

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:

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

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

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

19 5. Any person who violates the provisions of subdivision three,
20 three-c or ten-a of this section shall be punished by a civil fine of up
21 to fifty dollars. Any person who violates the provisions of subdivision
22 one, two, eleven or thirteen of this section shall be punished by a
23 civil fine of not less than twenty-five nor more than one hundred
24 dollars. In any prosecution or proceeding alleging a violation of para-
25 graph (b) of subdivision one or paragraph (c) of subdivision two of this
26 section, it shall be an affirmative defense that the passenger subject
27 to the requirements of such paragraphs was restrained by a safety belt
28 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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1 more than one hundred pounds. In any prosecution or proceeding alleging
2 a violation of paragraph (b) or paragraph (c) of subdivision three-c of
3 this section, it shall be an affirmative defense that such taxi or
4 livery was in violation of subdivision four-b of section three hundred
5 eighty-three of this chapter.

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

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

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

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

26 § 5. This act shall take effect on the same date and in the same
27 manner as a chapter of the laws of 2020, amending the vehicle and traf-
28 fic law relating to safety belt requirements for taxis and livery vehi-
29 cles, as proposed in legislative bills numbers S. 7134 and A. 8990,
30 takes effect; provided, however, that section three of this act shall
31 take effect one year after this act shall have become a law. Effective
32 immediately, the addition, amendment and/or repeal of any rule or regu-
33 lation necessary for the implementation of this act on its effective
34 date are authorized to be made and completed on or before such effective
35 date.