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

3764

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to a driver safety course; to amend the state finance law, in relation to a driver safety course fund; to amend the insurance law, the military law, the executive law, the vehicle and traffic law, the economic development law and the penal law, in relation to making technical changes thereto; and to repeal certain provisions of the vehicle and traffic law and the state finance law relating thereto

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

Section 1. Articles 12-B and 12-C of the vehicle and traffic law are REPEALED and a new article 12-B is added to read as follows:

ARTICLE 12-B

DRIVER SAFETY COURSE

SECTION 399-A. STATEMENT OF PURPOSE.
399-B. ESTABLISHMENT AND IMPLEMENTATION OF DRIVER SAFETY COURSE.
399-C. COURSE CONTENT.
399-D. FEES.
399-E. ADVERTISING.
399-F. REPORT BY COMMISSIONER.
399-G. REGULATIONS.

S 399-A. STATEMENT OF PURPOSE. THE PURPOSE OF THIS ARTICLE IS TO FOSTER AND MAINTAIN DRIVER COMPETENCY THROUGH THE CREATION OF A DRIVER SAFETY COURSE.

S 399-B. ESTABLISHMENT AND IMPLEMENTATION OF DRIVER SAFETY COURSE. THE COMMISSIONER SHALL ESTABLISH AND IMPLEMENT AN INTERNET BASED DRIVER SAFETY COURSE FOR THE PURPOSES OF TRAINING NEW DRIVERS, AND GRANTING POINT AND INSURANCE REDUCTION BENEFITS. THE COMMISSIONER SHALL NOT CONTRACT WITH OR OTHERWISE UTILIZE ANY NON-GOVERNMENTAL ENTITIES IN THE ESTABLISHMENT OR IMPLEMENTATION OF THIS COURSE, EXCEPT THAT THE COMMIS-

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

LBD04267-01-3

SIONER SHALL CONTRACT WITH A SOFTWARE SOLUTION AND NETWORK INFRASTRUCTURE PROVIDER. SUCH SOFTWARE SOLUTION AND NETWORK INFRASTRUCTURE PROVIDER SHALL BE INCORPORATED AND LOCATED WITHIN THE STATE, HAVE CONDUCTED BUSINESS WITH THE STATE FOR A PERIOD OF NOT LESS THAN TEN YEARS, OFFER COURSE CONTENT AS PART OF THEIR SERVICES, AND USE BIOMETRIC TECHNOLOGIES TO GUARANTEE SECURITY. THE COMMISSIONER SHALL IMPLEMENT A SYSTEM THAT ALLOWS AN ON-LINE PARTICIPANT TO VERIFY HIS OR HER IDENTITY AND ENSURES THAT SUCH STUDENT'S IDENTITY AND ON-LINE TRANSACTION IS SECURE. THE COMMISSIONER SHALL ENDEAVOR TO CONTRACT SOFTWARE SOLUTION AND NETWORK INFRASTRUCTURE PROVIDERS CERTIFIED UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

S 399-C. COURSE CONTENT. THE COMMISSIONER SHALL CONTRACT WITH A TECHNOLOGY CONTRACTOR WHO IS WELL-KNOWN IN THE COMMUNITY AND SPECIALIZES IN TRAFFIC SAFETY CURRICULUM DEVELOPMENT TO DEVELOP A CURRICULUM FOR THE DRIVER SAFETY COURSE IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE. THIS CURRICULUM SHALL CONTAIN INSTRUCTION ON DRIVER ATTITUDE, COLLISION AWARENESS, THE PROPER USE OF AUTOMOBILE SAFETY DEVICES, DEFENSIVE DRIVING, DRUG AND ALCOHOL IMPAIRMENT, SAFE USE OF AUTOMOBILE TECHNOLOGY, SCHOOL AND WORK ZONE SAFETY, TOLL PLAZA SAFETY, DRIVING WHILE DROWSY, DRIVER DISTRACTIONS, ROAD RAGE, SCHOOL BUS SAFETY, AND SUCH OTHER SUBJECTS AS THE COMMISSIONER MAY PRESCRIBE. THIS CURRICULUM SHALL BE REVIEWED AND UPDATED ANNUALLY.

