

**§ 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, or in the event that the weight of such passenger under the age of four exceeds forty pounds, such passenger may be restrained in an appropriate child restraint system as defined in subdivision four of this section; (b) all back seat passengers of such vehicle who are age four or older but under age seven are restrained in an appropriate child restraint system as defined in subdivision four of this section; 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. (2000, chgd. by chap. 410; 2004, chgd. by chaps. 232, 509, eff. 7/27/2004, 3/27/2005, respectively.)

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 in an appropriate child restraint system as defined in subdivision four of this section or (c) if they are age four or older but under age seven, are restrained in an appropriate child restraint system as defined in subdivision four of this section. (2004, chgd. by chaps. 232, 509, eff. 7/27/2004, 3/27/2005, respectively.)

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 the front seat of 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. (2002, added by chap. 546, eff. 11/16/2002. See other subd. 3-a below.)

3-a. No person holding a class DJ learner's permit or class DJ license issued pursuant to section five hundred two of this chapter, or a limited class DJ or MJ license issued pursuant to section five hundred three-a 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. (2002, added by chap. 644, eff. 9/1/2003. See other subd. 3-a above.)

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;

(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. (2004, chgd. by chaps. 232, 509, eff. 7/27/2004, 3/27/2005, respectively.)