

STATE OF NEW YORK

4580--A

Cal. No. 1076

2019-2020 Regular Sessions

IN SENATE

March 15, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, 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 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 subdivi-
2 sion 2 of section 501 of the vehicle and traffic law, subparagraph (iv)
3 as amended by chapter 339 of the laws of 2005, subparagraph (vii) as
4 added by chapter 173 of the laws of 1990, are amended to read as
5 follows:

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 twen-
8 ty-six 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 twen-
13 ty-six 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 vehi-
20 cle 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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1 safety standards for motorcycles including, but not limited to, 49
2 C.F.R. part 571.

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

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

14 (b) Upon successful completion of the requirements set forth in para-
15 graph (a) of this subdivision which shall include an alcohol and drug
16 education component as described in paragraph (c) of this subdivision, a
17 "Road Rage" awareness component as described in paragraph (c-1) of this
18 subdivision and a "Work Zone Safety" awareness component as described in
19 paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness
20 component as described in paragraph (c-3) of this subdivision the
21 commissioner shall cause the applicant to take a road test in a repre-
22 sentative vehicle of a type prescribed by the commissioner which shall
23 be appropriate to the type of license for which application is made,
24 except that the commissioner may waive the road test requirements for
25 certain classes of applicants. Provided, however, that the term "repre-
26 sentative vehicle" shall not include a three-wheeled motor vehicle that
27 has a steering wheel and seating which does not require the operator to
28 straddle or sit astride, is equipped with safety belts for all occupants
29 and is manufactured to comply with federal motor vehicle safety stand-
30 ards for motorcycles including, but not limited to, 49 C.F.R. part 571.

31 The commissioner shall have the power to establish a program to allow
32 persons other than employees of the department to conduct road tests in
33 representative vehicles when such tests are required for applicants to
34 obtain a class A, B or C license. If he or she chooses to do so, he or
35 she shall set forth his or her reasons in writing and conduct a public
36 hearing on the matter. [~~She~~] He or she shall only establish such a
37 program after holding the public hearing.

38 § 3. Paragraph (a) of subdivision 4 of section 1229-c of the vehicle
39 and traffic law, as amended by chapter 448 of the laws of 2015, is
40 amended to read as follows:

41 (a) "motor vehicle" shall include all motor vehicles which are
42 required by section three hundred eighty-three of this chapter or regu-
43 lation or would be required if such motor vehicle were registered in New
44 York state to be equipped by a safety belt [~~but~~], provided however, that
45 for purposes of this section, "motor vehicle" shall also include a
46 three-wheeled motor vehicle that has a steering wheel and seating which
47 does not require the operator to straddle or sit astride, is equipped
48 with safety belts for all occupants and is manufactured to comply with
49 federal motor vehicle safety standards for motorcycles, including, but
50 not limited to, 49 C.F.R. part 571. For purposes of this section, "motor
51 vehicle" shall not include those vehicles which are used as school
52 buses, as such term is defined in section one hundred forty-two of this
53 chapter and those vehicles which are authorized emergency vehicles, as
54 such term is defined in section one hundred one of this chapter,
55 provided, however, that for purposes of this section, "motor vehicle"
56 shall also include fire vehicles owned and/or operated by a fire company

1 as defined by subdivision two of section one hundred of the general
2 municipal law and ambulances owned and/or operated by a voluntary ambu-
3 lance service as defined by subdivision three of section one hundred of
4 the general municipal law;

5 § 4. Subsection (f) of section 5102 of the insurance law is amended to
6 read as follows:

7 (f) "Motor vehicle" means a motor vehicle as defined in section three
8 hundred eleven of the vehicle and traffic law and also includes fire and
9 police vehicles, as well as a three-wheeled motor vehicle that has a
10 steering wheel and seating which does not require the operator to strad-
11 dle or sit astride, is equipped with safety belts for all occupants, is
12 manufactured to comply with federal motor vehicle safety standards for
13 motorcycles including, but not limited to 49 CFR part 571, and can be
14 operated with a class D driver's license. It shall not include any
15 motor vehicle not required to carry financial security pursuant to arti-
16 cle six, eight or forty-eight-A of the vehicle and traffic law or a
17 motorcycle, as defined in subsection (m) hereof.

18 § 5. This act shall take effect immediately, provided, however, that
19 section four of this act shall take effect one year after it shall have
20 become a law.