

4740--B

Cal. No. 606

2011-2012 Regular Sessions

I N S E N A T E

April 18, 2011

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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

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:

1 Section 1. Section 1199 of the vehicle and traffic law, as added by  
2 section 1 of part E of chapter 59 of the laws of 2004, is amended to  
3 read as follows:  
4 S 1199. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT  
5 PREVENTION COURSE REQUIREMENT. 1. In addition to any fines, fees,  
6 penalties and surcharges authorized by law, any person convicted of a  
7 violation of any subdivision of section eleven hundred ninety-two of  
8 this article, or any person found to have refused a chemical test in  
9 accordance with section eleven hundred ninety-four of this article not  
10 arising out of the same incident as a conviction for a violation of any  
11 of the provisions of section eleven hundred ninety-two of this article,  
12 shall become liable to the department for payment of a driver responsi-  
13 bility assessment as provided in this section AND FOR COMPLETION OF A  
14 MOTOR VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE  
15 TWELVE-B OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE COMMISSIONER  
16 OF THE OBLIGATION TO COMPLETE SUCH COURSE; PROVIDED, HOWEVER, THAT  
17 COMPLETION OF SUCH COURSE PURSUANT TO THIS SECTION SHALL NOT ENTITLE  
18 SUCH INDIVIDUAL TO A POINT REDUCTION OR INSURANCE PREMIUM REDUCTION

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

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1 PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE INSURANCE  
2 LAW.

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

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

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

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

31 S 2. Subdivision 4 of section 503 of the vehicle and traffic law, as  
32 added by section 2 of part E of chapter 59 of the laws of 2004, para-  
33 graph (f) as added by section 1 of part W of chapter 59 of the laws of  
34 2006, is amended to read as follows:

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

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

47 (c) Upon receipt of evidence that a person is liable for the driver  
48 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE  
49 required by this subdivision, the commissioner shall notify such person  
50 by first class mail to the address of such person on file with the  
51 department or at the current address provided by the United States  
52 postal service of the amount of such assessment, the time and manner of  
53 making required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE  
54 ACCIDENT PREVENTION COURSE, and that failure to make payment OR COMPLETE  
55 SUCH COURSE shall result in the suspension of his or her driver's  
56 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 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

1 OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND TRAFFIC LAW OR attend-  
2 ance at a program pursuant to article twenty-one of the vehicle and  
3 traffic law as a result of any traffic infraction.

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

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

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