

## Making Child Restraint Seats Mandatroy In Toronto Taxis

---

**From:** "Gerry Manley" <ghmanley@allstream.net>  
**To:** "Councillor Frances Nunziata" <councillor\_nunziata@toronto.ca>  
**Date:** 4/9/2009 10:00 PM  
**Subject:** Making Child Restraint Seats Mandatroy In Toronto Taxis  
**CC:** "MPP Minister of Transportation James J. Bradley" <jbradley.mpp@liberal.ola.org>, "City Of Toronto Mayor David Miller" <mayor\_miller@toronto.ca>, "Councillor L&S Anthony Perruzza" <councillor\_perruzza@toronto.ca>, "Councillor L&S Chair Howard Moscoe" <councillor\_moscoe@toronto.ca>, "Councillor L&S David Shiner" <councillor\_shiner@toronto.ca>, "Councillor L&S Mike Feldman" <councillor\_feldman@toronto.ca>, "Councillor L&S Rob Ford" <councillor\_ford@toronto.ca>, "Councillor L&S Secretary Mary E. Carroll" <mcarrol@toronto.ca>, "Councillor L&S Vice-Chair Denzil Minnan-Wong" <councillor\_minnan-wong@toronto.ca>, "TTIA Louis M Seta" <laliseta@rogers.com>, <"dting@toronto">  
**Attachments:** HTA R.R.O. 1990, Regulation 613 Seat Belts.pdf

---

Dear Councillor Nunziata,

I would first like to address the obvious on this subject matter. If you mandated that all taxi drivers were to provide child safety seats you would restrict his/her earning powers and cause a tremendous amount of inconvenience. First they must purchase the seat. If a driver must place and connect the child seat when required, that takes time that they are not compensated for. If the next fare requires all the available seating in the taxi, the seat must be removed and placed in the trunk. If the driver's next fare required all the available seating and all the available trunk space to put luggage in and take the passengers to Pearson Airport for example, the fare would have to be turned down as the driver could not accept this fare as the safety seat placed in the trunk could take up the required space needed to put the luggage in. Especially in these difficult economic times, we cannot afford to turn down any fare.

I am presuming you are following up on a constituent's complaint. My question to you and your constituent is why aren't they bringing their own child safety seat if they are so worried about the safety of their child? Why should the driver be required to supply the seat? I will tell you why. It is because your complainant does not want to arrive at their destination and have to deal with removing the seat and carrying it around. All taxi drivers in the city of Toronto are more than willing to assist in connecting a safety seat if their fare brings their own child safety seat and requests it, as long the client takes the seat with them upon leaving the taxi. We feel it is not our obligation to supply this seat at a potential loss to our livelihoods.

I have supplied an attachment to this email that shows an excerpt from the Ontario Highway Traffic Act that deals with this issue. Please check sections 8.1 (1), 8.1 (1) 1 and 8.1 (2) 1. These sections clearly show that taxi driver in the Province of Ontario is exempt from the requirements of child safety seats. It is more than apparent that the Province went to great lengths when dealing with this issue and came up with a law that is fair to all taxi drivers in this province. Any bylaw enacted on this subject would be redundant whether it agreed or disagreed with the HTA on this matter as the HTA is the senior legislation on the matter thus taking precedence over any Toronto bylaw.

As this email shows, I have forward this to the Minister of Transportation for Ontario, the Honourable James J. Bradley with the specific request from the 20,000 members of the Toronto taxi and livery industries, to not entertain any request form the City of Toronto to change the current legislation on this matter as it would bring undue hardship on our members especially when we are already willing to assist any passenger with a child safety seat upon their request if they supply the seat and take it with them when they leave the taxi. If this protocol is followed, then we more than address the comments of your letter dated 7 April 2009 to Committee in paragraph four, last line " A child is no more or less likely to be involved in an accident whether travelling in a parent's vehicle, or in a taxi, so the two should be treated equally." Your constituent should apply the same common sense on how they deal with this issue in their own vehicle when hiring a Toronto taxi and/or livery. Do they not bring their own child seat to their personal vehicle? Can they not supply that same seat when hiring a taxi or livery?

With this information, I am requesting you to remove your request from the agenda on Wednesday 15 April 2009 of the Licensing and Standards Committee dealing with this issue. To request staff to come back with a report on this matter is unnecessary as it would be redundant at best. Our industry has to appear in front of Committee on this issue thus costing our members time and money from their daily wages. If you and your staff had taken the time to make just a few preliminary enquiries on this subject, all of this time and lost of wages to our members, could have been avoided. To make us return to hear and possibly challenge a staff report would truly be a travesty of justice.

I remain,

Gerry Manley

---

Email: [ghmanley@allstream.net](mailto:ghmanley@allstream.net)

Web Site: [www.allstream.net/~ghmanley](http://www.allstream.net/~ghmanley)

P.S. Ms. Ting: Would you please add this email to the exerpt from the Ontario Highway Traffic Act I sent you two days ago for this Committee meeting.

