



**Office for People With  
Developmental Disabilities**

**INFORMATIONAL LETTER**

<b>Transmittal:</b>	20-INF- 04
<b>To:</b>	All OPWDD Certified or Operated Facilities
<b>Issuing OPWDD Office:</b>	OPWDD Counsel’s Office
<b>Date:</b>	October 14, 2020
<b>Subject:</b>	Changes to Vehicle & Traffic Law section 1229-c Seat Belt Law
<b>Suggested Distribution:</b>	OPWDD State Operations Directors OPWDD Regional Office Director Executive Directors, Voluntary Agencies
<b>Contact:</b>	
<b>Attachments:</b>	n/a

<b>Related ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Regulatory Authority</b>	<b>MHL &amp; Other Statutory Authority</b>	<b>Records Retention</b>
		14 NYCRR Part 624 14 NYCRR Part 633	Chapter 136 of the laws of 2020	

## **Purpose**

To provide information regarding recent legislation, amending Vehicle and Traffic Law §1229-c, regarding the use of seatbelts.

## **Background**

On August 11<sup>th</sup>, 2020 Governor Cuomo signed into law bill A.6163/S.4336, Chapter 136 of the Laws of 2020, which modifies the seat belt requirements for passengers in motor vehicles in the State of New York. This new law requires that anyone over the age of 16 must wear a seatbelt regardless of where they are sitting in the vehicle. While OPWDD has always encouraged seatbelt use by all individuals riding in a vehicle, the prior law technically allowed someone 16 or older to sit in the backseat without a seatbelt.

## **Requirements**

Effective November 1, 2020, NYS law requires that everyone wear a seatbelt, regardless of age and regardless of where in the motor vehicle they are seated. All vehicles utilized by OPWDD certified or operated programs for the transportation of individuals must have an operating seatbelt for each passenger.

These requirements do not apply to a passenger or operator with a physically disabling condition, whose physical disability would prevent the use of such restraint or safety belt, as long as a physician has stated the nature of the disability and the reason such restraint is inappropriate. Vehicles utilized by OPWDD programs may require special safety equipment, including harnesses, wheelchair securement devices, car seats, or supportive restraints, to meet the safe transport needs of individuals who cannot use a standard seatbelt.

Per NYS law, the backseat seatbelt requirements do not currently apply to school buses, buses, taxis, and liveries.