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Regulations Amending Certain Regulations Made under the Motor Vehicle Safety Act

Statutory authority

Motor Vehicle Safety Act

Sponsoring department

Department of Transport

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Issue and objectives

Over the past two decades, the average size of children has increased, but the safety standards for built-in child seats have not kept pace. Recognizing this change, the United States has recently revised its requirements for child seats to account for heavier children in order to improve safety.

This proposal would more closely align Canadian requirements for built-in restraint systems and built-in booster seats with those of the United States, with regard to both performance requirements and testing protocols. Close alignment of regulations would reduce costs to manufacturers, who can then pass on savings to Canadian consumers. In addition, this proposed amendment would align the requirements for built-in child seats with recently proposed amendments for removable child seats.

The Standing Joint Committee for the Scrutiny of Regulations has also made some comments about the interpretation and wording of certain requirements. This draft amendment seeks to update and restructure the wording of the regulations with a view to clarifying the requirements. The clarifications would give users a better understanding of the regulatory requirements.

Description and rationale

Motor Vehicle Safety Regulations

The amendment seeks to update the Canadian safety standard governing built-in restraint systems and built-in booster seats, as much as possible aligning the Canadian requirements more closely with those of the United States and maximizing flexibility in testing, as follows:

- Adopt new, improved crash test dummies

The amendment proposes adopting new, improved crash test dummies as well as crash testing protocols aligned with those used in the United States. The improved dummies would be used to evaluate injury criteria.

- Adopt test platform acceleration limits

The test platform acceleration limits used during tests with a specific vehicle shell would also be aligned with the United States standard.

- Alignment between motor vehicle safety standards No. 213.4 and No. 208

It is proposed that, as in the United States, manufacturers continue to be offered the choice of testing built-in restraint systems or built-in booster seats using either a specific vehicle shell or a specific vehicle. The test conditions described in the proposed test method will allow manufacturers of motor vehicles to combine the dynamic tests of the built-in restraint system and built-in booster seat standard (No. 213.4), when using a specific vehicle, with the tests of the occupant restraint system in frontal impact standard (No. 208). This choice could allow motor vehicle manufacturers to achieve savings when testing vehicles equipped with built-in restraint systems or built-in booster seats, which could be passed on to Canadian consumers.

- Specific loading conditions for each vehicle class

It is also proposed to keep different loading conditions based on vehicle class when a dynamic test is performed with a specific vehicle. The United States standard for built-in restraint systems and built-in booster seats does not distinguish loading conditions based on vehicle class. The Department of Transport believes that loading conditions should vary with the vehicle class, in particular when a bus that has built-in restraint systems or built-in booster seats is being tested. Such a test procedure would simulate a frontal impact more realistically.

- Specific complete surroundings on buses

The Department of Transport also believes that the complete surroundings on a bus are different from those found with other classes of vehicle. The seating positions that have built-in restraint systems or built-in booster seats on board a bus are not in a row of designated seating positions adjacent to a door. The proposed testing procedure would therefore be more accurate and appropriate than the existing procedure, with respect to the complete surroundings, when a built-in restraint system or built-in booster seat is tested using a specific vehicle shell.

- Increase in upper and lower mass limit with a built-in restraint system

It has been observed that most built-in restraint systems designed for use on school buses can restrain children weighing up to 39 kg. In order to allow installation of this type of built-in restraint system on new or imported school buses, it is proposed that the upper mass limit be increased to 41 kg. The existing upper mass limit is 30 kg. It is also proposed that the lower mass limit be increased by 1 kg, from 9 kg to 10 kg so that it is aligned with the minimum mass for a forward-facing restraint system in the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*.

- The minimum mass of a child using a built-in booster seat would continue to be 18 kg

While the United States allows built-in booster seats for occupants having a mass of at least 13.6 kg, this change proposes keeping the existing Canadian minimum mass of 18 kg. Research shows that smaller children are safer in a child restraint system that includes a five-point harness than they are in a booster seat.

- Requirements to provide labels, information and instructions in both official languages of Canada

In addition to requiring dissemination of information in both official languages, this proposal would increase the visibility of information, installation instructions and Canadian certification labels, thus reducing the risk of misuse by consumers and facilitating law enforcement by provincial, territorial and local authorities. Clarification has also been incorporated regarding the Notice of Defect requirements for both the *Motor Vehicle*

Safety Regulations and the Motor Vehicle Restraint Systems and Booster Seats Safety Regulations by expressly providing that the notice be in both official languages.

- Rear-facing built-in restraint systems

The Department is not aware of any manufacturer (of passenger vehicles, multipurpose passenger vehicles, trucks or buses) designing a vehicle with a rear-facing built-in restraint system. The Department is also not aware of any such restraint system having existed in Canada previously. It is proposed that the requirements for a rear-facing built-in restraint system be removed.

