§ 1229-c. Operation of vehicles with safety seats and safety belts.

1. No person shall operate a motor vehicle in this state unless: (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 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 be 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; (b) all back seat passengers of such vehicle who are age four or older but under age eight (i) are 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; or (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.

2. No person shall operate a motor vehicle unless all front seat passengers (a) under the age of sixteen are restrained by a safety belt; or (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 the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger may be 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; or (c) if they are age four or older but under age eight, (i) are 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.

3. No person shall operate a motor vehicle unless such person is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in a motor vehicle unless such person is restrained by a safety belt approved by the commissioner.

3-a. Except as otherwise provided for passengers under the age of four, it shall be a violation of this section if a person is seated in a seating position equipped with both a lap safety belt and a shoulder harness belt and such person is not restrained by both such lap safety belt and shoulder harness belt.

3-b. No person holding a class DJ learner's permit or class DJ license issued pursuant to section five hundred two of this chapter, shall operate a motor vehicle in this state unless such person is restrained by a safety belt approved by the commissioner, and all passengers 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 and, in the case of any other passenger under the age of sixteen, he or she is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in a motor vehicle operated by a person holding a class DJ

learner's permit, a class DJ license or a limited class DJ license unless such passenger is restrained by a safety belt approved by the commissioner.

3-c. (a) No person shall operate a taxi or livery unless such person is restrained by a safety belt approved by the commissioner.

(b) No person sixteen years of age or over shall be a passenger in a taxi or livery unless such person is restrained by a safety belt approved by the commissioner.

(c) No person eight years of age or older but under age sixteen shall be a passenger in a taxi or livery 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 more. 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.

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.

4. For the purposes of this section, the following terms shall have the following meanings: (a) "motor vehicle" shall include all motor vehicles which are required by section three hundred eighty-three of this chapter or regulation or would be required if such motor vehicle were registered in New York state to be equipped by a safety belt but

shall not include those vehicles which are used as school buses, as such term is defined in section one hundred forty-two of this chapter and those vehicles which are authorized emergency vehicles, as such term is defined in section one hundred one of this chapter, provided, however, that for purposes of this section, "motor vehicle" shall also include fire vehicles owned and/or operated by a fire company as defined by subdivision two of section one hundred of the general municipal law and ambulances owned and/or operated by a voluntary ambulance service as defined by subdivision three of section one hundred of the general municipal law;

(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;

(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

(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.

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.

6. The court shall waive any fine for which a person who violates the provisions of this section would be liable with respect to passengers under the age of eight if such person supplies the court with proof that, between the date on which he is charged with having violated this section and the appearance date for such violation, he purchased or rented a child restraint system which meets the requirements of subdivision one of this section. Provided, however, that such waiver of fine shall not apply to a second or subsequent conviction under this section.

7. The provisions of this section shall not apply to a passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt provided, however, such condition is duly certified by a physician or nurse practitioner who shall state the nature of the handicap, as well as the reason such restraint is inappropriate.

8. Non-compliance with the provisions of this section shall not be admissible as evidence in any civil action in a court of law in regard to the issue of liability but may be introduced into evidence in mitigation of damages provided the party introducing said evidence has pleaded such non-compliance as an affirmative defense.

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.

10. The provisions of this section shall not apply to persons employed as rural letter carriers, as defined by the United States postal service, while such persons are discharging the duties of such employment.

10-a. Notwithstanding the provisions of subdivision one of this section, no person sixteen years of age or over shall be a passenger in the rear seat of a fire vehicle owned and/or operated by a fire company as defined by subdivision two of section one hundred of the general municipal law or in the rear seat of an ambulance owned and/or operated by a voluntary ambulance service as defined by subdivision three of section one hundred of the general municipal law unless such person is restrained by a safety belt approved by the commissioner. Provided, however, that the provisions of this subdivision shall not apply: (a) to a passenger in the rear seat of such fire vehicle or ambulance if such seat is not required to be equipped with safety belts pursuant to the provisions of section three hundred eighty-three of this chapter, nor (b) to emergency medical personnel during the course of providing patient care in the rear compartment of an ambulance in accordance with applicable patient care standards, guidelines and protocols established pursuant to article thirty of the public health law.

11. Notwithstanding the provisions of subdivision four of this section, no person shall operate a school bus unless all passengers under the age of four are restrained in a specially designed detachable or removable seat as required by subdivision one of this section, or another restraining device approved by the commissioner.

12. (a) Every rental vehicle company, as defined in paragraph (c) of subdivision one of section three hundred ninety-six-z of the general business law, shall post a sign in their place of business which states

in conspicuous lettering of at least seventy-two point boldface type:

NEW YORK STATE LAW REQUIRES ALL CHILDREN UNDER THE AGE OF EIGHT TO BE RESTRAINED IN A FEDERALLY APPROVED CHILD RESTRAINT SYSTEM.

(b) Such sign shall be placed in an upright position and in a conspicuous place where it can easily be read by the clientele of the rental vehicle company.

(b-1) A peer-to-peer car sharing program as defined in section three thousand four hundred fifty-eight of the insurance law shall provide comparable notice for shared vehicle drivers and shared vehicle owners, as defined in section three thousand four hundred fifty-eight of the insurance law, on its website in conspicuous lettering.

(c) Any rental vehicle company or peer-to-peer car sharing program that makes a shared vehicle, as defined in section three thousand four hundred fifty-eight of the insurance law, available for peer-to-peer car sharing which violates the provisions of this subdivision shall be subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

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, are restrained pursuant to subdivision one or two of this section.