

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 requiring all school buses in operation to be equipped with safety belts and requiring use of safety belts on school buses

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

1 Section 1. Paragraph (b) of subdivision 5 of section 383 of the vehi-
2 cle and traffic law, as added by chapter 747 of the laws of 1986, is
3 amended to read as follows:
4 (b) Passenger seat safety belts for existing school buses. Any school
5 bus as defined in section one hundred forty-two of this chapter[, which
6 is scheduled for retrofitting pursuant to action by a board of education
7 or board of trustees under section thirty-six hundred thirty-five-a of
8 the education law] shall be retrofitted so that all passenger seats on
9 such vehicles are equipped with seat safety belts [and additional
10 padding of a type and specification as approved by the commissioner of
11 transportation through the adoption of rules and regulations. Such rules
12 and regulations shall provide that when any contactable surface of the
13 school bus as specified in the Federal Motor Vehicle Safety Standard,
14 49CFR Section 571.222 is impacted from any direction at twenty-two feet
15 per second by the head form, the axial acceleration at the center of
16 gravity of the head form shall be such that the head form impact
17 requirement shall not exceed eight hundred. Furthermore, the commission-
18 er shall have the power through rules and regulations to exempt certain
19 design school buses from retrofitting. In granting such exemptions, the
20 commissioner shall consider safety factors, structural integrity of the
21 school buses and any other items deemed necessary to preserve the safety
22 and welfare of the school bus passengers. Provided further however that
23 the commissioner of transportation shall not authorize retrofitting of
24 any school bus manufactured prior to April first, nineteen hundred
25 seventy-seven].

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

1 S 2. Subdivisions 1 and 4 of section 1229-c of the vehicle and traffic
2 law, subdivision 1 as amended by chapter 18 of the laws of 2005 and
3 subdivision 4 as separately amended by chapters 232 and 509 of the laws
4 of 2004, are amended to read as 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 combi-
16 nation 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 seven (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 shoul-
24 der harness belts are being used to properly restrain other passengers
25 who are under the age of sixteen; or (c) in the case of any other back
26 seat passenger under the age of sixteen, he or she is restrained by a
27 safety belt approved by the commissioner. IN THE CASE OF SCHOOL BUS
28 PASSENGERS, ALL BACK SEAT PASSENGERS OF SUCH VEHICLES MUST BE RESTRAINED
29 BY A SAFETY BELT APPROVED BY THE COMMISSIONER.

30 4. For the purposes of this section, the following terms shall have
31 the following meanings: (a) "motor vehicle" shall include all motor
32 vehicles which are required by section three hundred eighty-three of
33 this chapter or regulation or would be required if such motor vehicle
34 were registered in New York state to be equipped [by a safety belt but
35 shall not include] WITH SAFETY BELTS, INCLUDING those vehicles which are
36 used as school buses, as such term is defined in section one hundred
37 forty-two of this chapter [and], BUT SHALL NOT INCLUDE those vehicles
38 which are authorized emergency vehicles, as such term is defined in
39 section one hundred one of this chapter;

40 (b) "child restraint system" shall mean any device, used in conjunc-
41 tion with safety belts, designed for use in a motor vehicle to restrain,
42 seat, or position children and which meets the applicable Federal Motor
43 Vehicle Safety Standards set forth in 49 C.F.R. 571.213; and

44 (c) "appropriate child restraint system" shall mean a child restraint
45 system for which the occupant meets the occupant size and weight recom-
46 mendations of the manufacturer of such system.

47 S 3. Subdivision 11 of section 1229-c of the vehicle and traffic law,
48 as added by chapter 653 of the laws of 1989 and as renumbered by chapter
49 104 of the laws of 1991, is amended to read as follows:

50 11. [Notwithstanding the provisions of subdivision four of this
51 section, no] NO person shall operate a school bus unless all passengers
52 under the age of four are restrained in a specially designed detachable
53 or removable seat as required by subdivision one of this section, or
54 another restraining device approved by the commissioner.

55 S 4. This act shall take effect on the first of September next
56 succeeding the date on which it shall have become a law.