Booster cushions and structure of regulations

The Canadian regulations have always used the expression “booster cushions” in reference to seats used by children to allow them to safely use seat belts. As this term has caused confusion in the past, and with a view to aligning terminology with that of the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*, it is proposed that “booster cushion” be replaced with the more common expression “booster seat.” This would affect the title of the following two motor vehicle safety standards: standard No. 210.2, *Lower Universal Anchorage Systems for Restraint Systems and Booster Cushions*, and standard No. 213.4, *Built-in Restraint Systems and Built-in Booster Cushions*, which would respectively become *Lower Universal Anchorage Systems for Restraint Systems and Booster Seats* and *Built-in Child Restraint Systems and Built-in Booster Seats*.

It is also proposed that the title of standard No. 210.1 become *User-ready Tether Anchorages for Restraint Systems and Booster Seats*.

This proposal would have the effect of restructuring the regulations in order to clarify the intention behind certain requirements by adopting new definitions, rewriting certain parts of the text, replacing certain words, adding clarifications and correcting reference errors.

Motor Vehicle Restraint Systems and Booster Seats Safety Regulations

A new formulation is proposed for the booster seat quasi-static test in the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*. The test procedure and the apparatus would now be described in Test Method 213.2.

Standing Joint Committee for the Scrutiny of Regulations

Finally, to take into account the comments received from the Standing Joint Committee for the Scrutiny of Regulations, the following minor changes are proposed:

- Amend the provisions of motor vehicle safety standards No. 210.1 and No. 210.2 relating to the placement and number of user-ready tether anchorages, and of lower universal anchorage systems, to ensure that all possible vehicle seating configurations are addressed;
- Correct a minor wording error in the French version of motor vehicle safety standards No. 210.1 and No. 210.2 to ensure that the English and French versions are interpreted in the same way; and
- Remove all references to colour retention from motor vehicle safety standard No. 209 and from the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*.

Consultation

When changes are planned to the regulations made under the *Motor Vehicle Safety Act*, the Department of Transport informs the automotive industry, child seat manufacturers, public safety organizations, and the general public. This gives them the opportunity to comment on the changes by letter or email. The Department also consults regularly, in face-to-face meetings or teleconferences, with the automotive industry, child seat manufacturers, public safety organizations, the policing community, the provinces, the territories, and its international

counterparts such as the United States Department of Transportation and the World Forum for the Harmonization of Vehicle Regulations.

Prior consultation

The Department's intention to update the child seat regulations has been part of its regulatory plan since December 2006. An important portion of the new regulations pertaining to child seats designed for larger children has been in effect in Canada since May 2007 by means of successive Interim Orders. An Interim Order allows the Department to temporarily align its requirements with those of another country, in this case the United States. These Interim Orders have given Canadians access to child restraint products accommodating heavier children, which were previously prohibited in Canada.

The Department has worked with the provinces and territories to ensure that the introduction of built-in restraint systems for heavier children would be compatible with all laws governing the use of such systems in a vehicle. The provinces and territories already have laws governing the use of child seats for heavier children.

It is anticipated that the proposed amendment will be consistent with the objectives of the North American Free Trade Agreement (NAFTA), since it eliminates unnecessary technical barriers to trade.

In preparation for the amendment, departmental officials discussed the proposed requirements with vehicle manufactures during regular consultation meetings. None of the manufacturers expressed any concern at all about the idea of adopting the proposed requirements. The Department has also written to the two Canadian vehicle manufacturing associations, the Canadian Vehicle Manufacturers' Association and the Association of International Automobile Manufacturers of Canada, requesting input. To date, there has been no response.

Transitional provision

It is proposed that all the amendments come into effect upon publication in the *Canada Gazette*, Part I. However, it is also proposed that, until September 1, 2013, motor vehicle manufacturers would be allowed to comply either with the proposed requirements for motor vehicle safety standard 213.4 (pertaining to built-in restraint systems and built-in booster seats) or the previous requirements of that standard.

Implementation, enforcement and service standards

Motor vehicle manufacturers and importers are responsible for ensuring that their products conform to the requirements of the *Motor Vehicle Safety Regulations*. The Department of Transport monitors self-certification programs of manufacturers and importers by reviewing their test documentation, inspecting vehicles, and testing vehicles obtained in the open market. In addition, when a defect in a vehicle or equipment is identified, the manufacturer or importer must issue a notice of defect to the owners and to the Minister of Transport. Any person or company who contravenes a provision of the *Motor Vehicle Safety Act* is guilty of an offence, and liable to the applicable penalty set out in the Act.

Contact

Jeanfrancois Lalande
Regulatory Development Engineer
Road Safety and Motor Vehicle Regulation
Transport Canada
275 Slater Street, 16th Floor
Ottawa, Ontario
K1A 0N5
Email: jeanfrancois.lalande@tc.gc.ca

Please note: It is important that your submission be provided to the attention of the person noted above before the closing date. Submissions not sent directly to the person noted may not be considered as part of this regulatory proposal. Individual responses will not be sent to your submission. Any subsequent final Regulations published in the *Canada Gazette*, Part I, would contain any changes that are made, along with a summary of the relevant comments received. Please indicate in your submission if you do not wish to be identified or if you do not wish to have your comments published in the *Canada Gazette*, Part I.

