

Highway Traffic Act

R.R.O. 1990, REGULATION 613

SEAT BELT ASSEMBLIES

Consolidation Period: From July 1, 2009 to the [e-Laws currency date](#).

Last amendment: O. Reg. 236/09.

This is the English version of a bilingual regulation.

1. Correctional Service of Canada vehicles that are modified to facilitate the transportation of persons held in custody and police department vehicles are exempt from the requirement that,

- (a) torso restraints;
- (b) seat belt assemblies in the centre front seat seating position; and
- (c) seat belt assemblies in the rear seat seating positions,

not be removed, rendered partly or wholly inoperative or modified so as to reduce their effectiveness. R.R.O. 1990, Reg. 613, s. 1; O. Reg. 522/06, s. 1.

2. A police officer or peace officer who in the lawful performance of his or her duty is transporting a person in his or her custody is exempt from subsections 106 (2), (3) and (4) of the Act. R.R.O. 1990, Reg. 613, s.2; O. Reg. 522/06, s. 2.

3. A person who is in the custody of a police officer or peace officer is exempt from subsection 106 (3) of the Act. R.R.O. 1990, Reg. 613, s. 3; O. Reg. 522/06, s. 3.

4. An employee or agent of Canada Post while engaged in rural mail delivery is exempt from subsection 106 (2) of the Act. R.R.O. 1990, Reg. 613, s. 4; O. Reg. 522/06, s. 4.

5. An ambulance attendant or any other person transported in the patient's compartment of an ambulance as defined in section 61 of the Act is exempt from subsection 106 (3) of the Act where attendance to a patient makes it impracticable to wear a seat belt assembly. R.R.O. 1990, Reg. 613, s. 5; O. Reg. 522/06, s. 5.

6. A firefighter occupying a seating position behind the driver's cab in a fire department vehicle, as defined in section 61 of the Act, is exempt from subsection 106 (3) of the Act where the performance of work activities makes it impracticable to wear a seat belt assembly. O. Reg. 522/06, s. 6.

6.1 A co-driver, as defined in Ontario Regulation 555/06 (Hours of Service) made under the Act, is exempt from subsection 106 (3) of the Act when he or she is occupying a sleeper berth that meets the requirements of section 8 of that regulation. O. Reg. 236/09, s. 1.

7. (1) In this Regulation,

“taxicab” means,

- (a) a motor vehicle licensed as a cab by a municipality, or
- (b) a motor vehicle designed for carrying less than ten passengers and operated under the authority of an operating licence issued under the *Public Vehicles Act*. R.R.O. 1990, Reg. 613, s. 7 (1).

(2) Taxicabs are exempt from the requirement that,

- (a) torso restraints for drivers’ seating positions; and
- (b) seat belt assemblies in the centre front seat seating positions,

not be removed, rendered partly or wholly inoperative or modified so as to reduce their effectiveness. R.R.O. 1990, Reg. 613, s. 7 (2); O. Reg. 522/06, s. 7 (1).

(3) The driver of a taxicab while transporting for hire a passenger is exempt from subsection 106 (2) of the Act. R.R.O. 1990, Reg. 613, s. 7 (3); O. Reg. 522/06, s. 7 (2).

8. (1) Passengers under eight years old are classified as follows for the purposes of this section:

1. Children weighing less than nine kilograms are classified as infants.
2. Children weighing nine kilograms or more but less than 18 kilograms are classified as toddlers.
3. Children weighing 18 kilograms or more but less than 36 kilograms and who are less than 145 centimetres tall are classified as pre-school to primary grade children. O. Reg. 195/05, s. 1.

(2) The driver of a motor vehicle on a highway is required to ensure that an infant passenger is secured as set out in subsection (5) or (5.1). O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (1).

(3) The driver of a motor vehicle on a highway is required to ensure that a toddler passenger is secured as set out in subsection (6) or (7.1). O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (2).

(4) The driver of a motor vehicle on a highway is required to ensure that a pre-school to primary grade child passenger is secured as set out in subsection (7) or (7.1) and subsection (8). O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (3).

(5) An infant shall be secured in a rearward-facing child restraint system that,

- (a) conforms to the requirements of Standard 213.1 (Infant Restraint Systems) made under the *Motor Vehicle Safety Act* (Canada);
- (b) is secured by a seat belt assembly in the manner recommended by the manufacturer of the child restraint system, unless the child restraint system

was designed to be and is secured by means of a universal anchorage system;
and

- (c) has all harnesses, straps and buckles designed to secure the infant in the child restraint system properly adjusted and securely fastened. O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (4).

(5.1) Despite clause (5) (a), an infant may be secured in a restraint system that conforms to the requirements of Standard 213.5 (Restraint Systems for Infants with Special Needs) made under the *Motor Vehicle Safety Act* (Canada) if he or she is an infant with special needs as defined in the Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations made under the *Motor Vehicle Safety Act* (Canada). O. Reg. 236/09, s. 2 (5).

(6) A toddler shall be secured,

(a) in a child restraint system that,

(i) conforms to the requirements of,

(A) Standard 213 (Child Restraint Systems) made under the *Motor Vehicle Safety Act* (Canada), or

(B) Standard 213.4 (Built-in Child Restraint Systems and Built-in Booster Cushions) made under the *Motor Vehicle Safety Act* (Canada),

(ii) is secured by a seat belt assembly in the manner recommended by the manufacturer of the child restraint system, unless the child restraint system was designed to be and is secured by means of a universal anchorage system,

(iii) is secured by all the anchorage straps and devices recommended by the manufacturer of the child restraint system, if the motor vehicle was manufactured on or after January 1, 1989, and

(iv) has all harnesses, straps and buckles designed to secure the toddler in the child restraint system properly adjusted and securely fastened; or

(b) in a child restraint system described in subsection (5), if the manufacturer's specifications permit or recommend the system for use by children who weigh nine kilograms or more and not less than the weight of the toddler. O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (6).