## Highway Traffic Act

### R.R.O. 1990, REGULATION 613

#### SEAT BELT ASSEMBLIES

Consolidation Period: From December 1, 2006 to the e-Laws currency date.

Last amendment: O.Reg. 522/06.

*This is the English version of a bilingual regulation.*

1. Correctional Service of Canada vehicles that are modified to facilitate the transportation of persons held in custody and police department vehicles are exempt from the requirement that,

- (a) torso restraints;
- (b) seat belt assemblies in the centre front seat seating position; and
- (c) seat belt assemblies in the rear seat seating positions,

not be removed, rendered partly or wholly inoperative or modified so as to reduce their effectiveness. R.R.O. 1990, Reg. 613, s. 1; O. Reg. 522/06, s. 1.

2. A police officer or peace officer who in the lawful performance of his or her duty is transporting a person in his or her custody is exempt from subsections 106 (2), (3) and (4) of the Act. R.R.O. 1990, Reg. 613, s. 2; O. Reg. 522/06, s. 2.

3. A person who is in the custody of a police officer or peace officer is exempt from subsection 106 (3) of the Act. R.R.O. 1990, Reg. 613, s. 3; O. Reg. 522/06, s. 3.

4. An employee or agent of Canada Post while engaged in rural mail delivery is exempt from subsection 106 (2) of the Act. R.R.O. 1990, Reg. 613, s. 4; O. Reg. 522/06, s. 4.

5. An ambulance attendant or any other person transported in the patient's compartment of an ambulance as defined in section 61 of the Act is exempt from subsection 106 (3) of the Act where attendance to a patient makes it impracticable to wear a seat belt assembly. R.R.O. 1990, Reg. 613, s. 5; O. Reg. 522/06, s. 5.

6. A firefighter occupying a seating position behind the driver's cab in a fire department vehicle, as defined in section 61 of the Act, is exempt from subsection 106 (3) of the Act where the performance of work activities makes it impracticable to wear a seat belt assembly. O. Reg. 522/06, s. 6.

7. (1) In this Regulation,

“taxicab” means,

- (a) a motor vehicle licensed as a cab by a municipality, or
- (b) a motor vehicle designed for carrying less than ten passengers and operated under the authority of an operating licence issued under the *Public Vehicles Act*. R.R.O. 1990, Reg. 613, s. 7 (1).

(2) Taxicabs are exempt from the requirement that,

- (a) torso restraints for drivers' seating positions; and
- (b) seat belt assemblies in the centre front seat seating positions,

not be removed, rendered partly or wholly inoperative or modified so as to reduce their effectiveness. R.R.O. 1990, Reg. 613, s. 7 (2); O. Reg. 522/06, s. 7 (1).

(3) The driver of a taxicab while transporting for hire a passenger is exempt from subsection 106 (2) of the Act. R.R.O. 1990, Reg. 613, s. 7 (3); O. Reg. 522/06, s. 7 (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,
- conforms to the requirements of Standard 213.1 under the *Motor Vehicle Safety Act* (Canada);
  - 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
  - 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,
- in a child restraint system that,
    - conforms to the requirements of Standard 213 under the *Motor Vehicle Safety Act* (Canada),
    - 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,
    - 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
    - has all harnesses, straps and buckles designed to secure the toddler in the child restraint system properly adjusted and securely fastened; or
  - 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,
- 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,
    - 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
    - by the motor vehicle's complete seat belt assembly, worn as described in subsection (9);
  - 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
  - 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,
- the pelvic restraint is worn firmly against the body and across the hips;
  - the torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest; and
  - 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 seatbelt assembly only. O. Reg. 195/05, s. 1.
- 8.1** (1) The following are exempt from complying with subsections 8 (2), (3) and (4):
- The driver of a taxicab, bus or public vehicle, while transporting a passenger for hire.
  - The driver of a motor vehicle that is leased for less than 60 days or is registered in another jurisdiction.
  - 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.
9. Where a motor vehicle that was manufactured in or imported into Canada prior to the 1st day of January, 1974 is driven on a highway,
  - (a) the driver and passengers are exempt from the requirement to wear the torso restraint component of a seat belt assembly; and
  - (b) the driver is exempt from the provisions of subsection 106 (4) of the Act with respect to the requirement that a passenger wear the torso restraint component of a seat belt assembly. R.R.O. 1990, Reg. 613, s. 9; O. Reg. 522/06, s. 9.
10. Where a motor vehicle manufactured without seat belt assemblies for each seating position and not modified so that there is a seat belt assembly for each seating position is driven on a highway,
  - (a) the driver is exempt from the requirement of subsection 106 (2) of the Act to wear a seat belt assembly if there is no seat belt assembly at the driver's seating position;
  - (b) a passenger is exempt from the requirement of subsection 106 (3) of the Act to wear a seat belt assembly if the passenger occupies a position without a seat belt assembly and there is no other available seating position with a seat belt assembly; and
  - (c) the driver is exempt from clause 106 (4) (a) of the Act with respect to any passenger described in clause (b). O. Reg. 522/06, s. 10.

Français

[Back to top](#)