with you, today is your chance. The second reading will happen shortly. Our Member of Provincial Parliament, Mike Brown is in Council Chambers at 11:00 a.m. today. If that is inconvenient, you can contact him at:

Mike Brown, MPP

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Our family in July 2008, after completing a 6 day tour around Lake Superior.

Lots of miles, and smiles!