(7) A pre-school to primary grade child shall be secured,

(a) if there is a seating position in the motor vehicle that has a seat belt assembly consisting of a pelvic restraint and a torso restraint, in that position,

(i) on a child booster seat that is used in the manner recommended by its manufacturer and that conforms to,

(A) Standard 213.2 (Booster Cushions) made under the *Motor Vehicle Safety Act* (Canada), or

(B) Standard 213.4 (Built-in Child Restraint Systems and Built-in Booster Cushions) made under the *Motor Vehicle Safety Act* (Canada), and

(ii) by the motor vehicle's complete seat belt assembly, worn as described in subsection (9);

(b) if all the seating positions in the motor vehicle have a seat belt assembly consisting only of a pelvic restraint, by the pelvic restraint, worn as described in subsection (9); or

(c) in a child restraint system described in clause (6) (a), if the manufacturer's specifications permit or recommend the system for use by children who weigh 18 kilograms or more and not less than the weight of the pre-school to primary grade child. O. Reg. 195/05, s. 1; O. Reg. 522/06, s. 8 (1); O. Reg. 236/09, s. 2 (7).

(7.1) Despite subclause (6) (a) (i), clause (6) (b), subclause (7) (a) (i) and clause (7) (c), a toddler or pre-school to primary grade child may be secured in a restraint system that conforms to the requirements of Standard 213.3 (Restraint Systems for Disabled Persons) made under the *Motor Vehicle Safety Act* (Canada) if he or she,

(a) is a mobility-impaired occupant as defined in the Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations made under the *Motor Vehicle Safety Act* (Canada); or

(b) has a developmental disability as defined in section 175 of the Act. O. Reg. 236/09, s. 2 (8).

(8) Despite subsections (7) and (7.1), a pre-school to primary grade child shall not be secured in a seating position if the seating position has a front air bag that has not been turned off or cannot be turned off. O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (9).

(9) For the purpose of clauses (7) (a) and (b), a seat belt assembly shall be worn so that,

(a) the pelvic restraint is worn firmly against the body and across the hips;

(b) the torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest; and

(c) the pelvic restraint, and the torso restraint, if there is one, are securely fastened. O. Reg. 195/05, s. 1; O. Reg. 522/06, s. 8 (2, 3).

(10) Clause (9) (b) does not apply to child booster seats, such as abdominal shield booster seats, that are designed to be secured in place by the pelvic restraint of the seatbelt assembly only. O. Reg. 195/05, s. 1.

(11) The driver of a motor vehicle that is registered in a state of the United States of America is deemed to have complied with the appropriate standard under the *Motor Vehicle Safety Act* (Canada) required by subsection (5), (5.1), (6), (7) or (7.1) if the child is secured in a child restraint system that meets Federal Motor Vehicle Safety Standard 213 made under Title 49 of the United States Code, Chapter 301, Motor Vehicle Safety, in a manner recommended by the manufacturer of the child restraint system. O. Reg. 236/09, s. 2 (10).

8.1 (1) The following are exempt from complying with subsections 8 (2), (3) and (4):

1. The driver of a taxicab, bus or public vehicle, while transporting a passenger for hire.
2. The driver of an ambulance.
3. Revoked: O. Reg. 236/09, s. 3 (1).

O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 3 (1).

(2) Despite paragraph 1 of subsection (1), the following are not exempt from complying with subsections 8 (2), (3) and (4) while transporting children to or from school:

1. The driver of a taxicab that is operated by or under contract with a school board or other authority in charge of a school for the transportation of children.
2. The driver of a public vehicle with a seating capacity of less than 10 persons that is operated by or under contract with a school board or other authority in charge of a school for the transportation of children. O. Reg. 195/05, s. 1.

(3) The driver of a motor vehicle that is registered in another jurisdiction and is in Ontario for a 30-day period or less is exempt from complying with subsection 8 (4). O. Reg. 236/09, s. 3 (2).

(4) Subsection (3) is revoked on the fifth anniversary of the day Ontario Regulation 236/09 comes into force. O. Reg. 236/09, s. 3 (2).

9. Where a motor vehicle that was manufactured in or imported into Canada prior to the 1st day of January, 1974 is driven on a highway,

- (a) the driver and passengers are exempt from the requirement to wear the torso restraint component of a seat belt assembly; and
- (b) the driver is exempt from the provisions of subsection 106 (4) of the Act with respect to the requirement that a passenger wear the torso restraint component of a seat belt assembly. R.R.O. 1990, Reg. 613, s.9; O. Reg. 522/06, s. 9.

10. Where a motor vehicle manufactured without seat belt assemblies for each seating position and not modified so that there is a seat belt assembly for each seating position is driven on a highway,

- (a) the driver is exempt from the requirement of subsection 106 (2) of the Act to wear a seat belt assembly if there is no seat belt assembly at the driver's seating position;
- (b) a passenger is exempt from the requirement of subsection 106 (3) of the Act to wear a seat belt assembly if the passenger occupies a position without a seat belt assembly and there is no other available seating position with a seat belt assembly; and
- (c) the driver is exempt from clause 106 (4) (a) of the Act with respect to any passenger described in clause (b). O. Reg. 522/06, s. 10.