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I N A S S E M B L Y

May 20, 2010

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 safety seat and seat belt requirements

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

- 1 Section 1. Paragraph (a) 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 (a) all back seat passengers of such vehicle under the age of four are
5 restrained in a specially designed seat which meets the Federal Motor
6 Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is
7 either permanently affixed or is affixed to such vehicle by a safety
8 belt, or [in] WHICH IS SECURED ACCORDING TO THE VEHICLE'S MANUAL OR
9 CHILD RESTRAINT SYSTEM MANUFACTURER'S INSTRUCTIONS. IN the event that
10 the weight of such passenger under the age of four exceeds forty pounds,
11 such passenger [may] MUST be PROPERLY restrained [(i)] in an appropriate
12 child restraint system as defined in subdivision four of this section
13 [used with combination lap safety and shoulder harness belts or (ii) by
14 a lap safety belt in the event such vehicle is not equipped with combi-
15 nation lap safety and shoulder harness belts or all the combination lap
16 safety and shoulder harness belts are being used to properly restrain
17 other passengers who are under the age of sixteen] AND WHICH IS SECURED
18 ACCORDING TO THE VEHICLE'S MANUAL OR CHILD RESTRAINT SYSTEM MANUFACTUR-
19 ER'S INSTRUCTIONS;
20 S 2. Paragraph (b) of subdivision 1 of section 1229-c of the vehicle
21 and traffic law, as amended by chapter 405 of the laws of 2009, is
22 amended to read as follows:
23 (b) all back seat passengers of such vehicle who are age four or older
24 but under age eight [(i)] are PROPERLY restrained in an appropriate
25 child restraint system as defined in subdivision four of this section
26 [used with combination lap and shoulder harness belts or (ii) are
27 restrained in a lap safety belt in the event such vehicle is not
28 equipped with combination lap safety and shoulder harness belts or all

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

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

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

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

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

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

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

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

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

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

49 S 7. This act shall take effect on the first of November next succeed-
50 ing the date on which it shall have become a law.