STATE OF NEW YORK

2412

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to safety seat and seat belt requirements

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

Section 1. Paragraph (a) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 18 of the laws of 2005, is amended to read as follows:

(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 [~~in~~] **which is secured according to the vehicle's manual or child restraint system manufacturer's instructions. In** the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger [~~may~~] **must** be **properly** 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~~] **and which is secured according to the vehicle's manual or child restraint system manufacturer's instructions**;

§ 1-a. Paragraph (a) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 393 of the laws of 2017, is amended to read as follows:

(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

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

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either permanently affixed or is affixed to such vehicle by a safety belt**, or which is secured according to the vehicle's manual or child restraint system manufacturer's instructions,** 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~~] **must** be **properly** 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~~] **and which is secured according to the vehicle's manual or child restraint system manufacturer's instructions**;

§ 2. Paragraph (b) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 405 of the laws of 2009, is amended to read as follows:

(b) all back seat passengers of such vehicle who are age four or older but under age eight [~~(i)~~] are **properly** restrained in an appropriate child restraint system as 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~~] **and which is secured according to the vehicle's manual or child restraint system manufacturer's instructions**; or

§ 2-a. Paragraph (b) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 393 of the laws of 2017, is amended to read as follows:

(b) all back seat passengers of such vehicle who are age four or older but under age eight [~~(i)~~] are **properly** restrained in an appropriate child restraint system as 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~~] **and which is secured according to the vehicle's manual or child restraint system manufacturer's instructions**; or

§ 3. Paragraph (c) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 18 of the laws of 2005, is amended to read as follows:

(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.

§ 3-a. Paragraph (c) of subdivision 1 of section 1229-c of the vehicle and traffic law, as amended by chapter 393 of the laws of 2017, is amended to read as follows:

(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.

§ 4. Paragraph (b) of subdivision 2 of section 1229-c of the vehicle and traffic law, as amended by chapter 18 of the laws of 2005, is amended to read as follows:

(b) if they are under the age of four, by a specially designed seat which is either permanently affixed or affixed to such vehicle by a safety belt as required by subdivision one of this section[~~, or in~~]**. In** the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger [~~may~~] **must** be **properly** 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~~] **and which is secured according to the vehicle's manual or child restraint system manufacturer's instructions**; or

§ 5. Paragraph (c) of subdivision 2 of section 1229-c of the vehicle and traffic law, as amended by chapter 405 of the laws of 2009, is amended to read as follows:

(c) if they are age four or older but under age eight, [~~(i) are~~] **such passengers must be properly** restrained 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) 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~~] **and which is secured according to the vehicle's manual or child restraint system manufacturer's instructions**.

§ 6. Subdivision 13 of section 1229-c of the vehicle and traffic law, as amended by chapter 20 of the laws of 2008, is amended to read as follows:

13. Notwithstanding the provisions of subdivision four of this section, no person shall operate a school bus for which there are no applicable federal school bus safety standards unless all occupants are restrained by a safety belt approved by the commissioner or, regarding occupants age four or older but under age [~~seven~~] **eight**, are restrained pursuant to subdivision one or two of this section.

§ 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided however that sections 1-a, 2-a, and 3-a of this act shall take effect on the same date and in the same manner as chapter 393 of the laws of 2017, takes effect.