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# Canada Gazette

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## Regulations Amending the Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations

*Statutory authority**Motor Vehicle Safety Act**Sponsoring department*

Department of Transport

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### REGULATORY IMPACT ANALYSIS STATEMENT

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*(This statement is not part of the Regulations.)*

#### **Description**

This proposed amendment pertains to restraint systems for disabled persons, which are part of the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* (RSSR). ([see footnote 1](#)) The RSSR regulate the safety performance of various restraint systems for children, including restraint systems for disabled persons. While restraint systems for disabled persons can be built to satisfy both the U.S. and the Canadian safety requirements, one difference remains, which can prevent the distribution into Canada of these products.

The Canadian Regulations require a seat belt webbing width of 46 mm for restraint systems for the disabled when they are designed to be used by persons with a weight greater than 22 kg (48 lb). These same provisions stipulate that when restraint systems are designed for persons with a weight of 22 kg (48 lb) or less, a minimum seat belt width of 38 mm is permitted. In comparison, the United States has always required a seat belt webbing width at a minimum of 38 mm for all its restraint systems for disabled persons,

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and has recorded no safety issues with the width of these seat belts. This difference has prevented the distribution of restraint systems for disabled persons weighing more than 22 kg (48 lb) into Canada.

The Government does not have scientific or field data to support the need for a seat belt width of 46 mm. The family of regulated restraint systems includes those designed for infants, which are regulated for a weight range between birth and 9 kg (20 lb). Child restraint systems are the second type, with a weight range from 9 kg (20 lb) to 30 kg (66 lb). Until recently, child restraint systems were regulated with an upper weight limit at a maximum of 22 kg (48 lb). However, it is recommended that occupants who have outgrown their child restraint system use a booster cushion. Such a cushion is designed to elevate the occupant and help with a better positioning of the vehicle seat belt assembly. Vehicle seat belt assemblies, like those used by adults, are regulated with a minimum seat belt webbing width of 46 mm. By taking this into consideration, it was originally thought that restraint systems for disabled persons with a weight greater than 22 kg (48 lb), would need the same seat belt webbing as an adult, thus having a minimum seat belt webbing width of 46 mm. However, disabled persons over 22 kg (48 lb) are not necessarily the same size as an adult, and it is no longer considered necessary to require such wider belt webbing for occupants over 22 kg (48 lb). Based on the U.S. experience, it is expected that allowing for a minimum seat belt webbing width of 38 mm will offer the Canadian motoring public a safe means of transportation.

As there are no Canadian manufacturers of these products, nor products available in Canada with the wider seat belt webbing, disabled persons do not have access to a safe and compliant means of travel. Because such products are available in the United States, the Government believes that it is urgent to harmonize its requirements on this matter in order to enable trade between the two markets and give Canadians access to products that are safe, yet not available on the Canadian market. It is expected that an amendment would provide much needed mobility options to the disabled community.

This amendment would align the Canadian requirements closer with those of the United States. It is expected that this proposal would fall in line with the North American Free Trade Agreement (NAFTA) and would help removing unnecessary technical barriers to trade.

Under the Department's Strategic Environmental Assessment Policy, a preliminary evaluation of the possible effects of this proposed amendment was done. It was determined that this proposed amendment would have no impact on the environment.

### ***Alternatives***

Maintaining the status quo was declined as it would continue to limit the introduction of restraint systems that are considered to offer an equivalent level of safety from being used by the Canadian public.

In view of the urgency, acting through an interim order was considered, but this was not possible because an interim order is only permitted to reproduce modifications to a foreign enactment. Given that such an amendment has not been made to a foreign enactment (that is U.S. regulations), a regulatory amendment is being proposed.

As is the case in the United States, it is expected that such systems will continue to offer

a safe option for the disabled community, while meeting the travelling needs of Canadians. Because of the anticipated positive outcome of introducing an amendment to the Regulations, no other alternatives to the proposed amendment were considered acceptable.

### **Consultation**

Manufacturers and importers of these products were sent a letter on April 4, 2007, describing the intent of this proposal and inviting them to raise any potential concerns they may have. No concerns were raised. Stakeholders have indicated their support for this initiative and asked that the Government complete this amendment as quickly as possible.

### **Compliance and enforcement**

Motor vehicle restraint system and booster cushion manufacturers and importers are responsible for ensuring that their products comply with the requirements of the RSSR. The Government monitors self-certification programs of manufacturers and importers by reviewing their test documentation, inspecting products, and testing restraint systems and booster cushions obtained in the open market. When a defect is found, the manufacturer or importer must issue a notice of defect to owners and to the Minister of Transport, Infrastructure and Communities. If a product does not comply with a safety standard, the manufacturer or importer may be subject to prosecution and, if found guilty, may be fined as prescribed in the *Motor Vehicle Safety Act*.

### **Contact**

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## **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 section 5 ([see footnote b](#)) and subsection 11(1) of that Act, proposes to make the annexed *Regulations Amending the Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations*.

Interested persons may make representations concerning the proposed Regulations to the Minister of Transport, Infrastructure and Communities, within 60 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be addressed to Jay Rieger, Senior Regulatory Development Engineer, Road Safety and Motor Vehicle Regulation

Directorate, Department of Transport, Place de Ville, Tower C, 8th Floor, 330 Sparks Street, Ottawa, Ontario K1A 0N5 (tel: 613-998-1962; fax: 613-990-2913; e-mail: riegerj@tc.gc.ca).

Ottawa, June 14, 2007

MARY O'NEILL  
*Assistant Clerk of the Privy Council*

**REGULATIONS AMENDING THE MOTOR VEHICLE  
RESTRAINT SYSTEMS AND BOOSTER CUSHIONS  
SAFETY REGULATIONS**

**AMENDMENT**

**1. Paragraph 9(f) of Schedule 6 to the *Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations* ([see footnote 2](#)) is replaced by the following:**

(f) if contactable by the occupant, have a width of not less than 38 mm when the webbing is measured as specified in subsection 8.1 of Test Method 213.3;

**COMING INTO FORCE**

**2. These Regulations come into force on the day on which they are registered.**

[25-1-o]

[Footnote 1](#)

SOR/98-159

[Footnote a](#)

S.C. 1993, c. 16

[Footnote b](#)

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

[Footnote 2](#)

SOR/98-159

**NOTICE:**

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

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