PROPOSED REGULATORY TEXT

Notice is hereby given, pursuant to subsection 11(3) of the *Motor Vehicle Safety Act* ([see footnote a](#)), that the Governor in Council, pursuant to sections 5 ([see footnote b](#)) and 10 and subsection 11(1) of that Act, proposes to make the annexed *Regulations Amending Certain Regulations Made under the Motor Vehicle Safety Act*.

Interested persons may make representations with respect to the proposed Regulations to the Minister of Transport within 75 days after the date of publication of this notice. All such representations must be in writing and cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Anthony Jaz, Senior Regulatory Development Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 16th Floor, 275 Slater Street, Ottawa, Ontario K1A 0N5 (email: anthony.jaz@tc.gc.ca).

Ottawa, November 17, 2011

JURICA ČAPKUN
Assistant Clerk of the Privy Council

REGULATIONS AMENDING CERTAIN REGULATIONS MADE UNDER THE MOTOR VEHICLE SAFETY ACT

MOTOR VEHICLE SAFETY REGULATIONS

1. (1) The definitions “built-in booster cushion”, “built-in child restraint system”, “built-in dual-purpose restraint system”, “lower connector system”, “mobility-impaired occupant” and “seat orientation reference line (SORL)” in subsection 2(1) of the *Motor Vehicle Safety Regulations* ([see footnote 1](#)) are repealed.

(2) The definitions “buckle”, “child”, “infant”, “lower universal anchorage system”, “restraint system”, “seat belt assembly”, “tether strap”, “tether strap hook” and “user-ready tether anchorage” in subsection 2(1) of the Regulations are replaced by the following:

“buckle” means a quick-release connector that secures a person in a seat belt assembly or a built-in restraint system; (*attache*)

“child” means a person whose mass is more than 10 kg and not more than 30 kg; (*enfant*)

“infant” means a person who is unable to walk unassisted and whose mass is not more than 10 kg; (*bébé*)

“lower universal anchorage system” means a device, other than a vehicle seat belt, that is designed to secure the lower portion of a restraint system or booster seat to a vehicle, and that transfers the load from the restraint system or booster seat and its occupant to the vehicle structure or a vehicle seat structure; (*dispositif universel d’ancrages d’attaches inférieurs*)

“restraint system” has the same meaning as in subsection 100(1) of the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*; (*ensemble de retenue*)

“seat belt assembly” means any strap, webbing or similar device designed to secure a person in a vehicle in order to mitigate the results of any accident and includes all necessary buckles and

other fasteners and all attachment hardware but does not include any strap, webbing or similar device that is part of a built-in restraint system; (*ceinture de sécurité*)

“tether strap” means a device that is fitted with a tether strap hook and secured to the rigid structure of a restraint system or booster seat, and that transfers the load from the restraint system or booster seat and its occupant to the user-ready tether anchorage; (*courroie d’attache*)

“tether strap hook” means a device that is used to attach a tether strap to a user-ready tether anchorage and that has an interface profile shown in Figure 1 of Schedule 7 to the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations* or, in the case of a device with integrated adjustment hardware, in Figure 2 of Schedule 7 to those Regulations; (*crochet de la courroie d’attache*)

“user-ready tether anchorage” means a device that transfers the tether strap load from a restraint system or booster seat and its occupant to the vehicle structure or a vehicle seat structure, and that is designed to accept a tether strap hook directly, without requiring the installation of any other device; (*ancrage d’attache prêt à utiliser*)

(3) Subsection 2(1) of the Regulations is amended by adding the following in alphabetical order:

“booster seat” has the same meaning as in subsection 100(1) of the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations*; (*siège d’appoint*)

“built-in booster seat” means a device that is designed as an integral part of a vehicle seat for seating a person whose mass is at least 18 kg, to ensure that the seat belt assembly fits properly; (*siège d’appoint intégré*)

“built-in restraint system” means a device that

(a) is an integral part of a vehicle seat, and

(b) is only designed to restrain persons whose mass is more than 10 kg but not more than 41 kg; (*ensemble intégré de retenue*)

2. Subsection 10(2) of the Regulations is replaced by the following:

(2) If the records referred to in subsection (1) are maintained by a person on behalf of a company, the company shall keep the name and address of the person.

