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

3204

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the use of safety belts in taxicabs and liveries

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

Section 1. Subdivisions 5 and 9 of section 1229-c of the vehicle and traffic law, subdivision 5 as amended by chapter 241 of the laws of 2007 and subdivision 9 as amended by chapter 390 of the laws of 1996, are amended to read as follows:

5. Any person who violates the provisions of subdivision three OR THREE-C of this section shall be punished by a civil fine of up to fifty dollars. Any person who violates the provisions of subdivision one, two, eleven or thirteen of this section shall be punished by a civil fine of not less than twenty-five nor more than one hundred dollars. In any prosecution or proceeding alleging a violation of paragraph (b) of subdivision one or paragraph (c) of subdivision two of this section, it shall be an affirmative defense that the passenger subject to the requirements of such paragraphs was restrained by a safety belt and measures more than four feet nine inches in height and/or weighs more than one hundred pounds. IN ANY PROSECUTION OR PROCEEDING ALLEGING A VIOLATION OF PARAGRAPH (B) OF SUBDIVISION THREE-C OF THIS SECTION, IT SHALL BE AN AFFIRMATIVE DEFENSE THAT SUCH TAXI OR LIVERY WAS IN VIOLATION OF SUBDIVISION FOUR-B OF SECTION THREE HUNDRED EIGHTY-THREE OF THIS CHAPTER.

9. Notwithstanding the provisions of subdivision four OF THIS SECTION, THE PROVISIONS OF this section shall not apply to [taxis, liveries, and] buses other than school buses AND THE PROVISIONS OF SUBDIVISIONS ONE, TWO, THREE AND THREE-A OF THIS SECTION SHALL NOT APPLY TO TAXIES AND LIVERIES.

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

LBD03064-01-1

S 2. Subdivision 3-a of section 1229-c of the vehicle and traffic law, as added by chapter 546 of the laws of 2002, is renumbered subdivision 3-b and a new subdivision 3-c is added to read as follows:

3-C. (A) NO PERSON SHALL OPERATE A TAXI OR LIVERY UNLESS SUCH PERSON IS RESTRAINED BY A SAFETY BELT APPROVED BY THE COMMISSIONER.

(B) NO PERSON SIXTEEN YEARS OF AGE OR OVER SHALL BE A PASSENGER IN THE FRONT SEAT OF A TAXI OR LIVERY UNLESS SUCH PERSON IS RESTRAINED BY A SAFETY BELT APPROVED BY THE COMMISSIONER.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.