



# Position Statement - revised

\*Please discard previous position statement dated April 2002

## Medical Exemptions from Seat Belt Use

### Position

**There are no medical conditions that justify exemption from wearing a seat belt.**

This recommendation, stated in the Canadian Medical Association's (CMA) *Determining Medical Fitness to Drive: A Guide for Physicians* (6<sup>th</sup> ed., 2000), has been adopted by the Alberta Medical Association (AMA) and other provincial medical associations.

The National Safety Code issued by the Canadian Council of Motor Transport Administrators (CCMTA) provides the national standards and guidelines agreed to by provincial licensing authorities. The code advises the following, based on meetings with provincial medical consultants:

*"The medical profession in Canada has declared itself unequivocally in favor of the use of restraint systems in all motor vehicles at all times by drivers and passengers. There are no medical or physical conditions that call for exemption from using seat belts or helmets for motorcyclists."*

### AMA recommendations for physicians:

The AMA recognizes that the decision to grant, or not grant, a medical exemption from wearing a seat belt is ultimately a medical decision arising from the doctor-patient relationship and will reflect the exercise of sound medical judgement.

However, the AMA recommends the following:

1. Do not grant a medical exemption from wearing a seat belt to a patient. Be sure to record in the chart the appropriate clinical information and discussion with the patient.
2. If an exemption is requested,
  - Advise patients to wear their seat belts while travelling in a motor vehicle.
  - Advise patients who experience challenges with physical characteristics or build to check with the vehicle manufacturer for advice. For example, obese patients may ask for seat belt extenders and have them properly installed in the vehicle by a dealership.
- Advise pregnant patients of the need to use a seat belt to protect the mother and unborn child.

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- Advise parents that child safety seats (appropriate to age/size) be used for children.
  - A request for an exemption may raise other issues to consider. Refer to CMA's *Determining Medical Fitness to Drive: A Guide for Physicians* for guidance in cases when a more general assessment of a person's ability to drive may be needed.
3. **If a physician grants a medical exemption from seat belt use to a patient, the physician may be found liable for injuries suffered by that individual in a motor vehicle collision.**

## **Background**

Wearing a seat belt is the law in Alberta. Studies and cumulative data show that seat belts save lives and reduce the severity of injuries in motor vehicle collisions.

Alberta Transportation Traffic Safety Initiative website data on Alberta collisions shows that, out of the 107,391 traffic collisions in the year 2001, 27,583 people were injured and 404 people were killed as a result of traffic collisions. The website also reports that occupants who were using restraints at the time of the collision were injured less often (14.2%) than occupants who were not using restraints (37.8%). Non-restraint users were two-and-one-half times as likely to be injured as restraint users.

## **Alberta Legislation**

**It is the position of the Alberta Medical Association that physicians should not grant medical exemptions from seat belt use to their patients.**

However, current legislation in Alberta creates an inconsistency for physicians. The government has proclaimed the new *Traffic Safety Act*. The Act, under Vehicle Equipment Regulation section 88(1) sets out the following requirements for special seat belt exemption:

*85(1) Section 82 does not apply to a person if a duly qualified medical practitioner has signed a letter certifying that the person (a) for the period stated in the certificate, is unable for medical reasons to be secured in a child seating assembly or seat belt assembly, or (b) because of size, build or other physical characteristics, cannot be secured in a child seating assembly or seat belt assembly.*

*(2) A letter referred to in subsection (1) must (a) be written on the letterhead of the medical practitioner, (b) include the name and address of the person exempted and the reasons for the exemption, and (c) state the dates on which the exemption begins and ends.*

*(3) An exemption under subsection (1) must be for a period of not more than one year.*

*(4) the driver of a motor vehicle carrying a person who is exempted under subsection (1) must have a copy of the letter referred to in subsection (1).*

The AMA communicated its position on seat belt exemptions to Alberta Transportation during the development of the new act and regulations. Because the legislation made, and continues to make, it legal for physicians to provide seat belt exemptions, many patients ask physicians for such exemptions. However, safety is in the patient's best medical interest, and liability issues exist for physicians who grant exemptions.

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## **History**

Alberta physicians have long been supporters of seat belt use and child safety seats. In December 1986, Alberta physicians collected over 58,000 signatures on the AMA petition calling for mandatory seat belt legislation. The petition was presented to then Minister of Transportation and Utilities Al Adair. Mandatory seat belt legislation was passed in 1987.

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**Developed by:** Ad Hoc Committee on Medical Exemptions From Seat Belt Use

Dr. David W. Irving, Chair

Dr. Garnet E. Cummings

Dr. Lee W. McGillivray

Dr. Michael R. Murphy

Dr. Julianna M. Nagy

Ms Cathy Gladwin, Alberta Centre for Injury Control and Research

For additional information, please call:

Alberta Medical Association  
(CMA Alberta House)  
12230 106 Ave NW  
Edmonton AB T5N 3Z1

Phone: (780) 482-2626  
Toll-free: 1-800-272-9680  
Fax: (780) 482-5445  
Email: [amamail@albertadoctors.org](mailto:amamail@albertadoctors.org)