3. The portion of subsection 15(1) of the Regulations before paragraph (a) is replaced by the following:

15. (1) A notice of defect referred to in section 10 of the Act shall be given in writing, in both official languages, and shall contain the following information:

4. The portion of items 210.1 and 210.2 of Schedule III to the Regulations in column II is replaced by the following:

Column I	Column II
Item (CMVSS)	Description
210.1	User-ready Tether Anchorages for Restraint Systems and Booster Seats
210.2	Lower Universal Anchorage Systems for Restraint Systems and Booster Seats

5. The portion of item 213.4 of Schedule III to the Regulations in column II is replaced by the following:

Column I	Column II
Item (CMVSS)	Description
213.4	Built-in Restraint Systems and Built-in Booster Seats

6. Subsections 209(3) to (6) of Schedule IV to the Regulations are repealed.

7. The heading "USER-READY TETHER ANCHORAGES FOR RESTRAINT SYSTEMS (STANDARD 210.1)" before section 210.1 of Schedule IV to the Regulations is replaced by the following:

USER-READY TETHER ANCHORAGES FOR RESTRAINT
SYSTEMS AND BOOSTER SEATS (STANDARD 210.1)

8. (1) Paragraph 210.1(2)(a) of Schedule IV to the Regulations is replaced by the following:

(a) a designated seating position at which a built-in restraint system is provided that is not part of a removable vehicle seat; or

(2) Subsections 210.1(3) to (3.4) of Schedule IV to the Regulations are replaced by the following:

(3) Subject to subsections (3.2) and (3.3), a user-ready tether anchorage shall be installed in a vehicle, other than a convertible or an open-body type vehicle,

(a) in the case of a vehicle that has only one row of forward-facing designated seating positions, in all forward-facing designated seating positions other than that of the driver;

(b) in the case of a passenger car, three-wheeled vehicle or truck, in all forward-facing designated seating positions located in the second row of designated seating positions;

(c) in the case of a multi-purpose passenger vehicle that has not more than four designated seating positions, in all forward-facing designated seating positions located to the rear of the first row of designated seating positions;

(d) in the case of a multi-purpose passenger vehicle that has five or more designated seating positions, and not more than two forward-facing designated seating positions located to the rear of the first row of designated seating positions, in all of those forward-facing designated seating positions;

(e) in the case of a multi-purpose passenger vehicle that has five or more designated seating positions, and three or more forward-facing designated seating positions located to the rear of the first row of designated seating positions, in three of those forward-facing designated seating positions;

(f) in the case of a school bus that has not more than 24 passenger designated seating positions, and only one forward-facing designated seating position other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in that forward-facing designated seating position;

(g) in the case of a school bus that has not more than 24 passenger designated seating positions, and two or more forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in two of those forward-facing designated seating positions;

(h) in the case of a school bus that has 25 or more, but not more than 65, passenger designated seating positions, and not more than three forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in all of those forward-facing designated seating positions;

(i) in the case of a school bus that has 25 or more, but not more than 65, passenger designated seating positions, and four or more forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in four of those forward-facing designated seating positions;

(j) in the case of a school bus that has 66 or more passenger designated seating positions, and not more than seven forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in all of those forward-facing designated seating positions;

(k) in the case of a school bus that has 66 or more passenger designated seating positions, and eight or more forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in eight of those forward-facing designated seating positions;

(l) in the case of a bus, other than a school bus, that has only one forward-facing designated seating position other than that of the driver, in that forward-facing designated seating position; and

(m) in the case of a bus, other than a school bus, that has two or more forward-facing designated seating positions other than that of the driver, in two of those forward-facing designated seating positions.

(3.1) A user-ready tether anchorage shall be available for use at all times, except when the seating position in which it is installed is not available for use because the vehicle seat has been removed or converted to an alternate use, such as the carrying of cargo.

(3.2) If a lower universal anchorage system is installed in a passenger designated seating position in the first row of designated seating positions in accordance with subsection 210.2(8), one user-ready tether anchorage shall be installed in that designated seating position.

(3.3) The number of user-ready tether anchorages required under paragraphs (3)(b) to (e) may be reduced by one, if a user-ready tether anchorage is installed in the first row in accordance with subsection (3.2).

(3) Subsection 210.1(10) of Schedule IV to the Regulations is replaced by the following:

(10) If the zones in which tether anchorages are located overlap and if, in the overlap area, a user-ready tether anchorage is installed that is designed to accept the tether strap hooks of two restraint systems or booster seats simultaneously, each portion of the tether anchorage that is designed to bind with a tether strap hook shall withstand the force referred to in subsection (8) when it is applied to both portions simultaneously.

(4) Figures 1 and 2 to section 210.1 of Schedule IV to the Regulations are repealed.

(5) Note 3 of Figure 20 to section 210.1 of Schedule IV to the French version of the Regulations is replaced by the following:

3. La distance doit être mesurée entre les plans verticaux longitudinaux passant par les points milieu des places assises désignées adjacentes le long d'une ligne perpendiculaire aux plans.

