

STATE OF NEW YORK

5228--B

Cal. No. 498

2019-2020 Regular Sessions

IN SENATE

April 17, 2019

Introduced by Sens. GOUNARDES, MAY, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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

AN ACT to amend the vehicle and traffic law, in relation to requiring instruction in pedestrian and bicyclist safety as part of the drivers pre-licensing course

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

1 Section 1. Paragraphs (a), (b) and (d) of subdivision 4 of section 502
2 of the vehicle and traffic law, paragraph (a) as amended by chapter 585
3 of the laws of 2002, subparagraph (i) of paragraph (a) and paragraphs
4 (b) and (d) as amended by chapter 513 of the laws of 2019, are amended
5 and a new paragraph (c-5) is added to read as follows:
6 (a) (i) Upon submission of an application for a driver's license, the
7 applicant shall be required to take and pass a test, or submit evidence
8 of passage of a test, with respect to the laws relating to traffic, the
9 laws relating to driving while ability is impaired and while intoxicat-
10 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"
11 awareness [~~and~~], "Motorcycle Safety" awareness and "Pedestrian and Bicy-
12 clist Safety" awareness as defined by the commissioner, "School Bus
13 Safety" awareness, the law relating to exercising due care to avoid
14 colliding with a parked, stopped or standing authorized emergency vehi-
15 cle or hazard vehicle pursuant to section eleven hundred forty-four-a of
16 this chapter, the ability to read and comprehend traffic signs and
17 symbols and such other matters as the commissioner may prescribe, and to
18 satisfactorily complete a course prescribed by the commissioner of not

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

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1 less than four hours and not more than five hours, consisting of class-
2 room driver training and highway safety instruction or the equivalent
3 thereof. Such test shall include at least seven written questions
4 concerning the effects of consumption of alcohol or drugs on the ability
5 of a person to operate a motor vehicle and the legal and financial
6 consequences resulting from violations of section eleven hundred nine-
7 ty-two of this chapter, prohibiting the operation of a motor vehicle
8 while under the influence of alcohol or drugs. Such test shall include
9 one or more written questions concerning the devastating effects of
10 "Road Rage" on the ability of a person to operate a motor vehicle and
11 the legal and financial consequences resulting from assaulting, threat-
12 ening or interfering with the lawful conduct of another person legally
13 using the roadway. Such test shall include one or more questions
14 concerning the potential dangers to persons and equipment resulting from
15 the unsafe operation of a motor vehicle in a work zone. Such test may
16 include one or more questions concerning motorcycle safety. Such test
17 may include one or more questions concerning the law for exercising due
18 care to avoid colliding with a parked, stopped or standing vehicle
19 pursuant to section eleven hundred forty-four-a of this chapter. Such
20 test may include one or more questions concerning school bus safety.
21 Such test shall include one or more questions concerning how to safely
22 pass a bicyclist on the road and one or more questions concerning the
23 dangers of motor vehicles to bicyclists and pedestrians and one or more
24 questions concerning the law for exercising due care to avoid colliding
25 with a bicyclist, pedestrian or domestic animal pursuant to section
26 eleven hundred forty-six of this chapter. Such test shall be adminis-
27 tered by the commissioner. The commissioner shall cause the applicant to
28 take a vision test and a test for color blindness. Upon passage of the
29 vision test, the application may be accepted and the application fee
30 shall be payable.

31 (ii) The commissioner shall promulgate rules and regulations estab-
32 lishing eligibility standards for the taking and passing of knowledge
33 tests in other than written form.

34 (b) Upon successful completion of the requirements set forth in para-
35 graph (a) of this subdivision which shall include an alcohol and drug
36 education component as described in paragraph (c) of this subdivision, a
37 "Road Rage" awareness component as described in paragraph (c-1) of this
38 subdivision ~~[and]~~, a "Work Zone Safety" awareness component as described
39 in paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness
40 component as described in paragraph (c-3) of this subdivision, ~~[and]~~ a
41 "School Bus Safety" awareness component as described in paragraph (c-4)
42 of this subdivision, and a "Pedestrian and Bicyclist Safety" awareness
43 component as described in paragraph (c-5) of this subdivision, the
44 commissioner shall cause the applicant to take a road test in a repre-
45 sentative vehicle of a type prescribed by the commissioner which shall
46 be appropriate to the type of license for which application is made,
47 except that the commissioner may waive the road test requirements for
48 certain classes of applicants. The commissioner shall have the power to
49 establish a program to allow persons other than employees of the depart-
50 ment to conduct road tests in representative vehicles when such tests
51 are required for applicants to obtain a class A, B or C license. If she
52 chooses to do so, she shall set forth her reasons in writing and conduct
53 a public hearing on the matter. She shall only establish such a program
54 after holding the public hearing.

55 (c-5) "Pedestrian and Bicyclist Safety" awareness component. (i) The
56 commissioner shall provide in the pre-licensing course, set forth in

1 paragraph (b) of this subdivision, a mandatory component in "Pedestrian
2 and Bicyclist Safety" awareness education as a prerequisite for obtain-
3 ing a license to operate a motor vehicle. The purpose of the component
4 is to educate prospective licensees on the potential dangers to pedes-
5 trians, bicyclists, and other non-motorized vehicles created by motor
6 vehicles.

7 (ii) The curriculum shall include, but shall not be limited to, an
8 overview of traffic laws governing motor vehicle operators' duty to
9 exercise due care with respect to pedestrians and bicyclists, including
10 but not limited to understanding bicyclists' and pedestrians' needs and
11 reduced visibility, respecting bicyclists' and pedestrians' rights of
12 way, safe operation near bicyclists and pedestrians, including children
13 and blind, deaf, elderly and disabled pedestrians, bicycle lanes as
14 defined in section one hundred two-a of this chapter, safely overtaking
15 a bicycle, the dangers of distracted driving, driving at appropriate
16 reduced speeds when special hazards exist with respect to pedestrians or
17 other weather or highway conditions, safely turning, stopping, standing,
18 and parking, motor vehicle operators' obligations to comply with article
19 twenty-two of this chapter, and traffic control devices and markings
20 related to bicyclists and pedestrians.

21 (iii) In developing such curriculum, the commissioner shall consult
22 with the commissioner of transportation, the superintendent of the state
23 police, the commissioners of transportation and police of the city of
24 New York, medical professionals and bicycle and pedestrian safety advo-
25 cates.

26 (d) The commissioner shall make available for distribution upon regis-
27 tration at each location where the pre-licensing course will be given,
28 instructional handbooks outlining the content of the entire curriculum
29 of the pre-licensing course including the information required to be
30 included in the course pursuant to paragraphs (c), (c-1), (c-2), (c-3)
31 ~~[and]~~, (c-4) and (c-5) of this subdivision. The commissioner shall also
32 provide for the additional training of the instructors necessary for the
33 competent instruction of the alcohol and drug education, "Road Rage"
34 awareness, "Work Zone Safety" awareness, "Motorcycle Safety" awareness
35 ~~[and]~~, "School Bus Safety" awareness and "Pedestrian and Bicyclist Safe-
36 ty" awareness subject matters of the pre-licensing course.

37 § 2. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law; provided, however, that if chapter 513 of
39 the laws of 2019 shall not have taken effect on or after such date then
40 section one of this act shall take effect on the same date and in the
41 same manner as such chapter of the laws of 2019 takes effect.