

STATE OF NEW YORK

890

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sen. HOYLMAN -- 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 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:

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

4 (d) No person under four years of age shall be a passenger in a taxi
5 or livery unless such person is restrained in a child restraint system
6 as defined in paragraph (b) of subdivision four of this section. A
7 police officer shall only issue a summons for a violation of this para-
8 graph to the parent or guardian of such person if the violation by such
9 person occurs in the presence of such person's parent or guardian and
10 where such parent or guardian is eighteen years of age or more. Such
11 summons shall only be issued to such parent or guardian and shall not be
12 issued to the person under four years of age.

13 (e) No person four years of age or older but under age eight shall be
14 a passenger in a taxi or livery unless such person is restrained in an
15 appropriate child restraint system as defined in paragraph (c) of subdivi-
16 vision four of this section. A police officer shall only issue a summons
17 for a violation of this paragraph to the parent or guardian of such
18 person if the violation by such person occurs in the presence of such
19 person's parent or guardian and where such parent or guardian is eigh-
20 teen years of age or more. Such summons shall only be issued to such
21 parent or guardian and shall not be issued to the person under eight
22 years of age.

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

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1 § 2. Subdivision 5 of section 1229-c of the vehicle and traffic law,
2 as amended by chapter 38 of the laws of 2020, is amended to read as
3 follows:

4 5. Any person who violates the provisions of subdivision three,
5 three-c or ten-a of this section shall be punished by a civil fine of up
6 to fifty dollars. Any person who violates the provisions of subdivision
7 one, two, eleven or thirteen of this section shall be punished by a
8 civil fine of not less than twenty-five nor more than one hundred
9 dollars. In any prosecution or proceeding alleging a violation of para-
10 graph (b) of subdivision one ~~[e]~~, paragraph (c) of subdivision two, or
11 paragraph (e) of subdivision three-c of this section, it shall be an
12 affirmative defense that the passenger subject to the requirements of
13 such paragraphs was restrained by a safety belt and measures more than
14 four feet nine inches in height and/or weighs more than one hundred
15 pounds. In any prosecution or proceeding alleging a violation of para-
16 graph (b) ~~[e]~~, paragraph (c), paragraph (d) or paragraph (e) of subdi-
17 vision three-c of this section, it shall be an affirmative defense that
18 such taxi or livery was in violation of subdivision four-b of section
19 three hundred eighty-three of this chapter.

20 § 3. This act shall take effect on the first of November next succeed-
21 ing the date on which it shall have become a law.