9. The heading "LOWER UNIVERSAL ANCHORAGE SYSTEMS FOR RESTRAINT

SYSTEMS AND BOOSTER CUSHIONS (STANDARD 210.2)” before section 210.2 of Schedule IV to the Regulations is replaced by the following:

LOWER UNIVERSAL ANCHORAGE SYSTEMS FOR RESTRAINT SYSTEMS AND BOOSTER SEATS
(STANDARD 210.2)

10. (1) The portion of paragraph 210.2(2)(c) of Schedule IV to the Regulations before subparagraph (i) is replaced by the following:

(c) a vehicle that is not equipped with a manual cut-off switch to deactivate the frontal air bag that is installed at the right front outboard designated seating position if any restraint system or booster seat is installed and

(2) Subsection 210.2(4) of Schedule IV to the Regulations is replaced by the following:

(4) Subject to subsections (7) and (8), a lower universal anchorage system shall be installed in a vehicle

(a) in the case of a vehicle that has only one row of forward-facing designated seating positions, in one forward-facing designated seating position other than that of the driver;

(b) in the case of a passenger car, three-wheeled vehicle or truck that has two rows of forward-facing designated seating positions, and only one forward-facing designated seating position that is located in the second row of designated seating positions, in that forward-facing designated seating position;

(c) in the case of a passenger car, three-wheeled vehicle or truck that has two rows of forward-facing designated seating positions, and two or more forward-facing designated seating positions that are located in the second row of designated seating positions, in two of those forward-facing designated seating positions;

(d) in the case of a multi-purpose passenger vehicle that has two or more rows of designated seating positions, and only one forward-facing designated seating position that is located to the rear of the first row of designated seating positions, in that forward-facing designated seating position;

(e) in the case of a multi-purpose passenger vehicle that has two or more rows of designated seating positions, and two or more forward-facing designated seating positions that are located to the rear of the first row of designated seating positions, in two of those forward-facing designated seating positions, and at least one of those forward-facing designated positions in which a lower universal anchorage system is installed shall be located in the second row of designated seating positions;

(f) in the case of a school bus that has not more than 24 passenger designated seating positions, and only one forward-facing designated seating position other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in that forward-facing designated seating position;

(g) in the case of a school bus that has not more than 24 passenger designated seating positions, and two or more forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in two of those forward-facing designated seating positions;

(h) in the case of a school bus that has 25 or more, but not more than 65, passenger designated seating positions, and not more than three forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in all of those forward-facing designated seating positions;

(i) in the case of a school bus that has 25 or more, but not more than 65, passenger

designated seating positions, and four or more forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in four of those forward-facing designated seating positions;

(j) in the case of a school bus that has 66 or more passenger designated seating positions, and not more than seven forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in all of those forward-facing designated seating positions;

(k) in the case of a school bus that has 66 or more passenger designated seating positions, and eight or more forward-facing designated seating positions other than that of the driver and those of a bench seat that contains an adjacent seat in relation to the emergency exit, in eight of those forward-facing designated seating positions;

(l) in the case of a bus, other than a school bus, that has only one forward-facing designated seating position other than that of the driver, in that forward-facing designated seating position; and

(m) in the case of a bus, other than a school bus, that has two or more forward-facing designated seating positions other than that of the driver, in two of those forward-facing designated seating positions.

(3) Subsections 210.2(7) and (8) of Schedule IV to the Regulations are replaced by the following:

(7) The number of lower universal anchorage systems required in a vehicle under subsection (4) may be reduced by the number of built-in restraint systems installed in the vehicle.

(8) Except in the case of a bus, if the distance between the rearward surface of the front seat back and the forward surface of the rear seat back is less than 720 mm, as measured in accordance with Figure 6, a lower universal anchorage system may be installed in a passenger designated seating position in the first row of designated seating positions instead of in a designated seating position located to the rear of the first row of designated seating positions, if the vehicle is equipped with the manual cut-off switch referred to in paragraph (2)(c).

(4) Paragraph 210.2(22)(g) of Schedule IV to the Regulations is replaced by the following:

(g) if the vehicle is a convertible or an open-body type vehicle that has no designated seating position equipped with a user-ready tether anchorage, a statement that neither a restraint system nor a booster seat requiring the use of a tether strap can be properly secured in the vehicle.

(5) Note 3 of Figure 9 to section 210.2 of Schedule IV to the French version of the Regulations is replaced by the following:

3. La distance doit être mesurée entre les plans verticaux longitudinaux passant par les points milieu des places assises désignées adjacentes le long d'une ligne perpendiculaire aux plans.

11. Section 213.4 of Schedule IV to the Regulations and the heading before it are replaced by the following:

BUILT-IN RESTRAINT SYSTEMS AND BUILT-IN
BOOSTER SEATS (STANDARD 213.4)

213.4 (1) The following definitions apply in this section.

