

8612

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. GANTT -- (at request of the Department of Motor Vehicles) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring children under the age of 8 to be restrained by a child restraint system in a motor vehicle

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

1 Section 1. Paragraph (b) of subdivision 1 of section 1229-c of the  
2 vehicle and traffic law, as amended by chapter 18 of the laws of 2005,  
3 is amended to read as follows:

4 (b) all back seat passengers of such vehicle who are age four or older  
5 but under age [seven] EIGHT (i) are restrained in an appropriate child  
6 restraint system as defined in subdivision four of this section used  
7 with combination lap and shoulder harness belts or (ii) are restrained  
8 in a lap safety belt in the event such vehicle is not equipped with  
9 combination lap safety and shoulder harness belts or all the combination  
10 lap safety and shoulder harness belts are being used to properly  
11 restrain other passengers who are under the age of sixteen; or

12 S 2. Subdivision 3 of section 1229-c of the vehicle and traffic law,  
13 as added by chapter 365 of the laws of 1984, is amended to read as  
14 follows:

15 3. No person shall operate a motor vehicle unless such person is  
16 restrained by a safety belt approved by the commissioner. No person  
17 sixteen years of age or over shall be a passenger in [the front seat of]  
18 a motor vehicle unless such person is restrained by a safety belt  
19 approved by the commissioner.

20 S 3. Subdivision 3-a of section 1229-c of the vehicle and traffic law,  
21 as added by chapter 546 of the laws of 2002, is amended to read as  
22 follows:

23 [3-a] 3-B. Except as otherwise provided for passengers under the age  
24 of four, it shall be a violation of this section if a person is [seated]

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

LBD09382-06-9

1 in a [seating position] SEAT equipped with both a lap safety belt and a  
2 shoulder harness belt and such person is not restrained by both such lap  
3 safety belt and shoulder harness belt, WITH THE SHOULDER HARNESS BELT  
4 WORN ACROSS SUCH PERSON'S TORSO.

5 S 4. Subdivision 6 of section 1229-c of the vehicle and traffic law,  
6 as amended by chapter 509 of the laws of 2004, is amended to read as  
7 follows:

8 6. The court shall waive any fine for which a person who violates the  
9 provisions of this section would be liable with respect to passengers  
10 under the age of [seven] EIGHT if such person supplies the court with  
11 proof that, between the date on which he is charged with having violated  
12 this section and the appearance date for such violation, he purchased or  
13 rented a child restraint system which meets the requirements of subdivi-  
14 sion one of this section. Provided, however, that such waiver of fine  
15 shall not apply to a second or subsequent conviction under this section.

16 S 5. Paragraph (a) of subdivision 12 of section 1229-c of the vehicle  
17 and traffic law, as amended by chapter 509 of the laws of 2004, is  
18 amended to read as follows:

19 (a) Every rental vehicle company, as defined in paragraph (c) of  
20 subdivision one of section three hundred ninety-six-z of the general  
21 business law, shall post a sign in their place of business which states  
22 in conspicuous lettering of at least seventy-two point boldface type:

23 NEW YORK STATE LAW REQUIRES ALL CHILDREN UNDER THE AGE OF [SEVEN]  
24 EIGHT TO BE RESTRAINED IN A FEDERALLY APPROVED CHILD RESTRAINT SYSTEM.

25 S 6. This act shall take effect on the ninetieth day after it shall  
26 have become a law.