STATE OF NEW YORK

6523

2017-2018 Regular Sessions

IN SENATE

May 31, 2017

Introduced by Sen. ROBACH -- 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 requiring a child under the age of two in certain circumstances to be secured in a rear-facing child restraint system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 18 of the laws of 2005, paragraph (b) as amended by chapter 405 of the laws of 2009, is amended to read as follows:

1. No person shall operate a motor vehicle in this state unless: (a) all back seat passengers of such vehicle under the age of four are restrained in a specially designed seat which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is either permanently affixed or is affixed to such vehicle by a safety belt[~~, or~~] **and which shall be rear-facing whenever the passenger being restrained in such seat is under the age of two except that in the event that the weight or height of such passenger under the age of two exceeds the occupant size and weight recommendations of the manufacturer of such rear-facing seat, such seat may be forward-facing; provided, however, that** in the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger may be restrained (i) in an appropriate child restraint system as defined in subdivision four of this section used with combination lap safety and shoulder harness belts or (ii) by a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen; (b) all back seat passengers of such vehicle who are age four or older but under age eight (i) are restrained in an appropriate child restraint system as

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

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defined in subdivision four of this section used with combination lap and shoulder harness belts or (ii) are restrained in a lap safety belt in the event such vehicle is not equipped with combination lap safety and shoulder harness belts or all the combination lap safety and shoulder harness belts are being used to properly restrain other passengers who are under the age of sixteen; or (c) in the case of any other back seat passenger under the age of sixteen, he or she is restrained by a safety belt approved by the commissioner.

§ 2. This act shall take effect November 1, 2019.