

4187--A

Cal. No. 300

2015-2016 Regular Sessions

I N   S E N A T E

March 5, 2015

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Introduced by Sens. FLANAGAN, LATIMER, MARCHIONE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the use of seatbelts by volunteer firefighters

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

1     Section 1. Paragraph (a) of subdivision 4 of section 1229-c of the  
2     vehicle and traffic law, as separately amended by chapters 232 and 509  
3     of the laws of 2004, is amended to read as follows:  
4     (a) "motor vehicle" shall include all motor vehicles which are  
5     required by section three hundred eighty-three of this chapter or regu-  
6     lation or would be required if such motor vehicle were registered in New  
7     York state to be equipped by a safety belt but shall not include those  
8     vehicles which are used as school buses, as such term is defined in  
9     section one hundred forty-two of this chapter and those vehicles which  
10    are authorized emergency vehicles, as such term is defined in section  
11    one hundred one of this chapter, PROVIDED, HOWEVER, THAT FOR PURPOSES OF  
12    THIS SECTION, "MOTOR VEHICLE" SHALL ALSO INCLUDE FIRE VEHICLES OWNED  
13    AND/OR OPERATED BY A FIRE COMPANY AS DEFINED BY SUBDIVISION TWO OF  
14    SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW AND AMBULANCES OWNED  
15    AND/OR OPERATED BY A VOLUNTARY AMBULANCE SERVICE AS DEFINED BY SUBDIVI-  
16    SION THREE OF SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW;  
17    S 2. Subdivision 3-a of section 1229-c of the vehicle and traffic law,  
18    as amended by chapter 403 of the laws of 2009, is renumbered subdivision  
19    3-b.  
20    S 3. Section 1229-c of the vehicle and traffic law is amended by  
21    adding a new subdivision 10-a to read as follows:

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

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1 10-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS  
2 SECTION, NO PERSON SIXTEEN YEARS OF AGE OR OVER SHALL BE A PASSENGER IN  
3 THE REAR SEAT OF A FIRE VEHICLE OWNED AND/OR OPERATED BY A FIRE COMPANY  
4 AS DEFINED BY SUBDIVISION TWO OF SECTION ONE HUNDRED OF THE GENERAL  
5 MUNICIPAL LAW OR IN THE REAR SEAT OF AN AMBULANCE OWNED AND/OR OPERATED  
6 BY A VOLUNTARY AMBULANCE SERVICE AS DEFINED BY SUBDIVISION THREE OF  
7 SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW UNLESS SUCH PERSON IS  
8 RESTRAINED BY A SAFETY BELT APPROVED BY THE COMMISSIONER. PROVIDED,  
9 HOWEVER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY: (A) TO  
10 A PASSENGER IN THE REAR SEAT OF SUCH FIRE VEHICLE OR AMBULANCE IF SUCH  
11 SEAT IS NOT REQUIRED TO BE EQUIPPED WITH SAFETY BELTS PURSUANT TO THE  
12 PROVISIONS OF SECTION THREE HUNDRED EIGHTY-THREE OF THIS CHAPTER, NOR  
13 (B) TO EMERGENCY MEDICAL PERSONNEL DURING THE COURSE OF PROVIDING  
14 PATIENT CARE IN THE REAR COMPARTMENT OF AN AMBULANCE IN ACCORDANCE WITH  
15 APPLICABLE PATIENT CARE STANDARDS, GUIDELINES AND PROTOCOLS ESTABLISHED  
16 PURSUANT TO ARTICLE THIRTY OF THE PUBLIC HEALTH LAW.

17 S 4. Subdivision 5 of section 1229-c of the vehicle and traffic law,  
18 as amended by chapter 241 of the laws of 2007, is amended to read as  
19 follows:

20 5. Any person who violates the provisions of subdivision three OR  
21 TEN-A of this section shall be punished by a civil fine of up to fifty  
22 dollars. Any person who violates the provisions of subdivision one, two,  
23 eleven or thirteen of this section shall be punished by a civil fine of  
24 not less than twenty-five nor more than one hundred dollars. In any  
25 prosecution or proceeding alleging a violation of paragraph (b) of  
26 subdivision one or paragraph (c) of subdivision two of this section, it  
27 shall be an affirmative defense that the passenger subject to the  
28 requirements of such paragraphs was restrained by a safety belt and  
29 measures more than four feet nine inches in height and/or weighs more  
30 than one hundred pounds.

31 S 5. This act shall take effect on the first of November next succeed-  
32 ing the date on which it shall have become a law.