

STATE OF NEW YORK

8557

IN ASSEMBLY

January 9, 2024

Introduced by M. of A. MAGNARELLI -- read once and referred 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 Assem-
bly, 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 guar-
dian of such person if the violation by such person occurs in the pres-
ence of such person's parent or guardian and where such parent or guard-
ian 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 conjunc-
tion 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 recom-
mendations 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 passen-
gers 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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1 (e) "chartered party" shall mean a group of persons who, pursuant to a
2 common purpose and under a single contract and at a fixed charge, have
3 acquired exclusive use of a bus to travel together as a group to a
4 specific destination or for a particular itinerary either agreed upon in
5 advance or modified after having left the place of origin by such group.

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

10 5. Any person who violates the provisions of subdivision three,
11 three-c, three-d or ten-a of this section shall be punished by a civil
12 fine of up to fifty dollars. Any person who violates the provisions of
13 subdivision one, two, eleven or thirteen of this section shall be
14 punished by a civil fine of not less than twenty-five nor more than one
15 hundred dollars. In any prosecution or proceeding alleging a violation
16 of paragraph (b) of subdivision one or paragraph (c) of subdivision two
17 of this section, it shall be an affirmative defense that the passenger
18 subject to the requirements of such paragraphs was restrained by a safe-
19 ty belt and measures more than four feet nine inches in height and/or
20 weighs more than one hundred pounds. In any prosecution or proceeding
21 alleging a violation of paragraph (b) or paragraph (c) of subdivision
22 three-c of this section, it shall be an affirmative defense that such
23 taxi or livery was in violation of subdivision four-b of section three
24 hundred eighty-three of this chapter. In any prosecution or proceeding
25 alleging a violation of subdivision three-d of this section, it shall be
26 an affirmative defense that such charter bus was not equipped with seat
27 belts, or such seat belts were not clearly visible, accessible, or main-
28 tained in good working order.

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

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