

4740--C

Cal. No. 606

2011-2012 Regular Sessions

I N S E N A T E

April 18, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to the added requirement of a motor vehicle accident prevention course for driving while under the influence of alcohol or drugs violations

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

1 Section 1. Section 1199 of the vehicle and traffic law, as added by
2 section 1 of part E of chapter 59 of the laws of 2004, is amended to
3 read as follows:
4 S 1199. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT
5 PREVENTION COURSE REQUIREMENT. 1. In addition to any fines, fees,
6 penalties and surcharges authorized by law, any person convicted of a
7 violation of any subdivision of section eleven hundred ninety-two of
8 this article, or any person found to have refused a chemical test in
9 accordance with section eleven hundred ninety-four of this article not
10 arising out of the same incident as a conviction for a violation of any
11 of the provisions of section eleven hundred ninety-two of this article,
12 shall become liable to the department for payment of a driver responsi-
13 bility assessment as provided in this section AND FOR COMPLETION OF A
14 MOTOR VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE
15 TWELVE-B OR TWELVE-C OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE
16 COMMISSIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE; PROVIDED, HOWEV-
17 ER, THAT COMPLETION OF SUCH COURSE PURSUANT TO THIS SECTION SHALL NOT

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

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1 ENTITLE SUCH INDIVIDUAL TO A POINT REDUCTION OR INSURANCE PREMIUM
2 REDUCTION PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE
3 INSURANCE LAW.

4 2. The amount of the driver responsibility assessment under this
5 section shall be two hundred fifty dollars per year for a three-year
6 period.

7 3. Upon receipt of evidence that a person is liable for the driver
8 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE
9 required by this section, the commissioner shall notify such person by
10 first class mail to the address of such person on file with the depart-
11 ment or at the current address provided by the United States postal
12 service of the amount of such assessment, the time and manner of making
13 required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE ACCI-
14 DENT PREVENTION COURSE, and that failure to make payment OR COMPLETE
15 SUCH COURSE shall result in the suspension of his or her driver's
16 license or privilege of obtaining a driver's license.

17 4. If a person shall fail to pay any driver responsibility assessment
18 OR COMPLETE A MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in
19 this section, the commissioner shall suspend such person's driver's
20 license or privilege of obtaining a license. Such suspension shall
21 remain in effect until any and all outstanding driver responsibility
22 assessments have been paid in full AND SUCH PERSON HAS PROVIDED PROOF OF
23 COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

24 5. The provisions of this section shall also be applicable to any
25 person convicted of any violation of section forty-nine-a of the naviga-
26 tion law, any person convicted of a violation of section 25.24 of the
27 parks, recreation and historic preservation law, or any person found to
28 have refused a chemical test in accordance with the applicable
29 provisions of either the navigation law or the parks, recreation and
30 historic preservation law not arising out of the same incident as such
31 conviction.

32 S 2. Subdivision 4 of section 503 of the vehicle and traffic law, as
33 added by section 2 of part E of chapter 59 of the laws of 2004, para-
34 graph (f) as added by section 1 of part W of chapter 59 of the laws of
35 2006, is amended to read as follows:

36 4. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT
37 PREVENTION COURSE REQUIREMENT. (a) Any person who accumulates six or
38 more points on his or her driving record for acts committed within an
39 eighteen month period shall become liable to the department for payment
40 of a driver responsibility assessment AND FOR COMPLETION OF A MOTOR
41 VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE TWELVE-B
42 OR TWELVE-C OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE COMMIS-
43 SIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE as provided in this
44 subdivision.

45 (b) The amount of the driver responsibility assessment under this
46 section shall be one hundred dollars per year for a three-year period
47 for the first six points on a driver's record and an additional twenty-
48 five dollars per year for each additional point on such driver's record.

49 (c) Upon receipt of evidence that a person is liable for the driver
50 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE
51 required by this subdivision, the commissioner shall notify such person
52 by first class mail to the address of such person on file with the
53 department or at the current address provided by the United States
54 postal service of the amount of such assessment, the time and manner of
55 making required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE
56 ACCIDENT PREVENTION COURSE, and that failure to make payment OR COMPLETE

1 SUCH COURSE shall result in the suspension of his or her driver's
2 license or privilege of obtaining a driver's license.

3 (d) If a person shall fail to pay any driver responsibility assessment
4 OR COMPLETE A MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in
5 this subdivision, the commissioner shall suspend such person's driver's
6 license or privilege of obtaining a license. Such suspension shall
7 remain in effect until any and all outstanding driver responsibility
8 assessments have been paid in full AND SUCH PERSON HAS PROVIDED PROOF OF
9 COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

10 (e) Any completion of a motor vehicle accident prevention course
11 approved pursuant to article twelve-B OR TWELVE-C of this chapter shall
12 not serve to reduce the calculation of points OR THE REDUCTION OF AN
13 INSURANCE PREMIUM PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF
14 THE INSURANCE LAW on a person's driving record for the purposes of this
15 section.

