

Make sure to look for
GROSS MISUSE or NON-USE

Non-use is the most dangerous type of misuse. Gross misuse may include:

- No seat belt or LATCH attachments anchoring the car seat.
- No harness straps securing the child in the car seat.
- A rear-facing child in the front seat with an active air bag.
- A child less than two years old facing forward.

For questions about this publication or to order copies, contact:

New York State Department of Health
Bureau of Occupational Health & Injury Prevention
Phone: 518-402-7900
Email: injury@health.ny.gov

Funded by the National Highway Traffic Safety Administration with a grant from the NYS Governor's Traffic Safety Committee.



Law Enforcement Quick Reference Guide

**CHILD PASSENGER SAFETY
VEHICLE AND TRAFFIC LAW**

A Vehicle and Traffic Reference for
Child Passenger Safety Enforcement

Summary of New York State Occupant Restraint Law

Children under the age of four (4) must be in a specially designed federally approved car seat. Children under the age of four (4) who exceed forty (40) pounds and all children between four (4) and seven (7) years must be in a child restraint system that is federally approved. An appropriate child restraint system is defined as a device for which the occupant meets the size and weight recommendations of the manufacturer. Depending on a child's size, the appropriate child restraint system may be an infant-only, convertible, combination, all-in-one, booster seat or other device used with a lap and shoulder belt or lap belt only in the event there is not an available lap and shoulder belt. A vehicle's seat belts are not defined as appropriate child restraint systems under federal regulations, as they are not designed for children.

All children must use a specially designed federally approved car seat in the rear-facing position until they are two (2) years old or reach

the highest weight or height limit allowed by the car seat manufacturer. For babies that outgrow their infant-only car seat, it is recommended that a convertible or all-in-one seat should be used in the rear-facing position until they outgrow the highest weight or height limit allowed by the manufacturer for the rear-facing position.

- Children over the age of two (2) but under the age of four (4) who have outgrown the highest weight or height limit for the rear-facing position, must remain in a specially designed federally approved car seat.
- If the child is eight years old or older and is under 4'9" tall or weighs less than 100 pounds, continued use of an appropriate child restraint system is recommended. If the child is four (4) years of age or older but under the age of eight (8) and is over 4'9" tall and/or weighs more than 100 pounds, the child may be restrained by a seat belt.

All other passengers in a motor vehicle must be properly restrained by a seat belt or appropriate child restraint system.

The driver must make sure that each passenger under the age of sixteen (16) years old is properly restrained by a seat belt or appropriate child restraint system.

Seat belt use is not required in emergency vehicles (except fire vehicles owned and/or operated by a fire company and ambulances owned and/or operated by a voluntary ambulance service), 1964 or older vehicles, or by passengers in buses other than school buses (seat belt use may be required by the school district). Rural letter carriers are also exempt while they are discharging their duties of such employment.

Other Exemptions: passengers or operators with a physically disabling condition that prevents them from being restrained provided it is duly certified by a physician; passengers in taxis and livery vehicles under the age of 8.

Vehicle and Traffic Law Section Reference Chart

Violation	Under 4 Years Old	4-7 Years Old or under 4 but over 40 pounds	8-15 Years Old	16 Years Old +
Unrestrained (back seat)		1229-c(1)		1229-c(3)
Not restrained in a specially designed federally approved car seat (back seat)	1229-c(1)(a)			
Not restrained in an appropriate child restraint device (back seat)*		1229-c(1)(b)		
Not restrained by seat belt (back seat)			1229-c(1)(c)	1229-c(3)
Unrestrained (front seat)		1229-c(1)		1229-c(3)
Not restrained in a specially designed federally approved car seat (front seat)	1229-c(2)(b)			
Not restrained in an appropriate child restraint device (front seat)		1229-c(2)(c)		
Not restrained by seat belt (front seat)			1229-c(2)(a)	1229-c(3)
Unrestrained occupant while motor vehicle operated by Class-DJ Learner Permit, a Limited Class-DJ, or Class-DJ Driver License		509(3) and/or 1229-c(3-b)		
Operating a motor vehicle while under the influence of alcohol or drugs with a child 15 years or less in vehicle		1192(2-a)(b)		

*Unless over 4'9 and/or over 100 pounds as set forth under VTL 1229-c(5)