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 18, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- 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 -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again 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 added requirement of a motor vehicle accident prevention course for driving while under the influence of alcohol or drugs violations

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

Section 1. Section 1199 of the vehicle and traffic law, as added by section 1 of part E of chapter 59 of the laws of 2004, is amended to read as follows:

S 1199. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT PREVENTION COURSE REQUIREMENT. 1. In addition to any fines, fees, penalties and surcharges authorized by law, any person convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, or any person found to have refused a chemical test in accordance with section eleven hundred ninety-four of this article not arising out of the same incident as a conviction for a violation of any of the provisions of section eleven hundred ninety-two of this article, shall become liable to the department for payment of a driver responsibility assessment as provided in this section AND FOR COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE TWELVE-B OR TWELVE-C OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE COMMISSIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE; PROVIDED, HOWEVER, THAT COMPLETION OF SUCH COURSE PURSUANT TO THIS SECTION SHALL NOT

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

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ENTITLE SUCH INDIVIDUAL TO A POINT REDUCTION OR INSURANCE PREMIUM REDUCTION PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE INSURANCE LAW.

2. The amount of the driver responsibility assessment under this section shall be two hundred fifty dollars per year for a three-year period.

3. Upon receipt of evidence that a person is liable for the driver responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE required by this section, the commissioner shall notify such person by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service of the amount of such assessment, the time and manner of making required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE ACCIDENT PREVENTION COURSE, and that failure to make payment OR COMPLETE SUCH COURSE shall result in the suspension of his or her driver's license or privilege of obtaining a driver's license.

4. If a person shall fail to pay any driver responsibility assessment OR COMPLETE A MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in this section, the commissioner shall suspend such person's driver's license or privilege of obtaining a license. Such suspension shall remain in effect until any and all outstanding driver responsibility assessments have been paid in full AND SUCH PERSON HAS PROVIDED PROOF OF COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

5. The provisions of this section shall also be applicable to any person convicted of any violation of section forty-nine-a of the navigation law, any person convicted of a violation of section 25.24 of the parks, recreation and historic preservation law, or any person found to have refused a chemical test in accordance with the applicable provisions of either the navigation law or the parks, recreation and historic preservation law not arising out of the same incident as such conviction.

S 2. Subdivision 4 of section 503 of the vehicle and traffic law, as added by section 2 of part E of chapter 59 of the laws of 2004, paragraph (f) as added by section 1 of part W of chapter 59 of the laws of 2006, is amended to read as follows:

4. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT PREVENTION COURSE REQUIREMENT. (a) Any person who accumulates six or more points on his or her driving record for acts committed within an eighteen month period shall become liable to the department for payment of a driver responsibility assessment AND FOR COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE TWELVE-B OR TWELVE-C OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE COMMISSIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE as provided in this subdivision.

(b) The amount of the driver responsibility assessment under this section shall be one hundred dollars per year for a three-year period for the first six points on a driver's record and an additional twenty-five dollars per year for each additional point on such driver's record.

(c) Upon receipt of evidence that a person is liable for the driver responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE required by this subdivision, the commissioner shall notify such person by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service of the amount of such assessment, the time and manner of making required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE ACCIDENT PREVENTION COURSE, and that failure to make payment OR COMPLETE

SUCH COURSE shall result in the suspension of his or her driver's license or privilege of obtaining a driver's license.

(d) If a person shall fail to pay any driver responsibility assessment OR COMPLETE A MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in this subdivision, the commissioner shall suspend such person's driver's license or privilege of obtaining a license. Such suspension shall remain in effect until any and all outstanding driver responsibility assessments have been paid in full AND SUCH PERSON HAS PROVIDED PROOF OF COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

(e) Any completion of a motor vehicle accident prevention course approved pursuant to article twelve-B OR TWELVE-C of this chapter shall not serve to reduce the calculation of points OR THE REDUCTION OF AN INSURANCE PREMIUM PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE INSURANCE LAW on a person's driving record for the purposes of this section.

(f) Notwithstanding any other provision of law to the contrary, commencing April first, two thousand six and ending March thirty-first, two thousand seven, the first forty million seven hundred thousand dollars of fees collected pursuant to this subdivision and section eleven hundred ninety-nine of this chapter, in the aggregate, shall be paid to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund. Any such fees collected in excess of such amount shall be paid to the credit of the comptroller on account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law. Commencing April first, two thousand seven and ending March thirty-first, two thousand eight, and for each such fiscal year thereafter, the first forty million seven hundred thousand dollars of fees collected pursuant to this subdivision and section eleven hundred ninety-nine of this chapter, in the aggregate, shall be paid to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund. Any such fees collected in excess of such amount for each such state fiscal year, shall be paid to the credit of the comptroller on account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

S 3. Subsection (a) of section 2336 of the insurance law, as amended by chapter 751 of the laws of 2005, is amended to read as follows:

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that, except as provided in article twelve-C of the vehicle and traffic law, there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness and in "Work

Zone Safety" awareness as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to A MOTOR VEHICLE ACCIDENT PREVENTION COURSE COMPLETED PURSUANT TO SECTION FIVE HUNDRED THREE OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND TRAFFIC LAW OR attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

S 4. Subsection (a) of section 2336 of the insurance law, as amended by chapter 585 of the laws of 2002, is amended to read as follows:

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness and in "Work Zone Safety" awareness as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to A MOTOR VEHICLE ACCIDENT PREVENTION COURSE COMPLETED PURSUANT TO SECTION FIVE HUNDRED THREE OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND TRAFFIC LAW OR attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the amendments to subsection (a) of section 2336 of the insurance law, made by section three of this act, shall not affect the expiration and repeal of such subdivision and shall be deemed repealed therewith, when upon such date section four of this act shall take effect.