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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. FUSCHILLO, LARKIN -- read twice and ordered printed,
and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to mandatory
seat belt use

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 1229-c of the vehicle and traffic
2 law, as amended by chapter 18 of the laws of 2005, paragraph (b) as
3 amended by chapter 405 of the laws of 2009, is amended to read as
4 follows:
5 1. No person shall operate a motor vehicle in this state unless: (a)
6 all back seat passengers of such vehicle under the age of four are
7 restrained in a specially designed seat which meets the Federal Motor
8 Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is
9 either permanently affixed or is affixed to such vehicle by a safety
10 belt, or in the event that the weight of such passenger under the age of
11 four exceeds forty pounds, such passenger may be restrained (i) in an
12 appropriate child restraint system as defined in subdivision four of
13 this section used with combination lap safety and shoulder harness belts
14 or (ii) by a lap safety belt in the event such vehicle is not equipped
15 with combination lap safety and shoulder harness belts or all the combination
16 lap safety and shoulder harness belts are being used to properly
17 restrain other passengers who are under the age of sixteen; (b) all back
18 seat passengers of such vehicle who are age four or older but under age
19 eight (i) are restrained in an appropriate child restraint system as
20 defined in subdivision four of this section used with combination lap
21 and shoulder harness belts or (ii) are restrained in a lap safety belt
22 in the event such vehicle is not equipped with combination lap safety
23 and shoulder harness belts or all the combination lap safety and shoulder
24 harness belts are being used to properly restrain other passengers

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 who are under the age of sixteen; or (c) in the case of any other back
2 seat passenger [under the age of sixteen], he or she is restrained by a
3 safety belt approved by the commissioner.
4 S 2. This act shall take effect on the first of January next succeed-
5 ing the date on which it shall have become a law.