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Int. No. 157

By Council Members Yassky, Addabbo, Baez, DeBlasio, Nelson, Felder, Koppell, Sanders, Sears and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to requiring all taxicabs to have child booster seats available for passenger use.

Be it enacted by the Council as follows:

Section 1. Legislative findings. The Council hereby finds that a glaring safety issue exists in the taxicab and for-hire vehicle industry which presents a continuing and pervasive danger to children and infants up to eight years old and eighty pounds in weight. This unfortunate situation manifests itself in the extreme dearth or total nonexistence of child booster seats and child safety seats in New York City's taxicabs and for-hire vehicles. The fact that these child restraint systems are not routinely made available by drivers, owners and leaseholders of such vehicles necessitates that this Council act to protect the children of this city when such children utilize the services of this industry.

The extensive requirements for child restraint systems in motor vehicles prescribed in the Code of Federal Regulations, known as the Federal Motor Vehicle Standards, lend considerable weight to the necessity and propriety of imposing such mandates on a local level. Statistics compiled by relevant federal agencies justify the need for both national and local requirements for employing child restraint systems. The National Highway Traffic Safety Administration (NHTSA), part of the United States Department of

Transportation, reports that traffic crashes are the leading cause of death for children of every age from four to fourteen years (based on 1998 figures, which are the latest mortality data currently available from the National Center for Health Statistics). The NHTSA concludes that this is attributable to the fact that most children are either completely unrestrained or are improperly restrained in motor vehicles. NHTSA statistics show that restraint use for children from birth to age one is ninety-seven percent, and ages one to four ninety-one percent. From age five to fifteen restraint use drops dramatically to approximately sixty-eight percent. 1998 Fatality Analysis Reporting System (FARS) data shows that over forty-seven percent of fatally injured children nationwide between the ages of four and seven were completely unrestrained. An NHTSA study found that only six percent of booster-aged children (four to eight years old) were actually restrained in a booster seat. Finally, NHTSA research on the effectiveness of child safety seats has found them to reduce fatal injury by seventy-one percent for infants (less than one year old) and by fifty-four percent for toddlers (one to four years old) in passenger cars. According to the New York State Department of Motor Vehicles, in 2000, New York City taxicabs were involved in more than 17,000 crashes resulting in injuries to 2,607 children. Despite the lack of infant and child injury and fatality data due to non-restraint and improper restraint in New York City taxicabs and for-hire vehicles, even a rough extrapolation of the above national data into this local industry compels this Council to act.

§2. Section 19-529 of chapter 5 of title 19 of the administrative code of the city of New York is amended to read as follows:

§19-529. Seat and shoulder belts and child restraint systems required in taxicabs and for-hire vehicles. a. Beginning with the 1991 model year, for each seating position, every taxicab and for-hire vehicle shall be equipped with seat belts and, for every outside passenger position, shall be equipped with shoulder belts.

b. All seat and shoulder belts required by this section or by any provision of state or federal law shall be clearly visible, accessible and shall be maintained in good working order. No safety belt installed in a motor vehicle in accordance with the provisions of this section or in accordance with the provisions of state or federal law or the rules or regulations issued by the New York State Department of Transportation or the United States Department of Transportation, shall be removed from said motor vehicle.

c. The owner of any licensed vehicle found to be in violation of subdivision a or b hereof shall be fined not less than one hundred nor more than two hundred fifty dollars.

d. At each inspection of a licensed taxicab or for-hire vehicle made pursuant to subdivision f of section 19-504 of this chapter, failure to comply with subdivision a or b hereof shall be evidence that such vehicle fails to meet reasonable standards for safe operation and shall constitute cause for the suspension of said vehicle licensed by the commission.

e. Every taxicab shall have a child booster seat available for passenger use and shall have posted in plain view of potential passengers a sticker advertising the availability of such child booster seat. Such booster seats shall be compliant with all applicable

federal laws, regulations and rules and shall be of a type approved by the commission for use by children four to eight years of age and ranging from forty to eighty pounds in weight. A child booster seat shall only be used in accordance with instructions prepared for or by the manufacturer of such booster seat and shall be installed only in the backseat of a taxicab. Passengers requesting a booster seat shall be charged by meter for the time taken to install such seat. For purposes of this section, a “child booster seat” shall mean a child passenger restraint system which meets the federal motor vehicle safety standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

f. Every base station shall maintain a supply of child safety seats and child booster seats on premises to be installed for use in for-hire vehicles dispatched on demand by such base station. For purposes of this section, a “child safety seat” shall mean 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. Such child restraint systems shall be of a type approved by the commission for use by children under four years of age and shall be maintained in a clean and sanitary manner at all times. Every base station shall maintain staff, specially instructed by the department, for the purpose of properly installing child safety seats prior to the dispatch of vehicles picking up children under four years of age. Installation of a child safety seat shall be considered proper if such seat has been fastened to the motor vehicle by a safety belt and all securing straps and mechanisms are being used in accordance with instructions prepared for or by the manufacturer of such child safety seat. A child safety seat shall be installed only in the backseat of a vehicle.

g. Any person who violates the provisions of subdivisions e or f of this section shall be liable for a civil penalty of one hundred dollars. It shall be an affirmative defense that a passenger accompanying a child for whom a child booster seat or child safety seat is required pursuant to subdivisions e or f of this section declined to allow such child to be secured in such a seat.

§3. This local law shall take effect one hundred eighty days after its enactment into law, except that the chairperson of the taxi and limousine commission shall take any administrative actions, including the promulgation of rules, necessary to effectuate the provisions of this section.