STATE OF NEW YORK

227

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to requiring the use of seatbelts by passengers in taxicabs and for-hire vehicles in the city of New York and requiring operators to display a notice informing passengers of such requirement

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

Section 1. Section 19-529 of the administrative code of the city of New York is amended by adding three new subdivisions e, f and g to read as follows:

e. Notwithstanding the provisions of section twelve hundred twenty-nine-c of the vehicle and traffic law, while taxicabs or for-hire vehicles subject to this section are being operated:

(1) All passengers one year and older shall be restrained by either: (i) a combination lap safety and shoulder harness belt; (ii) a lap safety belt; or (iii) in an appropriate child restraint system as defined in subdivision f of this section with combination lap and shoulder harness belts.

(2) Any passenger who violates the provisions of this subdivision shall be punished by a civil fine of up to fifty dollars. A police officer shall only issue a summons for a violation of this subdivision by a person less than sixteen years old 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 sixteen years of age or older. For the purposes of this subdivision, there shall be a rebuttable presumption that, when a passenger under the age of sixteen is traveling in a taxicab or a for-hire vehicle, any other passenger in such taxicab or for-hire vehicle who reasonably appears to be the parent or guardian of such passenger under the age of sixteen is

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

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the parent or guardian of such passenger under the age of sixteen. No person operating such taxicab or for-hire vehicle shall be subject to a civil fine for the failure of a passenger to comply with the provisions of this subdivision.

(3) The provisions of this subdivision shall not apply to a passenger with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt provided, however, such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate.

f. For the purposes of this section, the term "appropriate child restraint system" shall mean any device, used in conjunction with safety belts, designed for use in a motor vehicle to restrain, seat, or position children and which meets the applicable federal motor vehicle safety standards set forth in 49 C.F.R. 571.213, and for which the occupant meets the occupant size and weight recommendations of the manufacturer of such system.

g. (1) Every taxicab and for-hire vehicle subject to this section shall display a notice within the taxicab or for-hire vehicle which states the requirements of this section in accordance with rules and regulations promulgated by the commission.

(2) Any taxicab or for-hire vehicle which violates the provisions of this subdivision shall be subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.