

STATE OF NEW YORK

2928

2017-2018 Regular Sessions

IN SENATE

January 18, 2017

Introduced by Sen. DILAN -- 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 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 448 of the laws of 2015 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 vehi-
10 cle, 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 or
13 ten-a of this section shall be punished by a civil fine of up to fifty
14 dollars. A police officer shall only issue a summons for a violation of
15 subdivision three of this section by a person less than eighteen years
16 old to the parent or guardian of such person if the violation by such
17 person occurs in the presence of such person's parent or guardian and
18 where such parent or guardian is eighteen years of age or older. No
19 person operating a taxicab or for hire vehicle shall be subject to a
20 civil fine for the failure of a passenger to comply with the provisions
21 of subdivision three of this section. Any person who violates the
22 provisions of subdivision one, two, eleven or thirteen of this section
23 shall be punished by a civil fine of not less than twenty-five nor more
24 than one hundred dollars. In any prosecution or proceeding alleging a
25 violation of paragraph (b) of subdivision one or paragraph (c) of subdi-

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

LBD01383-01-7

1 vision two of this section, it shall be an affirmative defense that the
2 passenger subject to the requirements of such paragraphs was restrained
3 by a safety belt and measures more than four feet nine inches in height
4 and/or weighs more than one hundred pounds.

5 9. Notwithstanding the provisions of subdivision four and except as
6 provided for in subdivisions three and five, this section shall not
7 apply to taxis, liveries, and buses other than school buses.

8 § 2. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.