


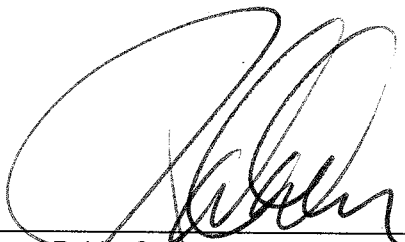
PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 486, Approved and Ordered JUN 21 2007

  
Lieutenant Governor  
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~<sup>Administrator</sup>, by and with the advice and consent of the Executive Council, orders that Division 36 of the Motor Vehicle Act Regulations, B.C. Reg. 26/58, is repealed, and the attached Division 36 is substituted.

  
Minister of Public Safety and Solicitor General

  
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Motor Vehicle Act, R.S.B.C. 1996, c. 318, section 220 (9)

Other (specify):- oic 1004/58

May 24, 2007

R/328/2007/48

## Division 36 – Child Seating and Restraint Systems

### Definitions

**36.001** In this Division:

“**CMVSS**” means the Canada Motor Vehicle Safety Standards, as amended from time to time;

“**MVSR**” means the Motor Vehicle Safety Regulations, C.R.C. c. 1038, as amended from time to time;

“**RSSR**” means the Motor Vehicle Restraint Safety Systems and Booster Cushions Safety Regulations, SOR/98-159, as amended from time to time.

### Obligation on driver

**36.01** A person must not drive or operate on a highway a motor vehicle in which there is a child under the age of 6 unless the driver or operator causes that child to be securely fastened by a properly utilized and adjusted restraint system which complies with this Division.

### Systems for infants

**36.02** In respect of children weighing less than 9 kg, the restraint system must comply with all the requirements set out in the RSSR, Schedule 4, CMVSS 213.1.

### Systems for toddlers

**36.03** In respect of all children weighing 9 kg or more but less than 18 kg,

- (a) in the case of a child who is carried in a motor vehicle driven or operated by the parent or guardian of the child, the restraint system must comply with all the requirements set out in
  - (i) the RSSR, Schedule 3, CMVSS 213, if the child restraint system is not built into the vehicle, or
  - (ii) the MVSR, Schedule IV, Part III, Standard 213.4, if the child restraint system is built into the vehicle, and
- (b) in any case, the restraint system must either comply with the system referred to in paragraph (a) or comprise the pelvic restraint of a seat belt assembly as defined in section 220 (1) of the Act.

### Systems for preschoolers

**36.04** In respect of children under the age of 6 not categorized in sections 36.02 and 36.03, the restraint system must comprise the pelvic restraint of a seat belt assembly as defined in section 220 (1) of the Act.

### Non-application – specific

**36.05** Sections 36.02 and 36.03 (a) do not apply as against a driver or operator of a motor vehicle that is

- (a) not licensed in British Columbia, or
- (b) on rental for a period not exceeding 30 days.

**Non-application – general**

**36.06** This Division does not apply as against the driver or operator

- (a) of a motor vehicle that is being operated as a taxi as defined in section 32.01,
- (b) who is a peace officer operating the vehicle in the lawful performance of his or her duties,
- (c) who is in possession of and produces on request to a peace officer a valid and subsisting certificate issued by the superintendent or a medical practitioner certifying that the child is unable for medical or physical reasons to wear or be fitted to the restraint system,
- (d) of a motor vehicle that was not required to have a seat belt assembly under the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured or imported into Canada,
- (e) of an emergency vehicle, and
- (f) of a bus.