
4. EQUIPMENT and FURNISHINGS

4.5. CHILD BOOSTER SEATS and CHILD RESTRAINT SYSTEMS
Safe Car Seating

50. Checklist Reference

**LEGISLATIVE
REFERENCES*****HIGHWAY TRAFFIC
ACT,***
O. Reg. 613**8.(1), (2), (3), (4), (5),
(6), (7), (8), (9), (10)
and 8.1(1), (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). O. Reg. 195/05, s.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). O. Reg. 195/05, s.1.
 - (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). O. Reg. 195/05, s.1.
 - (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

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ACT,***
O. Reg. 613**8.(1), (2), (3), (4), (5),
(6), (7), (8), (9), (10)
and 8.1(1), (2)
(cont'd)**

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.
- (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. O. Reg. 195/05, s.1.
- (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 conforms to the requirements of Standard 213.2 under the *Motor Vehicle Safety Act* (Canada) and that is used in

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REFERENCES*****HIGHWAY TRAFFIC
ACT,***
O. Reg. 613**8.(1), (2), (3), (4), (5),
(6), (7), (8), (9), (10)
and 8.1(1), (2)
(cont'd)**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. O. Reg. 195/05, s.1; O. Reg.
522/06, s.8(1).
- (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. O. Reg. 195/05, s.1.
- (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 seat belt
assembly only. O. Reg. 195/05, s.1.

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O. Reg. 613**8.(1), (2), (3), (4), (5),
(6), (7), (8), (9), (10)
and 8.1(1), (2)
(cont'd)**

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. O. Reg. 195/05, s.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.

INTENT

This provision is intended to enhance the safety of children being transported in a vehicle.

INDICATORS

Indicator Type: Physical Inspection

1. Where a day nursery operator transports an enrolled child in a vehicle, the child is observed to be,
 - (a) in the required child seating and restraint system that is based on the birth date, age, height or weight of that child; and
 - (b) properly adjusted and secured in the child seating and restraint system.

**INDICATORS
(cont'd)**

2. Where a day nursery operator transports an enrolled child, the child seating and restraint system used in the vehicle are observed to,
 - (a) be installed in accordance with manufacturer's recommendations;
 - (b) be certified by Canadian Motor Vehicle Safety Standards (CMVSS); and
 - (c) have all the required equipment.

Indicator Type: Interview (Operator)

1. The day nursery operator confirms that when an enrolled child is transported in a vehicle by the day nursery, the child seating and the restraint system used in the vehicle is,
 - (a) based on the birth date, age, height or weight of the child being transported;
 - (b) installed in accordance with manufacturer's recommendations;
 - (c) certified by CMVSS;
 - (d) has all the required equipment; and
 - (e) properly adjusted and securely fastened.

**SPECIAL
INSTRUCTIONS**

These provisions are applicable to drivers who transport children in a vehicle, including parents, babysitters, legal guardians, caregivers, day nursery and private-home day care providers and agency staff. Persons exempt from these provisions are a driver of a taxicab, bus or public vehicle, while transporting passengers for hire, and persons who are unable to wear a seat belt assembly due to a certified medical condition or physical characteristic.

**CHILD BOOSTER
SEAT AND CHILD
RESTRAINT
REQUIREMENTS****Infants**

Infants weighing under nine kilograms (20 pounds) are required to travel in a rearward-facing child restraint system that is properly secured by a seat belt assembly in the manner recommended by the manufacturer, unless, the child restraint system was designed to be and is secured by means of a universal anchorage system and has all harnesses, straps and buckles designed to secure the infant in the child restraint system properly adjusted and securely fastened. Car seats are required to meet the Canadian Motor Vehicle Safety Standards (CMVSS).

**CHILD BOOSTER
SEAT AND CHILD
RESTRAINT
REQUIREMENTS
(cont'd)****Toddlers**

Toddlers weighing nine to 18 kilograms (20 to 40 pounds) are to be secured in a child restraint system that 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. A toddler shall be secured in a child restraint system that 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. The child restraint system must have all harnesses, straps and buckles designed to secure the toddler in the child restraint system properly adjusted and securely fastened.

A forward-facing seat is required for children weighing between nine and 18 kilograms (20 to 40 pounds).

Pre-school to 8 years old

Booster seats are required for children under the age of eight, weighing 18 kilograms (40 pounds) or more but less than 36 kilograms (80 pounds) and who stand less than 145 centimeters (4 feet 9 inches) tall. The booster seat is required to meet CMVSS.

A child can start using a seatbelt without a child restraint system once any of the following criteria is met,

- (a) The child turns eight years old;
- (b) The child weighs 36 kilograms (80 pounds) or more; or
- (c) The child is 145 centimeters (4 feet 9 inches) tall.

To verify CMVSS compliance, the child seating and car restraint system requires a sticker or tag attached verifying this certification. An inspection of the car seat or restraint system is required to confirm the appropriate seating is used and is based on the birth date, age, height or weight of the enrolled child being transported in the vehicle.

According to the *Motor Vehicle Safety Act* (Canada) regulations, every child seating and car restraint system must have indelibly moulded into or onto it, or indelibly printed on a label affixed to it in a permanent manner, in both official languages, in a readily visible location,

**CHILD BOOSTER
SEAT AND CHILD
RESTRAINT
REQUIREMENTS
(cont'd)**

- (a) the name and principal place of business of the company that manufactured, imported or sold the system;
- (b) the model name and number of the system;
- (c) the date of manufacture of the system, in the form set out in Schedule 8 (*Motor Vehicle Safety Act*, (Canada));
- (d) a statement that indicates the weight and height of the child for whom the system is designed as recommended by the manufacturer;
- (e) the characteristics of a vehicle in which the system is not to be used;
- (f) warnings applicable to the seating; and
- (g) how the system is to be secured with an installation diagram.

It is recommended that the child car seating and restraint system equipment used is not older than ten years.

For more information on child booster seats and child restraints contact Ministry of Transportation INFO General Inquiry toll free at: 1-800-268-4686 and/or web site at:

<http://www.mto.gov.on.ca/english/faq/safety.htm#passenger>.

Information on child car seat safety and car seat recalls is also available from Transport Canada by calling 1-800-333-0371.

Information on child car seat installation is available from local public health units or the Ministry of Transportation.