STATE OF NEW YORK

8610

IN SENATE

February 21, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to seat belts on charter buses

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

Section 1. Section 1229-c of the vehicle and traffic law is amended by adding a new subdivision 3-d to read as follows:

3-d. (a) No person sixteen years of age or older shall be a passenger in a charter bus unless such person is restrained by a safety belt approved by the commissioner.

(b) No person eight years of age or older but under age sixteen shall be a passenger in a charter bus 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 older. 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. Paragraphs (b) and (c) of subdivision 4 of section 1229-c of the vehicle and traffic law, as separately amended by chapters 232 and 509 of the laws of 2004, are amended and two new paragraphs (d) and (e) are added to read as follows:

(b) "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~~]

(c) "appropriate child restraint system" shall mean a child restraint system for which the occupant meets the occupant size and weight recommendations of the manufacturer of such system[~~.~~]**;**

(d) "charter bus" shall mean a bus manufactured or assembled on or after November twenty-eighth, two thousand sixteen transporting passengers for compensation in a chartered party; and

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

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(e) "chartered party" shall mean a group of persons who, pursuant to a common purpose and under a single contract and at a fixed charge, have acquired exclusive use of a bus to travel together as a group to a specific destination or for a particular itinerary either agreed upon in advance or modified after having left the place of origin by such group.

§ 3. Subdivisions 5 and 9 of section 1229-c of the vehicle and traffic law, subdivision 5 as amended by chapter 38 and subdivision 9 as amended by chapter 8 of the laws of 2020, are amended to read as follows:

5. Any person who violates the provisions of subdivision three, three-c**, three-d** 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 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. **In any prosecution or proceeding alleging a violation of subdivision three-d of this section, it shall be an affirmative defense that such charter bus was not equipped with seat belts, or such seat belts were not clearly visible, accessible, or maintained in good working order.**

9. Notwithstanding the provisions of subdivision four of this section, **(a)** the provisions of this section shall not apply to buses other than school buses**, except as otherwise provided in subdivision three-d of this section and except that the provisions of subdivision three-a of this section shall be applicable to any person operating a charter bus and to charter bus passengers age eight or older,** and **(b)** the provisions of subdivisions one, two, three and three-a of this section shall not apply to taxis and liveries except that the provisions of subdivision three-a of this section shall be applicable to any person operating a taxi or livery and to taxi and livery passengers age eight or older.

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