

8326

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 13, 2011

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Introduced by M. of A. WEISENBERG, GANTT -- (at request of the Governor)  
-- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to establishing the safe drivers act of 2011 relating to the use of portable electronic devices

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

1     Section 1. This act shall be known and may be cited as the "Safe Drivers Act of 2011".  
2  
3     S 2. Subdivision 6 of section 1225-d of the vehicle and traffic law,  
4 as added by chapter 403 of the laws of 2009, is amended to read as  
5 follows:  
6     6. A violation of this section shall be a traffic infraction and shall  
7 be punishable by a fine of not more than one hundred fifty dollars[.  
8 Provided, however, that a summons for operating a motor vehicle in  
9 violation of this section shall only be issued when there is reasonable  
10 cause to believe that the person operating such motor vehicle has  
11 committed a violation of the laws of this state other than a violation  
12 of this section] AND THREE POINTS SHALL BE ADDED TO THE VIOLATOR'S DRIVING  
13 RECORD UPON RECEIPT BY THE COMMISSIONER OF A CERTIFICATE OF  
14 CONVICTION OR A CERTIFICATE OF BAIL FORFEITURE.  
15     S 3. Subdivision 4 of section 1225-c of the vehicle and traffic law,  
16 as added by chapter 69 of the laws of 2001, is amended to read as  
17 follows:  
18     4. A violation of subdivision two of this section shall be a traffic  
19 infraction and shall be punishable by a fine of not more than one  
20 hundred dollars AND THREE POINTS SHALL BE ADDED TO THE VIOLATOR'S DRIVING  
21 RECORD UPON RECEIPT BY THE COMMISSIONER OF A CERTIFICATE OF  
22 CONVICTION OR A CERTIFICATE OF BAIL FORFEITURE.  
23     S 4. Subsection (a) of section 2336 of the insurance law, as amended  
24 by chapter 751 of the laws of 2005, is amended to read as follows:

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

LBD12022-04-1

1 (a) Any schedule of rates or rating plan for motor vehicle liability  
2 and collision insurance submitted to the superintendent shall provide  
3 for an appropriate reduction in premium charges for any insured for a  
4 three year period after successfully completing a motor vehicle accident  
5 prevention course, known as the national safety council's defensive  
6 driving course, or any driver improvement course approved by the depart-  
7 ment of motor vehicles as being equivalent to the national safety coun-  
8 cil's defensive driving course, provided that, except as provided in  
9 article twelve-C of the vehicle and traffic law, there shall be no  
10 reduction in premiums for a self instruction defensive driving course or  
11 a course which does not provide for actual classroom instruction for a  
12 minimum number of hours as determined by the department of motor vehi-  
13 cles. Such reduction in premium charges shall be subsequently modified  
14 to the extent appropriate, based upon analysis of loss experience  
15 statistics and other relevant factors. All such accident prevention  
16 courses shall be monitored by the department of motor vehicles and shall  
17 include components of instruction in "Road Rage" awareness [and], in  
18 "Work Zone Safety" awareness AND "Distracted Driving" as defined by the  
19 commissioner of motor vehicles. The provisions of this section shall not  
20 apply to attendance at a program pursuant to article twenty-one of the  
21 vehicle and traffic law as a result of any traffic infraction.

22 S 5. Subsection (a) of section 2336 of the insurance law, as amended  
23 by chapter 585 of the laws of 2002, is amended to read as follows:

24 (a) Any schedule of rates or rating plan for motor vehicle liability  
25 and collision insurance submitted to the superintendent shall provide  
26 for an appropriate reduction in premium charges for any insured for a  
27 three year period after successfully completing a motor vehicle accident  
28 prevention course, known as the national safety council's defensive  
29 driving course, or any driver improvement course approved by the depart-  
30 ment of motor vehicles as being equivalent to the national safety coun-  
31 cil's defensive driving course, provided that in either event there  
32 shall be no reduction in premiums for a self instruction defensive driv-  
33 ing course or a course which does not provide for actual classroom  
34 instruction for a minimum number of hours as determined by the depart-  
35 ment of motor vehicles. Such reduction in premium charges shall be  
36 subsequently modified to the extent appropriate, based upon analysis of  
37 loss experience statistics and other relevant factors. All such accident  
38 prevention courses shall be monitored by the department of motor vehi-  
39 cles and shall include components of instruction in "Road Rage" aware-  
40 ness [and], in "Work Zone Safety" awareness AND "Distracted Driving" as  
41 defined by the commissioner of motor vehicles. The provisions of this  
42 section shall not apply to attendance at a program pursuant to article  
43 twenty-one of the vehicle and traffic law as a result of any traffic  
44 infraction.

45 S 6. This act shall take effect immediately; provided that section  
46 four of this act shall take effect on the thirtieth day after it shall  
47 have become a law; further provided that the amendments to subsection  
48 (a) of section 2336 of the insurance law made by section four of this  
49 act shall be subject to the expiration and reversion of such subsection  
50 as provided in section 5 of chapter 751 of the laws of 2005, as amended,  
51 when upon such date section five of this act shall take effect.