

A07315 Summary:

BILL NO A07315
 SAME AS SAME AS
 SPONSOR Thiele (MS)
 COSPNSR Abinanti, Brindisi, Fahy, Galef, Gunther, Jaffee, Paulin, Stirpe, Murray, DiPietro
 MLTSPNSR Goodell, Lifton, Magee, Miller, Skartados
 Amd S1229-c, V & T L

Requires the use of seatbelts by volunteer firefighters and volunteer ambulance service workers; provides exception for vehicles which do not have restraint systems provided by the manufacturer or to volunteer firefighters not seated within the confines of the vehicle or emergency medical personnel providing patient care in the rear compartment of an ambulance.

A07315 Actions:

BILL NO A07315
 05/05/2015 referred to transportation
 06/17/2015 reported referred to codes
 06/17/2015 reported referred to rules
 06/18/2015 reported
 06/18/2015 rules report cal.665
 06/18/2015 ordered to third reading rules cal.665
 06/18/2015 passed assembly
 06/18/2015 delivered to senate
 06/18/2015 REFERRED TO RULES
 06/24/2015 SUBSTITUTED FOR S4187A
 06/24/2015 PASSED SENATE
 06/24/2015 RETURNED TO ASSEMBLY
 11/10/2015 delivered to governor
 11/20/2015 signed chap.448

A07315 Votes:

A07315 06/18/2015 140/1

Abbate Y Clark ER Gantt Y Kim Y Morelle Y Richard Y Stec Y
 Abinant Y Colton Y Garbari Y Kolb Y Mosley Y Rivera Y Steck Y
 Arroyo ER Cook Y Giglio Y Lalor Y Moya Y Roberts ER Stirpe Y
 Aubry Y Corwin Y Gjonaj Y Lavine Y Murray Y Robinso Y Tedi.sec Y
 Barclay Y Crespo Y Glick Y Lawrenc Y Nojay Y Rodrigu Y Tenney Y
 Barrett Y Crouch Y Goldfed Y Lentol Y Nolan Y Rosenth Y Thiele Y
 Barron Y Curran Y Goodell Y Lifton Y Oaks Y Rozic Y Titone Y
 Benedet Y Cusick Y Gottfri Y Linares Y O'Donne Y Russell Y Titus Y
 Bichott Y Cymbrow Y Graf NO Lopez Y Ortiz Y Ryan Y Walker Y
 Blake Y Davila Y Gunther Y Lupardo Y Otis Y Saladin Y Walter Y
 Blanken Y DenDekk Y Hawley Y Lupinac Y Palmesa Y Santaba Y Weinste Y
 Borelli ER Dilan Y Hevesi Y Magee Y Palumbo Y Schimel Y Weprin Y
 Brabene Y Dinowit Y Hikind ER Magnare Y Paulin Y Schimmi Y Woerner Y
 Braunst Y DiPietr Y Hooper Y Malliot Y Peoples Y Seawrig Y Wozniak Y
 Brennan Y Duprey Y Jaffee Y Markey ER Perry Y Sepulve Y Wright Y

Brindis Y Englebr Y Jean-Pi Y Mayer Y Persaud Y Silver Y Zebrows Y
 Bronson Y Fahy Y Johns Y McDonal Y Pichard Y Simanow Y Mr Spkr Y Brook-
 K Y Farrell Y Joyner Y McDonou Y Pretlow Y Simon Y
 Buchwal Y Finch Y Kaminsk Y McKevit Y Quart Y Simotas Y
 Butler ER Fitzpat Y Katz ER McLaugh Y Ra Y Skartad Y
 Cahill Y Friend Y Kavanag Y Miller Y Raia Y Skoufis Y
 Ceretto Y Galef Y Kearns Y Montesa Y Ramos Y Solages Y

A07315 Memo:

BILL NUMBER A7315

TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to the use of seatbelts by volunteer firefighters

PURPOSE OR GENERAL IDEA OF THE BILL:

This legislation relates to the use of seatbelts in emergency vehicles owned or operated by a volunteer fire company or volunteer ambulance service.

SUMMARY OF PROVISIONS:

Paragraph (a) of subdivision 4 of Section 1229-c of the Vehicle and Traffic Law is amended to include in the definition of motor vehicle for the purposes of this Section fire vehicles owned and/or operated by a fire company as defined by subdivision 2 of section 100 of the General Municipal Law and ambulances owned and/or operated by a voluntary ambulance service as defined by subdivision 3 of Section 100 of the General Municipal Law.

Section 1229-c of the Vehicle and Traffic Law is amended by adding a new Section 10-a to provide that no person 16 years of age or over to be a passenger in the rear seat of a fire vehicle owned and/or operated by a fire company as defined by subdivision 2 of section 100 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 3 of Section 100 of the General Municipal Law unless such person is restrained by a safety belt approved by the Commissioner of the Department of Motor Vehicles. Provided, however, that the provisions of this subdivision shall not apply to passengers in the rear seat of such fire or ambulance vehicle if such seat is not required to be equipped with safety belts pursuant to the provisions of Section 383 of this chapter, nor 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 30 of the Public Health Law.

Subdivision 5 of Section 1229-c of the Vehicle and Traffic Law is amended to include Section 10-a in order to provide that the penalty for violating the provisions of the section shall be a civil fine of up to fifty dollars.

JUSTIFICATION:

In 1984, NYS adopted S 1229-c of the NYS Vehicle & Traffic Law. This law sets forth the rules for operation of vehicles that have safety or seat belts. In general, this law requires operators and passengers of "motor vehicles" to be restrained by safety belts. However, certain vehicles are exempt from the law's requirements. Under S 1229-c,

"authorized emergency vehicles" are exempt from the definition of the term "motor vehicle". These vehicles were excluded from the requirements of S 1229-c since the operators of these vehicles need to perform their duties in an unhampered fashion. The term "authorized emergency vehicle" is defined under S 101 of the Vehicle & Traffic Law and is defined to include fire and ambulance vehicles. As a result,

fire and ambulance vehicles are exempt from the requirement to use safety or seatbelts.