"Test Method 213.4" means *Test Method 213.4 – Built-in Restraint Systems and Built-in Booster Seats* (May 2011). (*Méthode d'essai 213.4*)

“TSD 209” means *Technical Standards Document No. 209, Seat Belt Assemblies* (TSD 209), as amended from time to time. (*DNT 209*)

(2) For the purposes of this section, a reference in TSD 209 to webbing, a belt buckle or related piece of adjustment hardware that is part of a Type 1 seat belt assembly is to be read as a reference to webbing, a belt buckle or related piece of adjustment hardware that is part of a built-in restraint system.

(3) Every built-in restraint system and built-in booster seat shall be constructed only of materials that conform to the requirements of *Technical Standards Document No. 302, Flammability of Interior Materials*, as amended from time to time.

(4) Every built-in restraint system shall, when the anthropomorphic test device is positioned in the restraint system in accordance with subsection 5.4 of Test Method 213.4,

(a) restrain the upper torso by means of

(i) belts passing over each shoulder, or

(ii) a fixed or movable surface that conforms to the requirements of subsection (11);

(b) restrain the lower torso by means of

(i) a belt making an angle of at least 45° but not more than 90° with the seating surface of the restraint system at the belt attachment points, or

(ii) a fixed or movable surface that conforms to the requirements of subsection (11); and

(c) restrain the crotch by means of

(i) a crotch belt that is connectable to the belt referred to in subparagraph (b)(i) or the surface referred to in subparagraph (b)(ii), or

(ii) a fixed or movable surface that conforms to the requirements of subsection (11).

(5) Every belt that is part of a built-in restraint system and that is designed to restrain a person shall be adjustable to snugly fit a person whose mass and height are within the ranges indicated in the statement referred to in paragraph (18)(a), when the person is positioned in the restraint system in accordance with the instructions referred to in paragraph (20)(b).

(6) Every belt buckle and related piece of adjustment hardware that is part of a built-in restraint system shall conform to the requirements of S4.3(a) and (b) of TSD 209.

(7) Every belt buckle that is fitted on a belt designed to restrain a person in a built-in restraint system shall

(a) under the conditions set out in section 4 of Test Method 213.4,

(i) not release when any force of less than 40 N is applied, and

(ii) release when a force of at least 40 N but not more than 62 N is applied;

(b) under the conditions set out in section 6 of Test Method 213.4, release when a force of not more than 71 N is applied;

(c) conform to the requirements of S4.3(d)(2) of TSD 209, except that the surface area of a belt buckle designed for push-button application shall be at least 385 mm²;

(d) conform to the requirements of S4.3(g) of TSD 209; and

(e) not release during the dynamic test specified in section 5 of Test Method 213.4.

(8) Any webbing that is designed to restrain a person within a built-in restraint system shall

(a) when tested in accordance with S5.1(b) of TSD 209, before being tested for resistance to abrasion as specified in S5.1(d) or S5.3(c) of TSD 209, for resistance to light as specified in S5.1(e) of TSD 209 or for resistance to micro-organisms as specified in S5.1(f) of TSD 209, have a breaking strength of at least 11 000 N;

(b) when tested in accordance with S5.1(b) of TSD 209, after being tested for resistance to abrasion as specified in S5.1(d) or S5.3(c) of TSD 209, for resistance to light as specified in S5.1(e) of TSD 209 or for resistance to micro-organisms as specified in S5.1(f) of TSD 209, have a breaking strength of at least 75% of its initial breaking strength;

(c) conform to the requirements of S4.2(e) and (f) of TSD 209; and

(d) if contactable by the torso of an anthropomorphic test device when the restraint system is tested in accordance with section 5 of Test Method 213.4, have a width of not less than 38 mm when measured as specified in S5.1(a) of TSD 209.

(9) Every built-in restraint system and built-in booster seat shall provide, for the support of a person's back, a continuous surface that is flat or concave and has an area of not less than 54 800 mm².

(10) A built-in restraint system shall not have any surface directly in front of a person, unless the surface is designed to limit the forward movement of the person.

(11) Every horizontal cross-section of a surface of a built-in restraint system that is designed to limit the forward movement of a person shall be flat or concave and every vertical longitudinal cross-section of that surface shall be flat or convex with a radius of curvature of the underlying structure of not less than 50 mm.

(12) Any rigid structural component underlying a contactable surface of a built-in restraint system or built-in booster seat shall not have

(a) a protrusion, with any padding or flexible overlay material removed, of more than 9.5 mm; or

(b) an exposed edge with a radius of less than 6.4 mm.

