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

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I N S E N A T E

April 26, 2010

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

AN ACT to amend the vehicle and traffic law, in relation to safety seat and seat belt requirements

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

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

(a) all back seat passengers of such vehicle under the age of four are restrained in a specially designed seat which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is either permanently affixed or is affixed to such vehicle by a safety belt, or [in] WHICH IS SECURED ACCORDING TO THE VEHICLE'S MANUAL OR CHILD RESTRAINT SYSTEM MANUFACTURER'S INSTRUCTIONS. IN the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger [may] MUST be PROPERLY restrained [(i)] in an appropriate child restraint system as defined in subdivision four of this section [used with combination lap safety and shoulder harness belts or (ii) by a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen] AND WHICH IS SECURED ACCORDING TO THE VEHICLE'S MANUAL OR CHILD RESTRAINT SYSTEM MANUFACTURER'S INSTRUCTIONS;

S 2. Paragraph (b) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 405 of the laws of 2009, is amended to read as follows:

(b) all back seat passengers of such vehicle who are age four or older but under age eight [(i)] are PROPERLY restrained in an appropriate child restraint system as defined in subdivision four of this section [used with combination lap and shoulder harness belts or (ii) are restrained in a lap safety belt in the event such vehicle is not

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

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equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen] AND WHICH IS SECURED ACCORDING TO THE VEHICLE MANUAL'S OR CHILD RESTRAINT SYSTEM MANUFACTURER'S INSTRUCTIONS; or

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

(c) in the case of any other back seat passenger [under the age of sixteen], he or she is restrained by a safety belt approved by the commissioner.

S 4. Paragraph (b) of subdivision 2 of section 1229-c of the vehicle and traffic law, as amended by chapter 18 of the laws of 2005, is amended to read as follows:

(b) if they are under the age of four, by a specially designed seat which is either permanently affixed or affixed to such vehicle by a safety belt as required by subdivision one of this section[, or in]. IN the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger [may] MUST be PROPERLY restrained [(i)] in an appropriate child restraint system as defined in subdivision four of this section [used with combination lap safety and shoulder harness belts or (ii) by a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen] AND WHICH IS SECURED ACCORDING TO THE VEHICLE'S MANUAL OR CHILD RESTRAINT SYSTEM MANUFACTURER'S INSTRUCTIONS; or

S 5. Paragraph (c) of subdivision 2 of section 1229-c of the vehicle and traffic law, as amended by chapter 405 of the laws of 2009, is amended to read as follows:

(c) if they are age four or older but under age eight, [(i) are] SUCH PASSENGERS MUST BE PROPERLY restrained in an appropriate child restraint system as defined in subdivision four of this section [used with combination lap safety and shoulder harness belts or (ii) are restrained in a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen] AND WHICH IS SECURED ACCORDING TO THE VEHICLE'S MANUAL OR CHILD RESTRAINT SYSTEM MANUFACTURER'S INSTRUCTIONS.

S 6. Subdivision 13 of section 1229-c of the vehicle and traffic law, as amended by chapter 20 of the laws of 2008, is amended to read as follows:

13. Notwithstanding the provisions of subdivision four of this section, no person shall operate a school bus for which there are no applicable federal school bus safety standards unless all occupants are restrained by a safety belt approved by the commissioner or, regarding occupants age four or older but under age [seven] EIGHT, are restrained pursuant to subdivision one or two of this section.

S 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.