16 (f) Notwithstanding any other provision of law to the contrary,
17 commencing April first, two thousand six and ending March thirty-first,
18 two thousand seven, the first forty million seven hundred thousand
19 dollars of fees collected pursuant to this subdivision and section elev-
20 en hundred ninety-nine of this chapter, in the aggregate, shall be paid
21 to the state comptroller who shall deposit such money in the state trea-
22 sury pursuant to section one hundred twenty-one of the state finance law
23 to the credit of the general fund. Any such fees collected in excess of
24 such amount shall be paid to the credit of the comptroller on account of
25 the dedicated highway and bridge trust fund established pursuant to
26 section eighty-nine-b of the state finance law. Commencing April first,
27 two thousand seven and ending March thirty-first, two thousand eight,
28 and for each such fiscal year thereafter, the first forty million seven
29 hundred thousand dollars of fees collected pursuant to this subdivision
30 and section eleven hundred ninety-nine of this chapter, in the aggre-
31 gate, shall be paid to the state comptroller who shall deposit such
32 money in the state treasury pursuant to section one hundred twenty-one
33 of the state finance law to the credit of the general fund. Any such
34 fees collected in excess of such amount for each such state fiscal year,
35 shall be paid to the credit of the comptroller on account of the dedi-
36 cated highway and bridge trust fund established pursuant to section
37 eighty-nine-b of the state finance law.

38 S 3. Subsection (a) of section 2336 of the insurance law, as amended
39 by chapter 751 of the laws of 2005, is amended to read as follows:

40 (a) Any schedule of rates or rating plan for motor vehicle liability
41 and collision insurance submitted to the superintendent shall provide
42 for an appropriate reduction in premium charges for any insured for a
43 three year period after successfully completing a motor vehicle accident
44 prevention course, known as the national safety council's defensive
45 driving course, or any driver improvement course approved by the depart-
46 ment of motor vehicles as being equivalent to the national safety coun-
47 cil's defensive driving course, provided that, except as provided in
48 article twelve-C of the vehicle and traffic law, there shall be no
49 reduction in premiums for a self instruction defensive driving course or
50 a course which does not provide for actual classroom instruction for a
51 minimum number of hours as determined by the department of motor vehi-
52 cles. Such reduction in premium charges shall be subsequently modified
53 to the extent appropriate, based upon analysis of loss experience
54 statistics and other relevant factors. All such accident prevention
55 courses shall be monitored by the department of motor vehicles and shall
56 include components of instruction in "Road Rage" awareness and in "Work

1 Zone Safety" awareness as defined by the commissioner of motor vehicles.
2 The provisions of this section shall not apply to A MOTOR VEHICLE ACCI-
3 DENT PREVENTION COURSE COMPLETED PURSUANT TO SECTION FIVE HUNDRED THREE
4 OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND TRAFFIC LAW OR attend-
5 ance at a program pursuant to article twenty-one of the vehicle and
6 traffic law as a result of any traffic infraction.

7 S 4. Subsection (a) of section 2336 of the insurance law, as amended
8 by chapter 585 of the laws of 2002, is amended to read as follows:

9 (a) Any schedule of rates or rating plan for motor vehicle liability
10 and collision insurance submitted to the superintendent shall provide
11 for an appropriate reduction in premium charges for any insured for a
12 three year period after successfully completing a motor vehicle accident
13 prevention course, known as the national safety council's defensive
14 driving course, or any driver improvement course approved by the depart-
15 ment of motor vehicles as being equivalent to the national safety coun-
16 cil's defensive driving course, provided that in either event there
17 shall be no reduction in premiums for a self instruction defensive driv-
18 ing course or a course which does not provide for actual classroom
19 instruction for a minimum number of hours as determined by the depart-
20 ment of motor vehicles. Such reduction in premium charges shall be
21 subsequently modified to the extent appropriate, based upon analysis of
22 loss experience statistics and other relevant factors. All such accident
23 prevention courses shall be monitored by the department of motor vehi-
24 cles and shall include components of instruction in "Road Rage" aware-
25 ness and in "Work Zone Safety" awareness as defined by the commissioner
26 of motor vehicles. The provisions of this section shall not apply to A
27 MOTOR VEHICLE ACCIDENT PREVENTION COURSE COMPLETED PURSUANT TO SECTION
28 FIVE HUNDRED THREE OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND
29 TRAFFIC LAW OR attendance at a program pursuant to article twenty-one of
30 the vehicle and traffic law as a result of any traffic infraction.

31 S 5. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law; provided that the amendments to subsection
33 (a) of section 2336 of the insurance law, made by section three of this
34 act, shall not affect the expiration and repeal of such subdivision and
35 shall be deemed repealed therewith, when upon such date section four of
36 this act shall take effect.