(13) Every built-in restraint system and built-in booster seat, when tested in accordance with section 5 of Test Method 213.4, shall, in any of the positions that the restraint system, booster seat or vehicle seat can be used while the vehicle is in motion,

(a) exhibit no complete separation of any load-bearing structural element and no partial separation exposing a surface with

(i) a protrusion of more than 9.5 mm, or

(ii) a radius of less than 6.4 mm;

(b) remain in the same adjustment position during the test as it was in immediately before the test began;

(c) limit the movement of the head of the anthropomorphic test device toward the rear of the restraint system or booster seat by means of a continuous seat back that is an integral part of the restraint system or booster seat;

(d) limit the rotation of the head of the anthropomorphic test device toward the rear of the restraint system, in the head's midsagittal plane, by means of a continuous seat back that is an integral part of the restraint system or booster seat, so that the angle between the head and the torso is at no time during the test more than 45° as compared to the angle between the head and the torso prior to the test;

(e) except in the case of a restraint system or booster seat tested with the anthropomorphic test device specified in subpart O or S, part 572, chapter V, Title 49 of the *Code of Federal Regulations* of the United States (revised as of May 1, 2011), limit the resultant acceleration at the location of the accelerometer mounted in the upper thorax of the anthropomorphic test device to not more than 60 g, except for intervals of not more than 3 ms;

(f) except in the case of a restraint system or booster seat tested with the anthropomorphic test device specified in subpart O or S, part 572, chapter V, Title 49 of the *Code of Federal Regulations* of the United States (revised as of May 1, 2011), limit the resultant acceleration of the centre of gravity of the head of the anthropomorphic test device to not more than 80 g, except for intervals of not more than 3 ms, unless it is established that any resultant acceleration above 80 g is caused by another part of the anthropomorphic test device striking its head;

(g) not allow the angle between the back support surface and seating surface of the restraint system or booster seat to be less than 45° at the completion of the test; and

(h) except in the case of a restraint system or booster seat tested with the anthropomorphic test device specified in subpart O or S, part 572, chapter V, Title 49 of the *Code of Federal Regulations* of the United States (revised as of May 1, 2011), limit the distance that either knee pivot can extend in a forward longitudinal direction, at any time during and immediately after the test, to not more than 305 mm from the pre-test position.

(14) Every belt that is part of a built-in restraint system and that is designed to restrain a person in the restraint system shall not, when the restraint system is subjected to a dynamic test in accordance with section 5 of Test Method 213.4, impose on the anthropomorphic test device any loads that result from the mass of the restraint system or the mass of any part of the vehicle into which the restraint system is built.

(15) The continuous seat back referred to in paragraphs (13)(c) and (d) shall have

(a) a height

(i) of at least 500 mm, in the case of a built-in restraint system recommended by the manufacturer for use by a person whose mass is 18 kg or less, or

(ii) of at least 560 mm, in the case of a built-in booster seat or built-in restraint system recommended by the manufacturer for use by a person whose mass is more than 18 kg; and

(b) a width of at least 200 mm, measured in the horizontal plane at the height specified in paragraph (a).

(16) The height referred to in subparagraph (15)(a)(i) or (ii) shall be measured in a plane parallel to the surface of the seat back of the built-in restraint system or built-in booster seat and orthogonal to the vertical longitudinal plane passing through the longitudinal centreline of the restraint system or booster seat, from the lowest point of the restraint system's or booster seat's seating surface that is contacted by the buttocks of the seated anthropomorphic test device.

(17) Despite paragraph (15)(b), if a built-in restraint system or a built-in booster seat provides surfaces for the support of the sides of the torso, and those surfaces extend at least 100 mm forward from the padded surface of the portion of the restraint system or booster seat

provided for the support of the head of the anthropomorphic test device, the restraint system or booster seat may have a continuous seat back width of not less than 150 mm, measured in the horizontal plane at the height specified in subparagraph (15)(a)(i) or (ii).

(18) Every built-in restraint system and built-in booster seat shall have stitched onto it, indelibly moulded into or onto it, or indelibly printed on a label affixed to it in a permanent manner, the following information:

(a) a statement that indicates

(i) in units based on the International System of Units followed by the corresponding imperial units in parentheses, the mass and height range of the persons for whom the manufacturer recommends the restraint system or booster seat, and

(ii) in the case of a booster seat, that the booster seat is for use by a person whose mass is at least 18 kg; and

(b) a warning that

(i) if the manufacturer's instructions on the use of the restraint system or booster seat are not followed, the person occupying the restraint system or booster seat may strike the vehicle's interior during a sudden stop or a crash, and

(ii) if the restraint system is equipped with belts for restraining the person, the belts must be snugly adjusted around the person.

(19) The information referred to in subsection (18) shall be

(a) in both official languages and in characters of at least 10 points; and

(b) fully visible at all times, even when the built-in restraint system or booster seat is occupied.

(20) Every built-in restraint system and built-in booster seat shall be accompanied by printed instructions, in both official languages, that set out a step-by-step procedure, including diagrams, for

(a) using the restraint system or booster seat;

(b) positioning a person in the restraint system or booster seat; and

(c) adjusting every part of the restraint system or booster seat that is designed to restrain the person.

(21) The instructions referred to in subsection (20) shall

(a) explain the primary consequences of not following the warnings referred to in paragraph 18(b) or the instructions referred to in subsection (20); and

(b) in the case of a vehicle seat that is removable from the vehicle by means of a latch mechanism and that is equipped with a built-in restraint system or built-in booster seat, state that the vehicle seat, whether occupied or not, must be securely latched to the vehicle.

