

5907--A

2013-2014 Regular Sessions

I N S E N A T E

June 26, 2013

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to requiring the use of seatbelts by passengers in taxicabs and for-hire vehicles in the city of New York and requiring operators to display a notice informing passengers of such requirement

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

1 Section 1. Section 19-529 of the administrative code of the city of
2 New York is amended by adding three new subdivisions e, f and g to read
3 as follows:
4 E. WHILE TAXICABS OR FOR-HIRE VEHICLES SUBJECT TO THIS SECTION ARE
5 BEING OPERATED: (1) ALL PASSENGERS UNDER THE AGE OF FOUR SHALL BE
6 RESTRAINED IN A SPECIALLY DESIGNATED SEAT WHICH MEETS THE FEDERAL MOTOR
7 VEHICLE SAFETY STANDARDS SET FORTH IN 49 C.F.R. 571.213 AND WHICH IS
8 AFFIXED TO SUCH VEHICLE BY A SAFETY BELT, OR IN THE EVENT THAT THE
9 WEIGHT OF SUCH PASSENGER UNDER THE AGE OF FOUR EXCEEDS FORTY POUNDS,
10 SUCH PASSENGER MAY BE RESTRAINED: (I) IN AN APPROPRIATE CHILD RESTRAINT
11 SYSTEM AS DEFINED IN SUBDIVISION F OF THIS SECTION USED WITH COMBINATION
12 LAP SAFETY AND SHOULDER HARNESS BELTS; OR (II) BY A LAP SAFETY BELT IN
13 THE EVENT THAT ALL THE COMBINATION LAP SAFETY AND SHOULDER HARNESS BELTS
14 ARE BEING USED TO PROPERLY RESTRAIN OTHER PASSENGERS;
15 (2) ALL PASSENGERS WHO ARE AGE FOUR AND OLDER BUT UNDER AGE EIGHT
16 SHALL BE RESTRAINED EITHER: (I) IN AN APPROPRIATE CHILD RESTRAINT SYSTEM
17 AS DEFINED IN SUBDIVISION F OF THIS SECTION WITH COMBINATION LAP AND
18 SHOULDER HARNESS BELTS; OR (II) BY A LAP SAFETY BELT IN THE EVENT ALL
19 THE COMBINATION LAP SAFETY AND SHOULDER HARNESS BELTS ARE BEING USED TO
20 PROPERLY RESTRAIN OTHER PASSENGERS;

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

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(3) ALL PASSENGERS WHO ARE AGE EIGHT AND OLDER SHALL BE RESTRAINED BY EITHER: (I) A COMBINATION LAP SAFETY AND SHOULDER HARNESS BELT; OR (II) A LAP SAFETY BELT;

(4) ANY PASSENGER WHO VIOLATES THE PROVISIONS OF THIS SUBDIVISION SHALL BE PUNISHED BY A CIVIL FINE OF UP TO FIFTY DOLLARS. A POLICE OFFICER SHALL ONLY ISSUE A SUMMONS FOR A VIOLATION OF THIS SUBDIVISION BY A PERSON LESS THAN EIGHTEEN YEARS OLD TO THE PARENT OR GUARDIAN OF SUCH PERSON IF THE VIOLATION BY SUCH PERSON OCCURS IN THE PRESENCE OF SUCH PERSON'S PARENT OR GUARDIAN AND WHERE SUCH PARENT OR GUARDIAN IS EIGHTEEN YEARS OF AGE OR OLDER. NO PERSON OPERATING SUCH TAXICAB OR FOR-HIRE VEHICLE SHALL BE SUBJECT TO A CIVIL FINE FOR THE FAILURE OF A PASSENGER TO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION.

(5) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A PASSENGER WITH A PHYSICALLY DISABLING CONDITION WHOSE PHYSICAL DISABILITY WOULD PREVENT APPROPRIATE RESTRAINT IN SUCH SAFETY SEAT OR SAFETY BELT PROVIDED, HOWEVER, SUCH CONDITION IS DULY CERTIFIED BY A PHYSICIAN WHO SHALL STATE THE NATURE OF THE HANDICAP, AS WELL AS THE REASON SUCH RESTRAINT IS INAPPROPRIATE.

F. FOR THE PURPOSES OF THIS SECTION, THE TERM "APPROPRIATE CHILD RESTRAINT SYSTEM" SHALL MEAN ANY DEVICE, USED IN CONJUNCTION WITH SAFETY BELTS, DESIGNED FOR USE IN A MOTOR VEHICLE TO RESTRAIN, SEAT, OR POSITION CHILDREN AND WHICH MEETS THE APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET FORTH IN 49 C.F.R. 571.213, AND FOR WHICH THE OCCUPANT MEETS THE OCCUPANT SIZE AND WEIGHT RECOMMENDATIONS OF THE MANUFACTURER OF SUCH SYSTEM.

G. (1) EVERY TAXICAB AND FOR-HIRE VEHICLE SUBJECT TO THIS SECTION SHALL DISPLAY A NOTICE WITHIN THE TAXICAB OR FOR-HIRE VEHICLE WHICH STATES IN CONSPICUOUS LETTERING OF AT LEAST SEVENTY-TWO POINT BOLDFACE TYPE:

NEW YORK CITY LAW REQUIRES ALL PASSENGERS TO BE RESTRAINED BY SEAT AND/OR SHOULDER BELTS. PASSENGERS UNDER THE AGE OF EIGHT MUST BE RESTRAINED IN A FEDERALLY-APPROVED CHILD RESTRAINT SYSTEM. FAILURE TO COMPLY WILL RESULT IN A FINE OF UP TO \$50 PER VIOLATION.

(2) SUCH SIGN SHALL BE PLACED IN AN UPRIGHT POSITION AND IN A CONSPICUOUS PLACE WHERE IT CAN BE READ EASILY BY THE PASSENGERS IN THE TAXICAB OR FOR-HIRE VEHICLE.

(3) ANY TAXICAB OR FOR-HIRE VEHICLE WHICH VIOLATES THE PROVISIONS OF THIS SUBDIVISION SHALL BE SUBJECT TO A CIVIL PENALTY, NOT TO EXCEED ONE HUNDRED DOLLARS FOR EACH DAY OF VIOLATION.

S 2. This act shall take effect immediately.