

## SEATBELT/HELMET EXEMPTIONS

*COLLEGE OF PHYSICIANS AND SURGEONS OF MANITOBA  
AND  
MANITOBA MEDICAL ASSOCIATION  
(JOINT STATEMENT)*

### **BACKGROUND:**

*The Highway Traffic Act* provides for an exemption from the mandatory use of seatbelts or a helmet assembly. The exemption applies to a person who holds a certificate signed by a qualified medical practitioner certifying that the person is, during the period stated in the certificate, unable for medical reasons to wear a seatbelt or a helmet assembly and who, on request made by a peace officer, produces the certificate.

The literature confirming the reduction in morbidity and mortality by the use of seatbelts and helmets, alone and in combination with other safety measures, is overwhelming.

Using a motor vehicle for transport without using a seatbelt creates predictable risks for the unbelted individual and for others using the roads. Using an alternative form of transportation is preferable to using a motor vehicle for transport without using a seatbelt.

Physicians who issue exemption certificates should be aware of their potential liability in the event of injury or death arising from the non-use of the seatbelt or helmet assembly. The Canadian Medical Protective Association advises:

"A physician's best protection against any potential litigation is to give careful consideration to the matter, ensuring that his/her decision and reasons for granting the certificate are documented and of a nature that he/she can expect agreement about them from among the majority of his/her confreres. As can happen when a physician grants a certificate of any kind, that physician may be called upon later to justify that decision".

### **SCOPE:**

This Statement applies to all physicians.

### **REQUIREMENTS:**

1. Reconfiguration of the seatbelt, the use of padding, or other accommodations are available and acceptable alternatives to non-use of a seatbelt or a helmet assembly. There are **NO** medical conditions that justify exemptions from using a seatbelt or a helmet assembly.

## No. 156

2. Despite the fact that a physician may still legally write an exemption certificate, the Manitoba Medical Association and the College of Physicians and Surgeons state that **NO** seatbelt or helmet exemption should be issued.

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**A statement is a formal position of the College with  
which members shall comply.**