(22) Subsections (2), (3) and (6) to (8) expire five years after the coming into force of this subsection.

(23) Until September 1, 2013, a built-in restraint system or built-in booster seat may conform either to the requirements of this section or the requirements of this section as it read on the

day before the day on which this subsection comes into force.

MOTOR VEHICLE RESTRAINT SYSTEMS AND BOOSTER SEATS SAFETY REGULATIONS

12. (1) The definition “booster seat” in subsection 100(1) of the English version of the *Motor Vehicle Restraint Systems and Booster Seats Safety Regulations* ([see footnote 2](#)) is replaced by the following:

“booster seat”
« *siège d’appoint* »

“booster seat” means a removable device for use in a vehicle for seating a person whose mass is at least 18 kg, to ensure that the seat belt assembly fits properly.

(2) Subsection 100(1) of the Regulations is amended by adding the following in alphabetical order:

“TSD 302”
« *DNT 302* »

“TSD 302” means *Technical Standards Document No. 302, Flammability of Interior Materials*, published by the Department of Transport, as amended from time to time.

(3) Subsection 100(2) of the Regulations is replaced by the following:

Expiry date

(2) Any provision that incorporates TSD 209 or TSD 302 expires on May 1, 2015.

(4) The Regulations are amended by adding the following after subsection 100(3):

Interpretation — restraint system or booster seat

(4) For the purposes of these Regulations, a reference in TSD 209 to webbing, a belt buckle or tether strap attachment, or a related piece of adjustment hardware that is part of a Type 1 seat belt assembly, is to be read as a reference to webbing, a belt buckle or tether strap attachment, or a related piece of adjustment hardware that is part of a restraint system or booster seat, as the case may be.

13. Section 102 of the Regulations is replaced by the following:

Prescribed classes of equipment

102. For the purposes of subsection 3(2) and sections 4 and 5 of the Act, child restraint systems, infant restraint systems, booster seats, restraint systems for disabled persons and restraint systems for infants with special needs are prescribed classes of equipment.

14. Paragraph 108(c) of the Regulations is repealed.

15. The portion of subsection 110(1) of the Regulations before paragraph (a) is replaced by the following:

110. (1) A notice of defect referred to in section 10 of the Act must be given in writing, in both official languages, and must contain the following information:

16. Paragraph 208(c) of the Regulations is replaced by the following:

(c) conform to the requirements of S4.2(e) and (f) of TSD 209;

17. Paragraph 310(c) of the Regulations is replaced by the following:

(c) conform to the requirements of S4.2(e) and (f) of TSD 209; and

18. Paragraph 405(c) of the Regulations is replaced by the following:

(c) conform to the requirements of S4.2(e) and (f) of TSD 209.

19. Section 408 of the Regulations is replaced by the following:

Quasi-static test

408. A booster seat that is subjected to a quasi-static test in accordance with section 4 of Test Method 213.2 must not deflect more than 25 mm.

20. Paragraph 512(c) of the Regulations is replaced by the following:

(c) conform to the requirements of S4.2(e) and (f) of TSD 209;

21. Paragraph 611(c) of the Regulations is replaced by the following:

(c) conform to the requirements of S4.2(e) and (f) of TSD 209; and

22. The Regulations are amended by replacing "January 2010" with "May 2011" in the following provisions:

(a) section 200;

(b) section 300;

(c) section 400;

(d) section 500; and

(e) section 600.

23. The Regulations are amended by replacing "section 302 of Schedule IV to the Motor Vehicle Safety Regulations " with "TSD 302" in the following provisions:

(a) section 205;

(b) section 307;

(c) section 403;

(d) section 505; and

(e) section 608.

24. The Regulations are amended by replacing "a force" with "any force" in the following provisions:

(a) subparagraph 207(a)(i);

(b) subparagraph 309(a)(i);

(c) subparagraph 510(a)(i);

(d) subparagraph 511(a)(i); and

(e) subparagraph 610(a)(i).

25. The Regulations are amended by replacing “October 1, 2009” with “May 1, 2011” in the following provisions:

(a) paragraphs 215(1)(c) and (d);

(b) paragraphs 216(1)(a) and (b) and subsection 216(2);

(c) paragraphs 407(c) to (f);

(d) paragraphs 518(1)(c) and (d); and

(e) paragraphs 519(a) and (b).

COMING INTO FORCE

26. These Regulations come into force on the day on which they are published in the *Canada Gazette*, Part I.

[48-1-o]

[Footnote a](#)

S.C. 1993, c. 16

[Footnote b](#)

S.C. 1999, c. 33, s. 351

[Footnote 1](#)

C.R.C., c. 1038

[Footnote 2](#)

SOR/2010-90

NOTICE:

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

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