The single largest cause of Volunteer Firefighter and EMS responder death is vehicle accidents to and from an incident scene. The largest contributor to those deaths is failure to wear seat belts, Volunteers would like the current exemption removed from the law making New York law consistent with the training and operational procedures currently in place to promote seat belt use.

Use of seat belts promotes safety and saves lives. Since buckling a seat belt takes just a few seconds, fire and ambulance vehicles should be required to use them. This bill is strongly supported by the Fireman's Association of the State of New York.

LEGISLATIVE HISTORY :

2013-14 : A. 5400-B
 2011-12 : A. 7244-A/S. 4765-A
 2009-10 : A. 6765/S. 3671
 2007-08 : S. 7478

FISCAL IMPLICATIONS :

None

EFFECTIVE DATE :

This act shall take effect immediately.

A07315 Text:

S T A T E O F N E W Y O R K

7315

2015-2016 Regular Sessions

I N A S S E M B L Y

May 5, 2015

Introduced by M. of A. THIELE, ABINANTI, BRINDISI, FAHY, GALEF, GUNTHER, JAFFEE, PAULIN, STIRPE Multi-Sponsored by -- M. of A. GOODELL, LIFTON, MAGEE, MILLER, SKARTADOS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the use of seatbelts by volunteer firefighters

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS :

1 Section 1. Paragraph (a) of subdivision 4 of section 1229-c of the
2 vehicle and traffic law, as separately amended by chapters 232 and 509
3 of the laws of 2004, is amended to read as follows:

4 (a) "motor vehicle" shall include all motor vehicles which are
5 required by section three hundred eighty-three of this chapter or regu-
6 lation or would be required if such motor vehicle were registered in New
7 York state to be equipped by a safety belt but shall not include those
8 vehicles which are used as school buses, as such term is defined in
9 section one hundred forty-two of this chapter and those vehicles which
10 are authorized emergency vehicles, as such term is defined in section
11 one hundred one of this chapter, PROVIDED, HOWEVER, THAT FOR PURPOSES OF
12 THIS SECTION, "MOTOR VEHICLE" SHALL ALSO INCLUDE FIRE VEHICLES OWNED
13 AND/OR OPERATED BY A FIRE COMPANY AS DEFINED BY SUBDIVISION TWO OF
14 SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW AND AMBULANCES OWNED
15 AND/OR OPERATED BY A VOLUNTARY AMBULANCE SERVICE AS DEFINED BY SUBDIVI-
16 SION THREE OF SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW;

17 S 2. Subdivision 3-a of section 1229-c of the vehicle and traffic law,
18 as amended by chapter 403 of the laws of 2009, is renumbered subdivision
19 3-b.

20 S 3. Section 1229-c of the vehicle and traffic law is amended by
21 adding a new subdivision 10-a to read as follows:

22 10-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS
23 SECTION, NO PERSON SIXTEEN YEARS OF AGE OR OVER SHALL BE A PASSENGER IN

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

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1 THE REAR SEAT OF A FIRE VEHICLE OWNED AND/OR OPERATED BY A FIRE COMPANY
2 AS DEFINED BY SUBDIVISION TWO OF SECTION ONE HUNDRED OF THE GENERAL
3 MUNICIPAL LAW OR IN THE REAR SEAT OF AN AMBULANCE OWNED AND/OR OPERATED
4 BY A VOLUNTARY AMBULANCE SERVICE AS DEFINED BY SUBDIVISION THREE OF
5 SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW UNLESS SUCH PERSON IS
6 RESTRAINED BY A SAFETY BELT APPROVED BY THE COMMISSIONER. PROVIDED,
7 HOWEVER, THAT THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY: (A) TO
8 A PASSENGER IN THE REAR SEAT OF SUCH FIRE VEHICLE OR AMBULANCE IF SUCH
9 SEAT IS NOT REQUIRED TO BE EQUIPPED WITH SAFETY BELTS PURSUANT TO THE
10 PROVISIONS OF SECTION THREE HUNDRED EIGHTY-THREE OF THIS CHAPTER, NOR
11 (B) TO EMERGENCY MEDICAL PERSONNEL DURING THE COURSE OF PROVIDING
12 PATIENT CARE IN THE REAR COMPARTMENT OF AN AMBULANCE IN ACCORDANCE WITH
13 APPLICABLE PATIENT CARE STANDARDS, GUIDELINES AND PROTOCOLS ESTABLISHED
14 PURSUANT TO ARTICLE THIRTY OF THE PUBLIC HEALTH LAW.

15 S 4. Subdivision 5 of section 1229-c of the vehicle and traffic law,
16 as amended by chapter 241 of the laws of 2007, is amended to read as
17 follows:

18 5. Any person who violates the provisions of subdivision three OR
19 TEN-A of this section shall be punished by a civil fine of up to fifty
20 dollars. Any person who violates the provisions of subdivision one, two,
21 eleven or thirteen of this section shall be punished by a civil fine of
22 not less than twenty-five nor more than one hundred dollars. In any
23 prosecution or proceeding alleging a violation of paragraph (b) of
24 subdivision one or paragraph (c) of subdivision two of this section, it
25 shall be an affirmative defense that the passenger subject to the
26 requirements of such paragraphs was restrained by a safety belt and
27 measures more than four feet nine inches in height and/or weighs more
28 than one hundred pounds.

29 S 5. This act shall take effect on the first of November next succeed-
30 ing the date on which it shall have become a law.