

3598

2011-2012 Regular Sessions

I N   S E N A T E

February 28, 2011

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Introduced by Sen. ADAMS -- 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 adding a bicycle safety component to the pre-licensing driver's education course

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) and paragraphs (b) and  
2     (d) of subdivision 4 of section 502 of the vehicle and traffic law,  
3     subparagraph (i) of paragraph (a) as amended by chapter 387 of the laws  
4     of 2010 and paragraphs (b) and (d) as amended by chapter 585 of the laws  
5     of 2002, are amended and a new paragraph (c-3) is added to read as  
6     follows:  
7     (i) Upon submission of an application for a driver's license, the  
8     applicant shall be required to take and pass a test, or submit evidence  
9     of passage of a test, with respect to the laws relating to traffic, the  
10    laws relating to driving while ability is impaired and while intoxicat-  
11    ed, under the overpowering influence of "Road Rage", or "Work Zone Safe-  
12    ty" awareness as defined by the commissioner, the law relating to exer-  
13    cising due care to avoid colliding with a parked, stopped or standing  
14    authorized emergency vehicle pursuant to section eleven hundred forty-  
15    four-a of this chapter, the ability to read and comprehend traffic signs  
16    and symbols, BICYCLE AND PEDESTRIAN SAFETY and such other matters as the  
17    commissioner may prescribe, and to satisfactorily complete a course  
18    prescribed by the commissioner of not less than four hours and not more  
19    than five hours, consisting of classroom driver training and highway  
20    safety instruction or the equivalent thereof. Such test shall include at  
21    least seven written questions concerning the effects of consumption of  
22    alcohol or drugs on the ability of a person to operate a motor vehicle  
23    and the legal and financial consequences resulting from violations of  
24    section eleven hundred ninety-two of this chapter, prohibiting the oper-

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

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1 ation of a motor vehicle while under the influence of alcohol or drugs.  
2 Such test shall include one or more written questions concerning the  
3 devastating effects of "Road Rage" on the ability of a person to operate  
4 a motor vehicle and the legal and financial consequences resulting from  
5 assaulting, threatening or interfering with the lawful conduct of another  
6 person legally using the roadway. Such test shall include one or more  
7 questions concerning the potential dangers to persons and equipment  
8 resulting from the unsafe operation of a motor vehicle in a work zone.  
9 Such test may include one or more questions concerning the law for exercising  
10 due care to avoid colliding with a parked, stopped or standing  
11 authorized emergency vehicle pursuant to section eleven hundred forty-  
12 four-a of this chapter. SUCH TEST SHALL INCLUDE ONE OR MORE QUESTIONS  
13 CONCERNING BICYCLE AND PEDESTRIAN SAFETY. Such test shall be administered  
14 by the commissioner. The commissioner shall cause the applicant to  
15 take a vision test and a test for color blindness. Upon passage of the  
16 vision test, the application may be accepted and the application fee  
17 shall be payable.

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

36 (C-3) "BICYCLE AND PEDESTRIAN SAFETY" COMPONENT. (I) THE COMMISSIONER  
37 SHALL PROVIDE IN THE PRE-LICENSING COURSE, SET FORTH IN PARAGRAPH (B) OF  
38 THIS SUBDIVISION, A MANDATORY COMPONENT IN "BICYCLE AND PEDESTRIAN SAFETY"  
39 EDUCATION AS A PREREQUISITE FOR OBTAINING A LICENSE TO OPERATE A  
40 MOTOR VEHICLE. THE PURPOSE OF THE COMPONENT IS TO EDUCATE PROSPECTIVE  
41 LICENSEES ON THE POTENTIAL DANGERS TO PEDESTRIANS, BICYCLISTS, IN-LINE  
42 SKATERS, SCOOTER RIDERS, SKATEBOARDERS AND OTHER NON-MOTORIZED VEHICLES  
43 CREATED BY MOTOR VEHICLES.

44 (II) THE COMMISSIONER SHALL ESTABLISH A CURRICULUM FOR THE "BICYCLE  
45 AND PEDESTRIAN SAFETY" COMPONENT WHICH SHALL INCLUDE BUT NOT BE LIMITED  
46 TO: SAFELY PASSING A CYCLIST ON THE ROAD, SPECIAL CONSIDERATIONS WHILE  
47 DRIVING IN URBAN AREAS, BICYCLE LANES AS DEFINED IN SECTION ONE HUNDRED  
48 TWO-A OF THIS CHAPTER AND OTHER ROADWAY DESIGNS EMPLOYED IN NEW YORK  
49 STATE FOR THE SAFETY OF PEDESTRIANS AND CYCLISTS, HOW TO NAVIGATE AN  
50 INTERSECTION WITH PEDESTRIANS AND CYCLISTS, EXITING A VEHICLE WITHOUT  
51 ENDANGERING PEDESTRIANS AND CYCLISTS, THE REQUIREMENT THAT DRIVERS EXERCISE  
52 DUE CARE TO AVOID COLLISION WITH A BICYCLIST OR PEDESTRIAN ON THE  
53 ROAD PURSUANT TO SECTION ELEVEN HUNDRED FORTY-SIX OF THIS CHAPTER.

54 (III) IN DEVELOPING SUCH CURRICULUM, THE COMMISSIONER SHALL CONSULT  
55 WITH THE NEW YORK STATE COMMISSIONER OF TRANSPORTATION, THE NEW YORK

1 CITY COMMISSIONER OF TRANSPORTATION, AND BICYCLE AND PEDESTRIAN ADVO-  
2 CATES.  
3 (d) The commissioner shall make available for distribution upon regis-  
4 tration at each location where the pre-licensing course will be given,  
5 instructional handbooks outlining the content of the entire curriculum  
6 of the pre-licensing course including the information required to be  
7 included in the course pursuant to paragraphs (c), (c-1) [and], (c-2)  
8 AND (C-3) of this subdivision. The commissioner shall also provide for  
9 the additional training of the instructors necessary for the competent  
10 instruction of the alcohol and drug education [and], "Road Rage" aware-  
11 ness [and], "Work Zone Safety" awareness AND "BICYCLE AND PEDESTRIAN  
12 SAFETY" subject matters of the pre-licensing course.  
13 S 2. This act shall take effect immediately.