

MOTOR VEHICLE ACT

[RSBC 1996] CHAPTER 318

Seat belt assembly

220 (1) In this section, "seat belt assembly" means a device or assembly suitably fastened to the motor vehicle composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint, an upper torso restraint or both of them.

(2) A person must not sell, offer for sale or operate on a highway a motor vehicle required to be registered and licensed only under this Act and manufactured or assembled after December 1, 1963, other than a motorcycle, unless it is equipped with not less than 2 seat belt assemblies for use in the front seat in accordance with the regulations.

(3) A person must not drive or operate a motor vehicle on a highway in which a seat belt assembly required under this section or the *Motor Vehicle Safety Act* (Canada) at the time the motor vehicle was manufactured, assembled or imported into Canada has been removed, rendered partly or wholly inoperative, or modified to reduce its effectiveness.

(4) A person in a motor vehicle being driven or operated on a highway must, if the motor vehicle has properly attached to it a seat belt assembly for the seating position occupied by that person, wear the complete seat belt assembly in a properly adjusted and securely fastened manner.

(5) Subsection (4) does not apply to a person

(a) driving a motor vehicle in reverse,

(b) who is in possession of, and produces on request to a peace officer, a valid and subsisting certificate

(i) issued by the superintendent on the recommendation of a medical practitioner, or

(ii) in the form established by the superintendent, signed by a medical practitioner and issued for a period not exceeding 6 months,

certifying that the person is,

(iii) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or

(iv) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly, or

(c) who is actually engaged in work that requires him or her to alight from and re-enter the motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 40 km/h, or

(d) under age 16.

(6) A person must not drive on a highway a motor vehicle in which there is a passenger who has attained age 6 but is under age 16 and who occupies a seating position for which a seat belt assembly is provided unless that passenger is wearing the complete seat belt assembly in a properly adjusted and securely fastened manner.

(7) Subsection (6) does not apply if the passenger

(a) is in possession of, and produces on request to a peace officer, a valid and subsisting certificate

(i) issued by the superintendent on the recommendation of a medical practitioner, or

(ii) in the form established by the superintendent, signed by a medical practitioner and issued for a period not exceeding 6 months,

certifying that the person is,

(iii) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or

(iv) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly, or

(b) is actually engaged in work that requires him or her to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 40 km/h.

(8) Despite this section, if a seat belt assembly consists of a pelvic restraint and a separate upper torso restraint, only the pelvic restraint need be worn.

(9) The Lieutenant Governor in Council may make regulations as follows:

(a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications for them;

(b) defining the age of a child for the purpose of paragraph (a);

(c) providing for the exemption from any provision of this section of any

(i) type or class of motor vehicle, and

(ii) class or group of drivers or passengers in motor vehicles.

(10) A person who contravenes this section commits an offence.