

STATE OF NEW YORK

5379

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to instruction concerning traffic stops

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 4 of
2 section 502 of the vehicle and traffic law, as amended by chapter 97 of
3 the laws of 2016, is amended to read as follows:

4 (i) Upon submission of an application for a driver's license, the
5 applicant shall be required to take and pass a test, or submit evidence
6 of passage of a test, with respect to the laws relating to traffic, the
7 laws relating to driving while ability is impaired and while intoxicat-
8 ed, under the overpowering influence of "Road Rage", or "Work Zone Safe-
9 ty" awareness as defined by the commissioner, the law relating to exer-
10 cising due care to avoid colliding with a parked, stopped or standing
11 authorized emergency vehicle or hazard vehicle pursuant to section elev-
12 en hundred forty-four-a of this chapter, the ability to read and compre-
13 hend traffic signs and symbols, the responsibilities of a driver when
14 stopped by a law enforcement officer and such other matters as the
15 commissioner may prescribe, and to satisfactorily complete a course
16 prescribed by the commissioner of not less than four hours and not more
17 than five hours, consisting of classroom driver training and highway
18 safety instruction or the equivalent thereof. Such test shall include at
19 least seven written questions concerning the effects of consumption of
20 alcohol or drugs on the ability of a person to operate a motor vehicle
21 and the legal and financial consequences resulting from violations of
22 section eleven hundred ninety-two of this chapter, prohibiting the oper-
23 ation of a motor vehicle while under the influence of alcohol or drugs.
24 Such test shall include one or more written questions concerning the
25 devastating effects of "Road Rage" on the ability of a person to operate

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

LBD10528-02-7

1 a motor vehicle and the legal and financial consequences resulting from
2 assaulting, threatening or interfering with the lawful conduct of another
3 person legally using the roadway. Such test shall include one or more
4 questions concerning the potential dangers to persons and equipment
5 resulting from the unsafe operation of a motor vehicle in a work zone.
6 Such test may include one or more questions concerning the law for exercising
7 due care to avoid colliding with a parked, stopped or standing
8 vehicle pursuant to section eleven hundred forty-four-a of this chapter.

9 Such test shall include one or more questions concerning the responsibilities of a driver when stopped by a law enforcement officer. Such
10 test shall be administered by the commissioner. The commissioner shall
11 cause the applicant to take a vision test and a test for color blindness.
12 Upon passage of the vision test, the application may be accepted
13 and the application fee shall be payable.

14 § 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
15 traffic law, as amended by chapter 585 of the laws of 2002, is amended
16 to read as follows:

17 (b) Upon successful completion of the requirements set forth in paragraph
18 (a) of this subdivision which shall include an alcohol and drug
19 education component as described in paragraph (c) of this subdivision, a
20 "Road Rage" awareness component as described in paragraph (c-1) of this
21 subdivision ~~and~~ a "Work Zone Safety" awareness component as described
22 in paragraph (c-2) of this subdivision and a traffic stop instruction
23 component as described in paragraph (c-3) of this subdivision, the
24 commissioner shall cause the applicant to take a road test in a representative
25 vehicle of a type prescribed by the commissioner which shall
26 be appropriate to the type of license for which application is made,
27 except that the commissioner may waive the road test requirements for
28 certain classes of applicants. The commissioner shall have the power to
29 establish a program to allow persons other than employees of the department
30 to conduct road tests in representative vehicles when such tests
31 are required for applicants to obtain a class A, B or C license. If she
32 chooses to do so, she shall set forth her reasons in writing and conduct
33 a public hearing on the matter. She shall only establish such a program
34 after holding the public hearing.

35 § 3. Subdivision 4 of section 502 of the vehicle and traffic law is
36 amended by adding a new paragraph (c-3) to read as follows:

37 (c-3) Traffic stop instruction component. (i) The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in traffic stop instruction as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of this component is to educate prospective licensees on his or her responsibilities when stopped by a law enforcement officer.

38 (ii) The commissioner shall establish a curriculum for the traffic stop instruction component which shall include but not be limited to: instruction describing appropriate actions to be taken by drivers during traffic stops and appropriate interactions with law-enforcement officers who initiate traffic stops. The curriculum shall also explain a driver's responsibilities when stopped by a law enforcement officer, including pulling to the far right side of the road when being stopped; turning off the motor vehicle's engine and radio; avoiding sudden movements and keeping the driver's hands in plain view of the officer.

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

41 (a) Any schedule of rates or rating plan for motor vehicle liability
42 and collision insurance submitted to the superintendent shall provide

1 for an appropriate reduction in premium charges for any insured for a
2 three year period after successfully completing a motor vehicle accident
3 prevention course, known as the national safety council's defensive
4 driving course, or any driver improvement course approved by the depart-
5 ment of motor vehicles as being equivalent to the national safety coun-
6 cil's defensive driving course, provided that, except as provided in
7 article twelve-C of the vehicle and traffic law, there shall be no
8 reduction in premiums for a self instruction defensive driving course or
9 a course which does not provide for actual classroom instruction for a
10 minimum number of hours as determined by the department of motor vehi-
11 cles. Such reduction in premium charges shall be subsequently modified
12 to the extent appropriate, based upon analysis of loss experience
13 statistics and other relevant factors. All such accident prevention
14 courses shall be monitored by the department of motor vehicles and shall
15 include components of instruction in "Road Rage" awareness ~~[and]~~ in
16 "Work Zone Safety" awareness and in traffic stops as defined by the
17 commissioner of motor vehicles. The provisions of this section shall not
18 apply to attendance at a program pursuant to article twenty-one of the
19 vehicle and traffic law as a result of any traffic infraction.

20 § 5. Subsection (a) of section 2336 of the insurance law, as amended
21 by chapter 585 of the laws of 2002, is amended to read as follows:

22 (a) Any schedule of rates or rating plan for motor vehicle liability
23 and collision insurance submitted to the superintendent shall provide
24 for an appropriate reduction in premium charges for any insured for a
25 three year period after successfully completing a motor vehicle accident
26 prevention course, known as the national safety council's defensive
27 driving course, or any driver improvement course approved by the depart-
28 ment of motor vehicles as being equivalent to the national safety coun-
29 cil's defensive driving course, provided that in either event there
30 shall be no reduction in premiums for a self instruction defensive driv-
31 ing course or a course which does not provide for actual classroom
32 instruction for a minimum number of hours as determined by the depart-
33 ment of motor vehicles. Such reduction in premium charges shall be
34 subsequently modified to the extent appropriate, based upon analysis of
35 loss experience statistics and other relevant factors. All such accident
36 prevention courses shall be monitored by the department of motor vehi-
37 cles and shall include components of instruction in "Road Rage" aware-
38 ness ~~[and]~~ in "Work Zone Safety" awareness and in traffic stops as
39 defined by the commissioner of motor vehicles. The provisions of this
40 section shall not apply to attendance at a program pursuant to article
41 twenty-one of the vehicle and traffic law as a result of any traffic
42 infraction.

43 § 6. This act shall take effect immediately; provided that the amend-
44 ments to subsection (a) of section 2336 of the insurance law, made by
45 section four of this act, shall not affect the expiration and reversion
46 of such subsection and shall be deemed repealed therewith, when
47 upon such date section five of this act shall take effect.