

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

3623--A

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sen. DILAN -- (at request of the Department of Motor Vehicles) -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Paragraph (c) of subdivision 2 of section 1229-c of the vehicle
13 and traffic law, as amended by chapter 18 of the laws of 2005, is
14 amended to read as follows:
15 (c) if they are age four or older but under age [seven] EIGHT, (i) are
16 restrained in an appropriate child restraint system as defined in subdivi-
17 sion four of this section used with combination lap safety and shoul-
18 der harness belts or (ii) are restrained in a lap safety belt in the
19 event such vehicle is not equipped with combination lap safety and
20 shoulder harness belts or all the combination lap safety and shoulder

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

LBD09382-08-9

1 harness belts are being used to properly restrain other passengers who
2 are under the age of sixteen.

3 S 3. Subdivision 6 of section 1229-c of the vehicle and traffic law,
4 as amended by chapter 509 of the laws of 2004, is amended to read as
5 follows:

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

14 S 4. Paragraph (a) of subdivision 12 of section 1229-c of the vehicle
15 and traffic law, as amended by chapter 509 of the laws of 2004, is
16 amended to read as follows:

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

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

23 S 5. This act shall take effect on the ninetieth day after it shall
24 have become a law.