STATE OF NEW YORK

9646

IN ASSEMBLY

January 30, 2020

Introduced by M. of A. MAGNARELLI, CRESPO, DE LA ROSA, JOYNER, PICHARDO, REYES -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to seatbelts in a taxi or livery

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

Section 1. Paragraph (c) of subdivision 3-c of section 1229-c of the vehicle and traffic law, as added by a chapter of the laws of 2020, amending the vehicle and traffic law relating to safety belt requirements for taxis and livery vehicles, as proposed in legislative bills numbers S. 7134 and A. 8990, is amended to read as follows:

(c) No person [~~shall operate a taxi or livery unless all passengers who are age~~] eight **years of age** or older but under age sixteen [~~are~~] **shall be a passenger in a taxi or livery unless such person is** restrained by a safety belt approved by the commissioner. **A police officer shall only issue a summons for a violation of this paragraph to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian and shall not be issued to the person eight years of age or older but under age sixteen.**

§ 2. Subdivision 5 of section 1229-c of the vehicle and traffic law, as amended by chapter 340 of the laws of 2017, is amended to read as follows:

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

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

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more than one hundred pounds. In any prosecution or proceeding alleging a violation of paragraph (b) **or paragraph (c)** of subdivision three-c of this section, it shall be an affirmative defense that such taxi or livery was in violation of subdivision four-b of section three hundred eighty-three of this chapter.

§ 3. Subdivision 51 of section 375 of the vehicle and traffic law, as added by chapter 495 of the laws of 2003, is amended to read as follows:

51. Taxicab and livery notices. (a) Every taxicab and livery registered in this state shall have posted therein the following notice: "Seatbelts must be available for your use. [**Please**] **You must** buckle up**, it's the law**."

(b) The notices required to be posted pursuant to paragraph (a) of this subdivision shall be posted in a manner legible and conspicuous to passengers in all seating positions of such vehicles. **Provided, however, that in addition to the requirements of this paragraph, such notices posted within taxis and liveries subject to registration and licensing by cities having a population of one million or more shall also be provided in the top two designated citywide languages as such term is defined in section 23-1101 of the administrative code of the city of New York.**

§ 4. The commissioner of motor vehicles shall undertake a public education campaign to alert drivers of for-hire vehicles and cities, towns and villages which regulate for-hire vehicles of the provisions of sections 1229-c and 375 of the vehicle and traffic law, as amended by sections one, two, and three of this act.

§ 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020, amending the vehicle and traffic law relating to safety belt requirements for taxis and livery vehicles, as proposed in legislative bills numbers S. 7134 and A. 8990, takes effect; provided, however, that section three of this act shall take effect one year after this act shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.