

2449--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. MOSLEY, JAFFEE, SCHIMEL, HOOPER -- Multi-Sponsored by -- M. of A. BLAKE, PERRY -- read once and referred to the Committee on Transportation -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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. Subdivisions 3, 5 and 9 of section 1229-c of the vehicle
2 and traffic law, subdivision 3 as added by chapter 365 of the laws of
3 1984, subdivision 5 as amended by chapter 241 of the laws of 2007 and
4 subdivision 9 as amended by chapter 390 of the laws of 1996, are amended
5 to read as follows:
6 3. No person shall operate a motor vehicle, INCLUDING TAXICABS,
7 LIVERIES AND OTHER FOR HIRE VEHICLES, unless such person is restrained
8 by a safety belt approved by the commissioner. No person sixteen years
9 of age or over shall be a passenger in [the front seat of] a motor vehicle,
10 INCLUDING TAXICABS, LIVERIES AND OTHER FOR HIRE VEHICLES, unless
11 such person is restrained by a safety belt approved by the commissioner.
12 5. Any person who violates the provisions of subdivision three of this
13 section shall be punished by a civil fine of up to fifty dollars. A
14 POLICE OFFICER SHALL ONLY ISSUE A SUMMONS FOR A VIOLATION OF SUBDIVISION
15 THREE OF THIS SECTION BY A PERSON LESS THAN EIGHTEEN YEARS OLD TO THE
16 PARENT OR GUARDIAN OF SUCH PERSON IF THE VIOLATION BY SUCH PERSON OCCURS
17 IN THE PRESENCE OF SUCH PERSON'S PARENT OR GUARDIAN AND WHERE SUCH
18 PARENT OR GUARDIAN IS EIGHTEEN YEARS OF AGE OR OLDER. NO PERSON OPERATING
19 A TAXICAB OR FOR HIRE VEHICLE SHALL BE SUBJECT TO A CIVIL FINE FOR
20 THE FAILURE OF A PASSENGER TO COMPLY WITH THE PROVISIONS OF SUBDIVISION

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

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1 THREE OF THIS SECTION. Any person who violates the provisions of subdi-
2 vision one, two, eleven or thirteen of this section shall be punished by
3 a civil fine of not less than twenty-five nor more than one hundred
4 dollars. In any prosecution or proceeding alleging a violation of para-
5 graph (b) of subdivision one or paragraph (c) of subdivision two of this
6 section, it shall be an affirmative defense that the passenger subject
7 to the requirements of such paragraphs was restrained by a safety belt
8 and measures more than four feet nine inches in height and/or weighs
9 more than one hundred pounds.

10 9. Notwithstanding the provisions of subdivision four AND EXCEPT AS
11 PROVIDED FOR IN SUBDIVISIONS THREE AND FIVE, this section shall not
12 apply to taxis, liveries, and buses other than school buses.

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