

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.

LBD07318-02-1

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.