S 399-D. FEES. THE COMMISSIONER IS AUTHORIZED TO IMPOSE A FEE UPON EACH STUDENT WHO ENROLLS IN THE DRIVER SAFETY COURSE WHICH SHALL NOT EXCEED ONE HUNDRED DOLLARS. THE PROCEEDS FROM SUCH FEE SHALL BE DEPOSITED IN THE DRIVER SAFETY COURSE FUND AS ESTABLISHED BY SECTION EIGHTY-NINE-G OF THE STATE FINANCE LAW.

S 399-E. ADVERTISING. THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE SHALL DEVELOP AND IMPLEMENT A PROGRAM TO ACTIVELY MARKET AND PROMOTE THE DRIVER SAFETY COURSE TO THE GENERAL PUBLIC.

S 399-F. REPORT BY COMMISSIONER. THE COMMISSIONER SHALL REPORT ANNUALLY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY THE NUMBER OF STUDENTS TAKING THE COURSE, AMOUNT OF REVENUE RECEIVED, THE LOCATION OF STUDENTS BY COUNTY, AND WHETHER THE COURSE IS TAKEN FOR PRE-LICENSING, INSURANCE, OR POINT REDUCTION PURPOSES.

S 399-G. REGULATIONS. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

S 2. Subdivision 4 of section 502 of the vehicle and traffic law is REPEALED and a new subdivision 4 is added to read as follows:

4. EXAMINATIONS. (A) UPON SUBMISSION OF AN APPLICATION FOR A DRIVER'S LICENSE, THE APPLICANT SHALL BE REQUIRED (I) TO TAKE AND PASS A TEST RELATING TO TRAFFIC LAWS, AND SUCH OTHER TRAFFIC RELATED MATTERS THAT THE COMMISSIONER MAY PRESCRIBE, (II) TO TAKE AND PASS A BEHIND THE WHEEL EXAMINATION, AND (III) TO SATISFACTORILY COMPLETE THE DRIVER SAFETY COURSE UNDER ARTICLE TWELVE-B OF THIS CHAPTER.

(B) THE COMMISSIONER SHALL CAUSE THE APPLICANT TO TAKE A VISION TEST AND A TEST FOR COLOR BLINDNESS. UPON PASSAGE OF THE VISION TEST, THE APPLICATION MAY BE ACCEPTED AND THE APPLICATION FEE SHALL BE PAYABLE.

(C) THE COMMISSIONER SHALL MAKE AVAILABLE TO EACH APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE INSTRUCTIONAL HANDBOOKS OUTLINING THE REQUIREMENTS NECESSARY TO QUALIFY FOR SUCH A LICENSE, AND CONTAINING A DISCUSSION OF THE OFFENSES WHICH WILL RESULT IN DISQUALIFICATION FROM OPERATING A COMMERCIAL MOTOR VEHICLE AS DEFINED IN SECTION FIVE HUNDRED

ONE-A OF THIS ARTICLE. SUCH HANDBOOKS SHALL BE AVAILABLE IN LANGUAGES AS THE COMMISSIONER MAY PRESCRIBE.

(D) THE COMMISSIONER MAY WAIVE THE REQUIREMENT FOR PASSAGE OF A TEST UNDER SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION, FOR THOSE APPLICANTS WHO HOLD A VALID OR RENEWABLE DRIVER'S LICENSE ISSUED BY ANOTHER JURISDICTION OR THE UNITED STATES GOVERNMENT.

(E) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING ELIGIBILITY STANDARDS FOR THE TAKING AND PASSING OF KNOWLEDGE TESTS IN OTHER THAN WRITTEN FORM.

S 3. Section 89-g of the state finance law is REPEALED and a new section 89-g is added to read as follows:

S 89-G. DRIVER SAFETY COURSE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "DRIVER SAFETY COURSE FUND".

2. SUCH FUND SHALL CONSIST OF ALL FEES RECEIVED BY THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO THE PROVISIONS OF ARTICLE TWELVE-B OF THE VEHICLE AND TRAFFIC LAW, AND ALL OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. THE MONEYS IN THE DRIVER SAFETY COURSE FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER.

