

"P" 6 (2019)

"M" 8 (2019)

Albany, New York

September 11, 2019

TO: All Enforcement Agencies and Magistrates

SUBJECT: Chapter 393 of the Laws of 2017 (Rear-facing Child Restraint Seats)

Effective November 1, 2019, Chapter 393 of the Laws of 2017 amends subdivision 1 of section 1229-c of the Vehicle and Traffic Law to include an additional requirement regarding child safety restraint in motor vehicles. The amendment requires that all back-seat passengers under age two be restrained in a rear-facing specially designed seat that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213.

The rear-facing seat must be either permanently affixed to the vehicle or affixed by a safety belt. However, the seat may be forward-facing if the weight or height of a child under age two exceeds the manufacturer's recommendations for the seat's occupant size and weight.

A copy of Chapter 393 is attached. Please share this information with appropriate staff.

Thank you.

Mark J.F. Schroeder
Commissioner

STATE OF NEW YORK

6523

2017-2018 Regular Sessions

IN SENATE

May 31, 2017

Introduced by Sen. ROBACH -- 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 a child under the age of two in certain circumstances to be secured in a rear-facing child restraint system

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

1 Section 1. Subdivision 1 of section 1229-c of the vehicle and traffic
2 law, as amended by chapter 18 of the laws of 2005, paragraph (b) as
3 amended by chapter 405 of the laws of 2009, is amended to read as
4 follows:
5 1. No person shall operate a motor vehicle in this state unless: (a)
6 all back seat passengers of such vehicle under the age of four are
7 restrained in a specially designed seat which meets the Federal Motor
8 Vehicle Safety Standards set forth in 49 C.F.R. 571.213 and which is
9 either permanently affixed or is affixed to such vehicle by a safety
10 belt~~[, or]~~ **and which shall be rear-facing whenever the passenger being**
11 **restrained in such seat is under the age of two except that in the event**
12 **that the weight or height of such passenger under the age of two exceeds**
13 **the occupant size and weight recommendations of the manufacturer of such**
14 **rear-facing seat, such seat may be forward-facing; provided, however,**
15 **that** in the event that the weight of such passenger under the age of
16 four exceeds forty pounds, such passenger may be restrained (i) in an
17 appropriate child restraint system as defined in subdivision four of
18 this section used with combination lap safety and shoulder harness belts
19 or (ii) by a lap safety belt in the event such vehicle is not equipped
20 with combination lap safety and shoulder harness belts or all the combi-
21 nation lap safety and shoulder harness belts are being used to properly
22 restrain other passengers who are under the age of sixteen; (b) all back
23 seat passengers of such vehicle who are age four or older but under age
24 eight (i) are restrained in an appropriate child restraint system as

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

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1 defined in subdivision four of this section used with combination lap
2 and shoulder harness belts or (ii) are restrained in a lap safety belt
3 in the event such vehicle is not equipped with combination lap safety
4 and shoulder harness belts or all the combination lap safety and shoul-
5 der harness belts are being used to properly restrain other passengers
6 who are under the age of sixteen; or (c) in the case of any other back
7 seat passenger under the age of sixteen, he or she is restrained by a
8 safety belt approved by the commissioner.
9 § 2. This act shall take effect November 1, 2019.