

ONTARIO REGULATION 195/05

made under the

HIGHWAY TRAFFIC ACT

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Amending Reg. 613 of R.R.O. 1990

(Seat Belt Assemblies)

Note: Regulation 613 has not previously been amended.

1. Section 8 of Regulation 613 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

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.

(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).

(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).

(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 subsections (7) and (8).

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

(a) conforms to the requirements of Standard 213.1 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.

- (6) A toddler shall be secured,
- (a) in a child restraint system that,
 - (i) conforms to the requirements of Standard 213 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.
- (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 an upper torso restraint, in that position,
 - (i) on a child booster seat that conforms to the requirements of Standard 213.2 under the *Motor Vehicle Safety Act* (Canada) and that is used in the manner recommended by the manufacturer of the child booster seat, 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.
- (8) Despite clauses (7) (a) and (b), 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.
- (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 upper torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest; and

(c) each restraint is securely fastened.

(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.

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 a motor vehicle that is leased for less than 60 days or is registered in another jurisdiction.
3. The driver of an ambulance as defined in section 61 of the Act.

(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.

2. This Regulation comes into force on the later of the day subsection 4 (1) of the *Highway Traffic Statute Law Amendment Act (Child and Youth Safety), 2004* comes into force and the day this Regulation is filed.