S T A T E O F N E W Y O R K

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I N S E N A T E

April 9, 2010

Introduced by Sens. DILAN, FUSCHILLO -- (at request of the Department of Motor Vehicles) -- 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, in relation to the requirements for licensing and to amend chapter 403 of the laws of 2009 amending the vehicle and traffic law relating to the graduated licensing program, in relation to the effective date thereof

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

Section 1. Paragraph (c) of subdivision 2 of section 502 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(c) An applicant for a class D or M license shall be at least eighteen years of age, except that an application shall be accepted if the applicant is at least seventeen years of age and submits acceptable proof of successful completion of a driver education course, approved by the state education department and the commissioner, AND PROOF OF COMPLETION OF THE MINIMUM HOURS OF SUPERVISED DRIVING AS REQUIRED IN PARAGRAPH (D) OF THIS SUBDIVISION.

S 2. Subdivision 1 of section 507 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

1. Driver education. Notwithstanding any other provisions of this article, a class D or class M license, whichever is appropriate, may be issued to a minor seventeen years of age who has successfully completed a driver education course approved by the state education department and the commissioner in a high school or college AND WHO HAS SUBMITTED PROOF OF COMPLETION OF THE MINIMUM HOURS OF SUPERVISED DRIVING AS REQUIRED IN PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE. No such driver education course may be approved unless classroom training is provided by a person approved by the state education department and the commissioner. However, a school district may contract with one or more licensed drivers' schools to provide behind the wheel training, pursuant to regulations promulgated by the commissioner. The

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

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commissioner shall prescribe the requirements for licensing of such minors. A student enrolled in such an approved driver education course may operate a motor vehicle without holding a driver's license or a learner's permit while under the immediate supervision of an instructor in such course or a driver's school instructor providing behind the wheel training in such a course, provided such operation is in accordance with the rules established by the commissioner. Every student who successfully completes such course in a day, evening or summer school program offered by a public or private school shall receive certification of such completion on a certificate prescribed by the commissioner.

S 3. Section 14 of chapter 403 of the laws of 2009 amending the vehicle and traffic law relating to the graduated licensing program is amended to read as follows:

S 14. This act shall take effect immediately; provided, however, that:

(a) sections one, [two, three,] five, six, eight, nine and ten AND THE AMENDMENTS TO PARAGRAPH (D) OF SUBDIVISION 1 OF SECTION 501-B OF THE VEHICLE AND TRAFFIC LAW MADE BY SECTION TWO of this act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to licenses issued on or after such effective date. Any license issued pursuant to section 503-a of the vehicle and traffic law prior to such effective date shall remain in effect until the expiration date of such license;

(b) sections four and twelve of this act shall take effect November 1, 2009; [and]

(c) section eleven of this act shall expire and be deemed repealed November 1, 2009; AND

(D) SECTION THREE AND THE AMENDMENTS TO PARAGRAPH (C) OF SUBDIVISION 1 OF SECTION 501-B OF THE VEHICLE AND TRAFFIC LAW MADE BY SECTION TWO OF THIS ACT SHALL TAKE EFFECT SEPTEMBER 1, 2010.

S 4. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect thirty days after it shall have become a law and shall apply to all persons enrolling in approved driver education courses on or after such date.