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

226

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:

Section 1. Paragraph (b) of subdivision 5 of section 383 of the vehicle and traffic law, as added by chapter 747 of the laws of 1986, is amended to read as follows:

(b) Passenger seat safety belts for existing school buses. Any school bus as defined in section one hundred forty-two of this chapter[, which is scheduled for retrofitting pursuant to action by a board of education or board of trustees under section thirty-six hundred thirty-five-a of the education law] shall be retrofitted so that all passenger seats on such vehicles are equipped with seat safety belts [and additional padding of a type and specification as approved by the commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus as specified in the Federal Motor Vehicle Safety Standard, 49CFR Section 571.222 is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred. Furthermore, the commissioner shall have the power through rules and regulations to exempt certain design school buses from retrofitting. In granting such exemptions, the commissioner shall consider safety factors, structural integrity of the school buses and any other items deemed necessary to preserve the safety and welfare of the school bus passengers. Provided further however that the commissioner of transportation shall not authorize retrofitting of any school bus manufactured prior to April first, nineteen hundred seventy-seven].

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

LBD02698-01-9

S 2. Subdivisions 1 and 4 of section 1229-c of the vehicle and traffic law, subdivision 1 as amended by chapter 18 of the laws of 2005 and subdivision 4 as separately amended by chapters 232 and 509 of the laws of 2004, are amended to read as follows:

1. No person shall operate a motor vehicle in this state unless: (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 the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger may be 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; (b) all back seat passengers of such vehicle who are age four or older but under age seven (i) are 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 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; or (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. IN THE CASE OF SCHOOL BUS PASSENGERS, ALL BACK SEAT PASSENGERS OF SUCH VEHICLES MUST BE RESTRAINED BY A SAFETY BELT APPROVED BY THE COMMISSIONER.

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

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

(c) "appropriate child restraint system" shall mean a child restraint system for which the occupant meets the occupant size and weight recommendations of the manufacturer of such system.

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

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

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