



CANADIAN VINTAGE MOTORCYCLE GROUP

November 15, 2008
Members of Provincial Parliament
Queen's Park
Toronto, ON

Re.: Private Member's Bill 117: Banning motorcycle passengers under the age of 14 years

Dear Sir/Madam

On December 4, 2008, Private Member's Bill 117 sponsored by MPP Dr. Helena Jaczek proposing to ban motorcycle passengers under 14 years of age comes before the Legislature for Second Reading. The Canadian Vintage Motorcycle Group (CVMG) adamantly opposes this Bill.

The CVMG is a 1,700 member, non-profit corporation that promotes the collection, preservation, restoration, researching, riding, and showing of historic motorcycles. It has 28 group sections across Canada, of which 20, encompassing approximately 1,100 members, are in Ontario. CVMG members are responsible and law-abiding parents and grandparents, taxpayers, homeowners, and voters who happen to share a passion for vintage motorcycles and motorcycling with other CVMG Members and their families. We have a well-attended annual National Rally in Paris, Ontario each year that coincides with Father's Day, a multitude of Section Rallies and swap meets, as well as an award-winning monthly newsletter, *The CVMG News*. In addition, we take part in several motorcycle shows and other motor vehicle events each year. Many of our activities are aimed at family-oriented enjoyment and include members' children in Section functions such as section rides and rallies. If this Bill is passed, this will steeply curtail the peaceful enjoyment our families and the public at large derive from our hobby and passion.

In terms of addressing risk and quoting from Mr. Raynald Marchand, General Manager of the Canada Safety Council, "Bill 117 is a solution looking for a problem." He continues, "I reviewed all seven Ontario Road Safety Annual Reports from 1999 to 2005. I did not find any fatalities for motorcycle passengers less than 14 years of age. I also looked at injuries for motorcycle passengers **less than 16 years of age** and compared them to bicycle passengers less than 16 years of age and car passengers less than 16 years of age over the same period (1999 to 2005). Ontario children were **four times** (4X) more likely to have been injured as passengers on bicycles and **262 times more likely** to have been injured as passengers in passenger vehicles than to have been injured as passengers on motorcycles."

By comparison, what is "alarming", to use Dr. Jaczek's description, are the 2 children killed and 677 injured in school bus collisions in the five year period spanning 2000 to 2004. Perhaps this is an issue requiring greater attention in the protection of our children.

In the eleven years spanning 1995 and 2005, there was an **annual average of 18 children**

under 16 (199 in total) reported to have been injured as passengers on motorcycles - most of these being minor injuries - such as perhaps coming in contact with a hot exhaust pipe. There are undoubtedly many times that number of children injured each year while participating in amateur sports such as hockey, football, rugby, lacrosse, soccer, gymnastics or track and field. Would you propose a ban on children under 14 years of age playing amateur sports (or riding school buses)? Of course not. With all life's activities comes a certain degree of risk. As responsible people, CVMG members mitigate these risks through mature, safe and responsible operation of their vehicles and 'suing up' - especially true when their children or grandchildren are passengers.

The Bill also does not appear to address children as passengers in sidecars or on three wheeled motorcycles. Are they exempted or included in the ban?

It must also be noted that enforcement of this proposed ban presents its own problems. How is a police officer to know a passenger is a child under 14 years (especially with a full-face helmet) without first stopping the vehicle and asking for proof of age thereby creating a potentially even more dangerous situation? This would then require the motorcycle operator to bring along proof of age for passengers. I'm certain the police have better things to occupy their time besides harassing law-abiding motorcyclists peacefully going about their business. And because of the issue of government liability viz. regulatory negligence, any regulation passed must be seen to be enforced.

Has any consideration been given as to the impact of this proposed amendment to the *Highway Traffic Act* on curtailing Canadian and American motorcyclists as tourists to Ontario? American tourism to Ontario is down a significant 50 per cent since 1999. Tourists from other provinces have also been in serious decline. Banning children under 14 as motorcycle passengers is a deterrent to travel here and certainly no welcome or stimulus.

For the above reasons, Bill 117, in my opinion, if passed would simply be a bad law, promoting the idea of a nanny state to the detriment of the peaceful enjoyment of its citizens. I would recommend that this Bill be either withdrawn now or voted down at Second Reading. The current regulation under the *Highway Traffic Act* mandating that a passenger must sit astride the motorcycle with both feet on the pegs is adequate, responsible, safe and easily enforced.

On the other hand, we do heartily endorse Bill 118 - banning motorists' use of cell phones. This, in and of itself, will do much in preventing injury to motorists and motorcyclists and their passengers from distracted motorists.

Thank-you for your time and consideration. Please feel free to contact me if you have further questions.

Sincerely,
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