

1535--C

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sens. DILAN, AVELLA, BOYLE, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, 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 OPERAT-

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

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

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

15 S 2. Subdivision 5 of section 1229-c of the vehicle and traffic law,
16 as amended by chapter 448 of the laws of 2015, is amended to read as
17 follows:

18 5. Any person who violates the provisions of subdivision three or
19 ten-a of this section shall be punished by a civil fine of up to fifty
20 dollars. A POLICE OFFICER SHALL ONLY ISSUE A SUMMONS FOR A VIOLATION OF
21 SUBDIVISION THREE OF THIS SECTION BY A PERSON LESS THAN EIGHTEEN YEARS
22 OLD TO THE PARENT OR GUARDIAN OF SUCH PERSON IF THE VIOLATION BY SUCH
23 PERSON OCCURS IN THE PRESENCE OF SUCH PERSON'S PARENT OR GUARDIAN AND
24 WHERE SUCH PARENT OR GUARDIAN IS EIGHTEEN YEARS OF AGE OF OLDER. NO
25 PERSON OPERATING A TAXICAB OR FOR HIRE VEHICLE SHALL BE SUBJECT TO A
26 CIVIL FINE FOR THE FAILURE OF A PASSENGER TO COMPLY WITH THE PROVISIONS
27 OF SUBDIVISION THREE OF THIS SECTION. Any person who violates the
28 provisions of subdivision one, two, eleven or thirteen of this section
29 shall be punished by a civil fine of not less than twenty-five nor more
30 than one hundred dollars. In any prosecution or proceeding alleging a
31 violation of paragraph (b) of subdivision one or paragraph (c) of subdi-
32 vision two of this section, it shall be an affirmative defense that the
33 passenger subject to the requirements of such paragraphs was restrained
34 by a safety belt and measures more than four feet nine inches in height
35 and/or weighs more than one hundred pounds.

36 S 3. This act shall take effect on the first of November next succeed-
37 ing the date on which it shall have become a law; provided, however,
38 that if chapter 448 of the laws of 2015 shall not have taken effect on
39 or before such date then section two of this act shall take effect on
40 the same date and in the same manner as such chapter of the laws of 2015
41 takes effect.