

BILL NO. 131

(as passed)



*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

Government Bill

Snow Sport Helmet Act

CHAPTER 47 OF THE ACTS OF 2011

The Honourable Maureen MacDonald
Minister of Health and Wellness

[First Reading](#): December 6, 2011 (LINK TO BILL AS INTRODUCED)

Second Reading: December 8, 2011

[Third Reading](#): December 13, 2011

Royal Assent: December 15, 2011



An Act to Require Downhill Skiers and Snowboarders to Wear Helmets

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Snow Sport Helmet Act.

2 The purpose of this Act is to protect the health of Nova Scotians by requiring people to wear protective helmets while downhill skiing or snowboarding at ski hills where people pay to ski or snowboard.

3 In this Act,

(a) "downhill skiing" means skiing on a ski hill, and includes

(i) snowboarding on a ski hill, and

(ii) riding on a seat or other device attached to skis or a snowboard in order to travel downhill on a ski hill;

(b) "enforcement officer" means a person designated pursuant to this Act as an enforcement officer, and includes a member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department or another police department providing policing services in the Province;

(c) "Minister" means the Minister of Health and Wellness;

(d) "owner" means a person who owns or operates a ski hill;

(e) "ski hill" means skiable terrain that is normally used for skiing on skis with fixed-heel bindings or for snowboarding by people who pay to ski or snowboard there, regardless of whether there are groomed trails.

4 The Minister may designate persons or classes of persons as enforcement officers for the purpose of this Act.

5 (1) No person shall downhill ski unless the person is wearing a helmet that

(a) is designed to be worn while downhill skiing or snowboarding;

(b) fits snugly;

(c) is fastened securely to the person's head by a chin strap that is securely fastened under the chin; and

(d) complies with the regulations.

(2) No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to contravene this Section.

(3) Every person who is sixteen years of age or older who contravenes this Section is guilty of an offence and liable on summary conviction to a fine of not less than two hundred and fifty dollars.

6 (1) An owner shall post and maintain signs, in the form, displayed in the manner and including the information prescribed by the regulations, at or near the ski hill, to notify users of the ski hill of the requirement to wear a helmet pursuant to this Act.

(2) Where an owner posts a code of conduct for users of the ski hill, the owner shall add to and include in the code of conduct written notice of the requirement to wear a helmet pursuant to this Act.

(3) Every owner who contravenes this Section is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

7 (1) For the purpose of enforcing this Act and the regulations, an enforcement officer may, without a warrant,

(a) investigate any complaint of a contravention of this Act or the regulations and examine any person to determine if a contravention has occurred;

(b) from time to time and at all reasonable times, enter the property or premises of an owner or any other person if it is reasonably necessary to do so in order to determine whether or not this Act and the regulations are being complied with;

(c) request that a person remove the person's helmet and provide it for inspection;

(d) require a person to provide the person's name and address or proof of identity; and

(e) do any other thing necessary for the purpose of enforcing this Act and the regulations.

(2) An owner and any employees or agents of an owner shall give all reasonable assistance to an enforcement officer to enable the officer to exercise powers or carry out duties or functions pursuant to this Act.

(3) No person shall hinder, obstruct, interfere with or fail to co-operate with an enforcement officer who is exercising powers or carrying out duties or functions pursuant to this Act.

(4) No person shall knowingly make a false or misleading statement to an enforcement officer who is exercising powers or carrying out duties or functions pursuant to this Act.

(5) Where an enforcement officer finds that a person is not complying with a provision of this Act or the regulations, the officer may order the person to comply with the provision and may require the order be carried out immediately or within such period of time as the officer specifies.

(6) An order issued pursuant to subsection (5) must indicate generally the nature of the non-compliance with this Act or the regulations.

(7) A person shall obey the order of an enforcement officer issued pursuant to the Section.

8 No action lies against any person by reason that the person reports a contravention or alleged contravention of this Act or the regulations unless the reporting is done falsely and maliciously.

9 Nothing in this Act shall be construed to increase or decrease an owner's duty or liability for damages under the law as it exists on the date this Act comes into effect with respect to any person using the ski hill.

10 (1) The Governor in Council may make regulations

(a) prescribing standards that helmets must meet for the purpose of this Act;

(b) prescribing the form, manner of posting and information that must be included on signs to be posted by owners for the purpose of Section 6;

(c) incorporating or adopting by reference, in whole or in part, a written standard, as it reads on a prescribed day or as it is amended from time to time;

(d) defining any word or expression used in this Act and not defined in this Act;

(e) further defining any word or expression defined in this Act;

(f) respecting any matter or thing that the Governor in Council considers necessary or advisable to effectively carry out the intent of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act.

11 This Act has effect on and after November 1, 2012.

