S T A T E O F N E W Y O R K

3644

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PHEFFER, CARROZZA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring certain passengers to use seat belts on school buses equipped therewith

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

Section 1. Subdivision 5 of section 1229-c of the vehicle and traffic law, as amended by chapter 241 of the laws of 2007, is amended to read as follows:

5. Any person who violates the provisions of subdivision three OR ELEVEN-A of this section shall be punished by a civil fine of up to fifty dollars. Any person who violates the provisions of subdivision one, two, eleven or thirteen of this section shall be punished by a civil fine of not less than twenty-five nor more than one hundred dollars. In any prosecution or proceeding alleging a violation of paragraph (b) of subdivision one or paragraph (c) of subdivision two of this section, it shall be an affirmative defense that the passenger subject to the requirements of such paragraphs was restrained by a safety belt and measures more than four feet nine inches in height and/or weighs more than one hundred pounds.

S 2. Section 1229-c of the vehicle and traffic law is amended by adding a new subdivision 11-a to read as follows:

11-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, NO PERSON SHALL OPERATE A SCHOOL BUS EQUIPPED WITH SEAT SAFETY BELTS OR REQUIRED TO BE EQUIPPED WITH SEAT SAFETY BELTS PURSUANT TO SUBDIVISION FIVE OF SECTION THREE HUNDRED EIGHTY-THREE OF THIS CHAPTER UNLESS ALL PASSENGERS OVER THE AGE OF FOUR AND UNDER THE AGE OF SIXTEEN ARE RESTRAINED BY A SEAT SAFETY BELT.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.

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

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