

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JEFFRIES, DINOWITZ, GALEF, MAYERSOHN, BENEDETTO, ESPAILLAT, FIELDS -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, GOTTFRIED, GREENE, HOOPER, JOHN, MAGNARELLI, MAISEL, PHEFFER, WALKER, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to mandatory seat belt use

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

1 Section 1. Subdivision 1 of section 1229-c of the vehicle and traffic
2 law, as amended by chapter 18 of the laws of 2005, is amended to read as
3 follows:
4 1. No person shall operate a motor vehicle in this state unless: (a)
5 all back seat passengers of such vehicle under the age of four are
6 restrained in a specially designed seat which meets the Federal Motor
7 Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is
8 either permanently affixed or is affixed to such vehicle by a safety
9 belt, or in the event that the weight of such passenger under the age of
10 four exceeds forty pounds, such passenger may be restrained (i) in an
11 appropriate child restraint system as defined in subdivision four of
12 this section used with combination lap safety and shoulder harness belts
13 or (ii) by a lap safety belt in the event such vehicle is not equipped
14 with combination lap safety and shoulder harness belts or all the combi-
15 nation lap safety and shoulder harness belts are being used to properly
16 restrain other passengers who are under the age of sixteen; (b) all back
17 seat passengers of such vehicle who are age four or older but under age
18 seven (i) are restrained in an appropriate child restraint system as
19 defined in subdivision four of this section used with combination lap
20 and shoulder harness belts or (ii) are restrained in a lap safety belt
21 in the event such vehicle is not equipped with combination lap safety

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

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1 and shoulder harness belts or all the combination lap safety and shoul-
2 der harness belts are being used to properly restrain other passengers
3 who are under the age of sixteen; or (c) in the case of any other back
4 seat passenger [under the age of sixteen], he or she is restrained by a
5 safety belt approved by the commissioner.

6 S 2. This act shall take effect on the first of November next succeed-
7 ing the date on which it shall have become a law.