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

5234

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. J. RIVERA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to providing for a graduated license for youthful operators of motor vehicles

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

Section 1. Subdivision 3 of section 501 of the vehicle and traffic law, as added by chapter 449 of the laws of 1989, the subdivision heading and first undesignated paragraph as amended by chapter 173 of the laws of 1990, subparagraph (ii) of paragraph (b) as amended by chapter 644 of the laws of 2002, is amended to read as follows:

3. Restrictions on use of class DJ and class MJ licenses. A class DJ or class MJ license shall permit the holder to operate a vehicle in accordance with the following restrictions:

(a) in the counties of Nassau and Suffolk:

(i) for the purpose of driving to and from a state-approved cooperative work-study educational program, or to or from an approved program for credit in a post-secondary institution, or to or from a state-approved registered evening high school or while engaged in farm employment, or to or from an approved driver education course; or

(ii) from five o'clock in the morning to [nine] TEN o'clock in the evening, to and from a place of business where the holder is regularly employed, or when accompanied by a duly licensed parent, guardian, person in a position of loco parentis, driver education teacher, or driving school instructor.

(b) in all other areas of the state, except for the city of New York:

(i) from five o'clock in the morning to [nine] TEN o'clock in the evening; or

(ii) from [nine] TEN o'clock in the evening to five o'clock in the morning when going to or from school, or to or from a place of business where the holder is employed on a regularly scheduled basis, or when

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

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accompanied by a duly licensed parent, guardian or one in a position of loco parentis to the licensee.

(c) in the city of New York, driving shall be prohibited.

(d) for the purpose of this subdivision, the term "school" shall mean instruction, education or training licensed or approved by a department or agency of the state or training conducted by the armed forces of the United States except it shall not include extra-curricular activities or social events for which scholastic credits are not given.

(e) any person operating a motor vehicle to or from school or to or from a place of business as authorized by this subdivision must possess documentation signed by such person's instructor or employer. The commissioner shall, by regulation, prescribe the form and content of such documentation.

(F) DURING THE FIRST SIX MONTHS IN WHICH A PERSON HOLDS SUCH A LICENSE, HE OR SHE MAY NOT TRANSPORT ANY PASSENGER LESS THAN TWENTY YEARS OF AGE.

S 2. Paragraph (c) of subdivision 2 of section 502 of the vehicle and traffic law, as amended by chapter 215 of the laws of 2010, 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 3. Paragraph (b) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 585 of the laws of 2002, is amended to read as follows:

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision and a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. AN APPLICANT LESS THAN EIGHTEEN YEARS OF AGE AT THE TIME OF RECEIPT OF A LEARNER'S PERMIT MAY NOT TAKE A ROAD TEST UNTIL SUCH APPLICANT HAS HELD SUCH LEARNER'S PERMIT CONTINUOUSLY FOR A PERIOD OF NINE MONTHS. AN APPLICANT LESS THAN EIGHTEEN YEARS OF AGE MAY NOT TAKE A ROAD TEST UNLESS THE APPLICANT'S PARENT OR GUARDIAN CERTIFIES, ON A FORM PRESCRIBED THEREFOR BY THE COMMISSIONER, THAT THE APPLICANT HAS AT LEAST SEVENTY-FIVE HOURS OF EXPERIENCE OPERATING A MOTOR VEHICLE, AT LEAST FIFTEEN OF WHICH MUST HAVE TAKEN PLACE AFTER SUNDOWN. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If HE OR she chooses to do so, HE OR she shall set forth HIS OR her reasons in writing and conduct a public hearing on the matter. [She] HE OR SHE shall only establish such a program after holding the public hearing.

S 4. Subdivision 1 of section 507 of the vehicle and traffic law, as amended by chapter 215 of the laws of 2010, 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] A driver education course approved by the state education department and the commissioner in a high school or college MAY BE CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION 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 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 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately the commissioner of motor vehicles is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.