

Vehicular Seat Belts

ences and annoyances. Consequently, the ultimate aim of the widespread employment of seat belts would not be served.

The interlocking of the seat belts with the motor has been included in the proposed amendments to the Canadian motor vehicle safety standards as an option with which the manufacturers may comply if they so desire. It is probable that some automobiles incorporating the interlocked feature will be on sale in this country after September of this year, since a notice leaving it optional in our regulations has already been given in the *Canada Gazette* Part I of May 26, 1973. For reasons of ease of production, there will be a tendency for identical vehicles to be sold on both sides of the border. The risk of substantial penalties for the sale of non-complying vehicles in either Canada or the U.S.A. could make the small production cost savings resulting from deletion of ignition interlock hardware unattractive for the manufacturers.

The warning light and buzzer telling the driver that he or one of his charges has not fastened his or her seat belt is fairly easily defeated and it is disquieting to hear that many auto salesmen are quick to show possible buyers how to defeat the system. This type of activity destroys to some extent the good work done by the federal safety standards, and if we are going to achieve good results in the fight against death and injury on the highway, this type of behaviour must stop.

A number of complaints have been received by the Ministry of Transport regarding the comfort of seat belts and expressing a fear that the shoulder strap will cause injury to the neck rather than minimize injuries in the event of an accident. These fears are not supported by the in-depth accident investigations conducted by the ministry and the nine university accident investigation teams under contract to the Ministry of Transport.

Three federal safety standards address the matter of holding the occupants of a vehicle inside that vehicle and of preventing them from striking the inside of a vehicle in an accident. Seat belt installations in passenger cars, seat belt assemblies and seat belt anchorages comprise these three standards. They result in a well engineered restraint system on vehicles built in the last few years. But how can the owners of vehicles built before these standards became effective protect themselves and their passengers? It becomes increasingly difficult and not really practical to require the fitting of seat belts to older vehicles because in most cases the engineering task would be too great and the operation economically not feasible. The correct installation of occupant restraint systems as we understand them today affects many parts of the vehicle such as the floor structure, door posts, the roof and the seat frames. It is impractical to add to older vehicles the refinements of recent models, but if by the stroke of a pen we are going to demand that a large segment of the motoring public protect itself by taking some action, then the segment that is unable to protect itself by the means provided to the majority can, justifiably perhaps, complain that it is being discriminated against.

One class of the population that is often forgotten when seat belts are under discussion is children. Good child seats are available for children of up to approximately three years of age and, as we have discussed, the large

majority of automobiles are fitted with seat belts of fairly good quality. The smallest occupant which seat belts are required to accommodate by the safety standard, however, is a fifth percentile female. This female is 59 inches in height and has a weight of 102 pounds. Thus, a child over three years of age who may weigh in the region of 20 to 30 pounds and is smaller than a small adult female, is not specifically provided for. There is considerable danger in young children, even if they are well developed physically, using seat belts designed for adults because of their malleable bone structure. Furthermore, internal injuries can be sustained as a result of a belt exerting too much pressure on the abdominal area of children because of their lack of muscular development. Pediatricians recommend that adult seat belt systems should certainly not be used for children until they weigh 40 to 50 pounds and are four to five years of age at least. Child seat manufacturers are ignoring to a large extent children between the ages of three and six, thus the parents do not have the option of purchasing special seats for their offspring if they are of certain ages and weights.

Shoulder belts should generally not be used by children until they have reached 55 inches in height and are approximately nine to ten years of age because of the possibility of facial and neck injuries due to the high location of the belt relative to the child. Many imported vehicles have been fitted with one piece lap and shoulder harnesses, and all Canadian and imported vehicles will be so fitted after September 1, 1973, so it will be impossible for the child to use only the lap belt.

We will be either forcing children into unsuitable restrain systems or leaving them unprotected if we make the wearing of seat belts mandatory, when what we should perhaps be doing is requiring manufacturers of child seats to offer a wider and more reasonably priced seat for the older child. It should be mentioned that under the Hazardous Products Act a federal standard for children's car seats and harnesses does exist, making it illegal in Canada to sell a child seat that does not comply with safety requirements set out in the standard.

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A rather unexpected influence on this whole matter is in the course of developing behind the scenes to some extent. This influence is exerted by the courts in withholding a certain percentage of the damages originally awarded to a plaintiff because that plaintiff did not wear the seat belt provided. The particular case of interest is *Jackson et al v. Millar et al*, where the judge applied a reduction of 10 per cent to the damages awarded to Jackson because he failed to wear his seat belt.

The accident in which Jackson suffered serious injury was the result of a number of causes. A party of three youths decided at a relatively late hour on a Sunday evening to go to a drive-in movie theatre. One of three was able to borrow his father's car and they set off at about eleven o'clock p.m. After alternately dozing and watching the movies until the early hours of the morning, they decided to drive to a cottage owned by the parents of one of the youths. They found nobody at the cottage and decided to return to Toronto to their homes.