

Vancouver man challenges bike helmet law

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213 [Back to accessibility links](#)

Beginning of Story Content

A Vancouver man is heading to court to fight a \$29 ticket for not wearing a helmet while riding his bicycle, saying the law is a violation of the Charter of Rights and Freedoms.

Ron van der Eerden argues being forced to wear a helmet by the Motor Vehicle Act violates his rights concerning life, liberty and security.

He cites studies that show wearing a helmet can cause more harm than good.

"Can you imagine if the government came out tomorrow and said, 'You know what? We are going to legislate helmets for everybody that is in a motor vehicle. It would be a much much higher cost savings to the public health care system,'" he said.



A Vancouver man claims the city's bike helmet laws are unconstitutional. Darryl Dyck/Canadian Press

"But instead they pick on the 0.5 per cent head injuries that come from cyclists."

But personal injury lawyer David Hay, who specializes in bike-related claims, doesn't believe his charter challenge will get very far.

Hay doesn't think there is any judicial appetite to abolish the helmet law.

"The province wants to get back the costs it spends on hospital care and medical services in relation to brain injuries, so I can't imagine a judge bucking that trend on a weak constitutional footing and striking the helmet law," Hay said.

Van der Eerden will represent himself during a hearing in Vancouver Friday morning.