4. THE MONEYS IN THE DRIVER SAFETY COURSE FUND SHALL BE ANNUALLY DISTRIBUTED AS FOLLOWS: NOT MORE THAN THIRTY PERCENT OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED BY THE DEPARTMENT OF MOTOR VEHICLES FOR THE PURPOSES OF ADMINISTERING AND IMPLEMENTING THE PROVISIONS OF ARTICLE TWELVE-B OF THE VEHICLE AND TRAFFIC LAW; NOT MORE THAN THIRTY PERCENT OF THE MONEYS IN SUCH FUND SHALL BE TRANSFERRED TO THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND; NOT MORE THAN FIFTEEN PERCENT OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED FOR THE ADMINISTRATION OF DEPARTMENT OF MOTOR VEHICLE REGIONAL OFFICES LOCATED IN THE CITY OF ALBANY, CITY OF ROCHESTER, TOWN OF OYSTER BAY, TOWN OF BETHPAGE, CITY OF SYRACUSE, VILLAGE OF NORTH SYRACUSE, VILLAGE OF WEST HAVERSTRAW, VILLAGE OF AMITYVILLE, TOWN OF ISLIP, TOWN OF HUNTINGTON, TOWN OF BROOKHAVEN, TOWN OF RIVERHEAD, CITY OF PEEKSKILL, CITY OF WHITE PLAINS, AND CITY OF YONKERS, PROVIDED HOWEVER, IN THE EVENT THAT ANY OF THE AFOREMENTIONED OFFICES HAS CLOSED, RELOCATED, OR EXPERIENCED A SIGNIFICANT REDUCTION OF ACTIVITIES, NO MONEYS SHALL BE EXPENDED FOR THE PURPOSE OF ADMINISTRATION OF ANY REGIONAL OFFICE UNDER THIS SECTION; NOT MORE THAN FIVE PERCENT OR FIVE MILLION DOLLARS, WHICHEVER IS LESS, OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED BY THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR ADVERTISING AND CURRICULUM DEVELOPMENT OF THE DRIVER SAFETY PROGRAM; NOT MORE THAN FIVE PERCENT OR FIVE MILLION DOLLARS, WHICHEVER IS LESS, OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION FOR CULVERT MAINTENANCE; NOT MORE THAN FIVE PERCENT OR FIVE MILLION DOLLARS, WHICHEVER IS LESS, OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION AND THE DIVISION OF STATE POLICE FOR WORK AND SCHOOL ZONE SAFETY PROGRAMS; NOT MORE THAN FIVE PERCENT OR FIVE MILLION DOLLARS, WHICHEVER IS LESS, OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED BY NON METROPOLITAN TRANSPORTATION AUTHORITY PUBLIC TRANSPORTATION AUTHORITIES FOR THE PARA TRANSIT OPERATIONS; AND NOT MORE THAN FIVE PERCENT OR FIVE MILLION DOLLARS, WHICHEVER IS LESS, OF THE MONEYS IN SUCH FUND SHALL BE EXPENDED BY THE METROPOLITAN TRANSPORTATION AUTHORITY FOR HANDICAPPED ACCESSIBLE EQUIPMENT.

S 4. 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] DRIVER SAFETY 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 attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

S 5. Section 301-c of the military law, as added by chapter 489 of the laws of 2011, is amended to read as follows:

S 301-c. [Accident prevention] DRIVER SAFETY course information. The division of military and naval affairs shall provide returning servicemen and women who have returned from a combat theater or combat zone of operations with information about [accident prevention] DRIVER SAFETY courses approved by the commissioner of motor vehicles pursuant to article twelve-B of the vehicle and traffic law. This information may be provided in written form to be available at Yellow Ribbon Reintegration programs or any other reintegration programs offered by the division or may be made available online on the division's website. The division shall also provide a link to the department of motor vehicles website pages containing information about the [accident prevention] DRIVER SAFETY courses.

S 6. Subdivision 20 of section 353 of the executive law, as added by chapter 489 of the laws of 2011, is amended to read as follows:

20. To make available information on [accident prevention] DRIVER SAFETY courses approved by the commissioner of motor vehicles online on the division's website. The division shall provide a link to the department of motor vehicles website pages containing information on the [accident prevention] DRIVER SAFETY courses.

