STATE OF NEW YORK

6188

2021-2022 Regular Sessions

IN ASSEMBLY

March 10, 2021

Introduced by M. of A. PAULIN, GOTTFRIED, COLTON, SEAWRIGHT, THIELE, ENGLEBRIGHT, GRIFFIN, McDONOUGH, MONTESANO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring certain child passengers in a taxi or livery to be restrained by a child restraint system

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

Section 1. Subdivision 3-c of section 1229-c of the vehicle and traffic law is amended by adding two new paragraphs (d) and (e) to read as follows:

(d) No person under four years of age shall be a passenger in a taxi or livery unless such person is restrained in a child restraint system as defined in paragraph (b) of subdivision four of this section. 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 under four years of age.

(e) No person four years of age or older but under age eight shall be a passenger in a taxi or livery unless such person is restrained in an appropriate child restraint system as defined in paragraph (c) of subdivision four of this section. 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 under eight years of age.

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

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§ 2. Subdivision 5 of section 1229-c of the vehicle and traffic law, as amended by chapter 38 of the laws of 2020, 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**, or paragraph (e)** of **subdivision three-c 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 more than one hundred pounds. In any prosecution or proceeding alleging a violation of paragraph (b) [~~or~~], paragraph (c)**, paragraph (d) or paragraph (e)** 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. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.