

STATE OF NEW YORK

5390--B

Cal. No. 204

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. LUPARDO, JONES -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the operation of a three-wheeled vehicle

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

1 Section 1. Subparagraphs (iv) and (vii) of paragraph (a) of subdivision 2 of section 501 of the vehicle and traffic law, subparagraph (iv) 2 as amended by chapter 339 of the laws of 2005, subparagraph (vii) as 3 added by chapter 173 of the laws of 1990, are amended to read as 4 follows: 5

6 (iv) Class D. Such license shall be valid to operate any passenger or 7 limited use automobile or any truck with a GVWR of not more than twenty-six 8 thousand pounds or any such vehicle towing a vehicle with a GVWR 9 of not more than ten thousand pounds, or any such vehicle towing another 10 vehicle with a GVWR of more than ten thousand pounds provided such 11 combination of vehicles has a GCWR of not more than twenty-six thousand 12 pounds, or any personal use vehicle with a GVWR of not more than twenty-six 13 thousand pounds or any such vehicle towing a vehicle with a GVWR 14 of not more than ten thousand pounds, except it shall not be valid to 15 operate a tractor, a motorcycle other than a class B or C limited use 16 motorcycle, a vehicle used to transport passengers for hire or for which 17 a hazardous materials endorsement is required, or a vehicle defined as a 18 bus in subdivision one of section five hundred nine-a of this title.

19 Such license also shall be valid to operate a three-wheeled motor vehicle 20 that has a steering wheel and seating which does not require the 21 operator to straddle or sit astride, is equipped with safety belts for 22 all occupants and is manufactured to comply with federal motor vehicle

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

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safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571.

(vii) Class M. Such license shall be valid to operate any motorcycle, or any motorcycle, other than a limited use motorcycle, towing a trailer. Such license also shall be valid to operate a three-wheeled motor vehicle that has a steering wheel and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571.

§ 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 355 of the laws of 2017, is amended to read as follows:

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision and a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. Provided, however, that the term "representative vehicle" shall not include a three-wheeled motor vehicle that has a steering wheel and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If she chooses to do so, she shall set forth her reasons in writing and conduct a public hearing on the matter. She shall only establish such a program after holding the public hearing.

§ 3. Paragraph (b) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 513 of the laws of 2019, is amended to read as follows:

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision and a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision, and a "School Bus Safety" awareness component as described in paragraph (c-4) of this subdivision the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. Provided, however, that the term "representative vehicle" shall not include a three-wheeled motor vehicle that has a steering wheel and seating which does not require the operator to straddle or sit astride, is equipped with safety

1 belts for all occupants and is manufactured to comply with federal motor
2 vehicle safety standards for motorcycles including, but not limited to,
3 49 C.F.R. part 571. The commissioner shall have the power to establish a
4 program to allow persons other than employees of the department to
5 conduct road tests in representative vehicles when such tests are
6 required for applicants to obtain a class A, B or C license. If she
7 chooses to do so, she shall set forth her reasons in writing and conduct
8 a public hearing on the matter. She shall only establish such a program
9 after holding the public hearing.

10 § 4. This act shall take effect immediately; provided, however, that
11 if chapter 513 of the laws of 2019 shall not have taken effect on or
12 before such date then section three of this act shall take effect on the
13 same date and in the same manner as such chapter of the laws of 2019,
14 takes effect.