

3598--A

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 458 of the laws
4 of 2011 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 or hazard vehicle pursuant to section elev-
15 en hundred forty-four-a of this chapter, the ability to read and compre-
16 hend traffic signs and symbols, BICYCLE AND PEDESTRIAN SAFETY and such
17 other matters as the commissioner may prescribe, and to satisfactorily
18 complete a course prescribed by the commissioner of not less than four
19 hours and not more than five hours, consisting of classroom driver
20 training and highway safety instruction or the equivalent thereof. Such
21 test shall include at least seven written questions concerning the

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

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

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

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

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

1 (III) IN DEVELOPING SUCH CURRICULUM, THE COMMISSIONER SHALL CONSULT
2 WITH THE NEW YORK STATE COMMISSIONER OF TRANSPORTATION, THE NEW YORK
3 CITY COMMISSIONER OF TRANSPORTATION, AND BICYCLE AND PEDESTRIAN ADVO-
4 CATES.

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

15 S 2. This act shall take effect immediately.