S 7. Paragraph (e) of subdivision 4 of section 503 of the vehicle and traffic law, as added by section 2 of part E of chapter 59 of the laws of 2004, is amended to read as follows:

(e) Any completion of a motor vehicle [accident prevention] DRIVER SAFETY course approved pursuant to article twelve-B of this chapter shall not serve to reduce the calculation of points on a person's driving record for the purposes of this section.

S 8. Subdivision 3 of section 509-bb of the vehicle and traffic law, as added by chapter 599 of the laws of 1993, is amended to read as follows:

(3) For purposes of this section, one such accident shall not be counted if the person successfully completes a motor vehicle [accident prevention] DRIVER SAFETY course approved by the commissioner.

S 9. Paragraphs (d) and (f) of subdivision 1 of section 509-c of the vehicle and traffic law, paragraph (d) as amended and paragraph (f) as added by chapter 599 of the laws of 1993, are amended to read as follows:

(d) for a period of one year, if that person has accumulated nine or more points on his or her driving record for acts that occurred during an eighteen month period on or after September fifteenth, nineteen hundred eighty-five, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [accident prevention] DRIVER SAFETY course.

(f) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [accident prevention] DRIVER SAFETY course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

S 10. Paragraphs (d) and (f) of subdivision 2 of section 509-c of the vehicle and traffic law, paragraph (d) as amended and paragraph (f) as added by chapter 599 of the laws of 1993, are amended to read as follows:

(d) for a period of one year, if that person accumulates nine or more points on his or her driving record for acts occurring during an eighteen month period, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [accident prevention] DRIVER SAFETY course.

(f) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [accident prevention] DRIVER SAFETY course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

S 11. Paragraphs (d) and (f) of subdivision 1 of section 509-cc of the vehicle and traffic law, paragraph (d) as amended and paragraph (f) as added by chapter 599 of the laws of 1993, are amended to read as follows:

(d) for a period of one year, if that person has accumulated nine or more points on his or her driving record for acts that occurred during an eighteen month period on or after September fifteenth, nineteen hundred eighty-five, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [accident prevention] DRIVER SAFETY course.

(f) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [accident prevention] DRIVER SAFETY course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

S 12. Paragraphs (e) and (g) of subdivision 2 of section 509-cc of the vehicle and traffic law, paragraph (e) as amended and paragraph (g) as added by chapter 599 of the laws of 1993, are amended to read as follows:

(e) for a period of one year, if that person accumulates nine or more points on his or her driving record for acts occurring during an eighteen month period, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [accident prevention] DRIVER SAFETY course.

(g) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [accident prevention] DRIVER SAFETY course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

S 13. Paragraph 1 of subdivision (c) of section 1146 of the vehicle and traffic law, as amended by chapter 333 of the laws of 2010, is amended to read as follows:

1. A driver of a motor vehicle who causes serious physical injury as defined in article ten of the penal law to a pedestrian or bicyclist while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than fifteen days or by required participation in a motor vehicle [accident prevention] DRIVER SAFETY course pursuant to paragraph (e-1) of subdivision two of section 65.10 of the penal law or by any combination of such fine, imprisonment or course, and by suspension of a license or registration pursuant to subparagraph (xiv) or (xv) of paragraph b of subdivision two of section five hundred ten of this chapter.

S 14. Subdivision 18-h of section 100 of the economic development law, as added by chapter 489 of the laws of 2011, is amended to read as follows:

18-h. to include in the "NY-USA Proud" program those companies who provide [accident prevention] DRIVER SAFETY courses approved by the commissioner of motor vehicles at a reduced rate to the servicemen and women who have returned from a combat theater or combat zone of operations.

S 15. Paragraph (e-1) of subdivision 2 of section 65.10 of the penal law, as added by chapter 571 of the laws of 2006, is amended to read as follows:

(e-1) Participate in a motor vehicle [accident prevention] DRIVER SAFETY course. The court may require such condition where a person has been convicted of a traffic infraction for a violation of article twenty-six of the vehicle and traffic law where the commission of such violation caused the serious physical injury or death of another person. For purposes of this paragraph, the term "motor vehicle [accident prevention] DRIVER SAFETY course" shall mean a motor vehicle [accident prevention] DRIVER SAFETY course approved by the department of motor vehicles pursuant to article twelve-B of the vehicle and traffic law;

S 16. This act shall take effect September 1, 2013.