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

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2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. MOSLEY, SCHIMEL -- Multi-Sponsored by -- M. of A. RIVERA -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- 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 and pedestrian 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:

Section 1. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of subdivision 4 of section 502 of the vehicle and traffic law, subparagraph (i) of paragraph (a) as amended by chapter 458 of the laws of 2011 and paragraphs (b) and (d) as amended by chapter 585 of the laws of 2002, are amended and a new paragraph (c-3) is added to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", or "Work Zone Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols, BICYCLE AND PEDESTRIAN SAFETY, and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such 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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effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter. SUCH TEST SHALL INCLUDE ONE OR MORE QUESTIONS CONCERNING BICYCLE AND PEDESTRIAN SAFETY. Such test shall be administered by the commissioner. 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.

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

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

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

(III) IN DEVELOPING SUCH CURRICULUM, THE COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF TRANSPORTATION, THE COMMISSIONER OF TRANSPORTATION OF THE CITY OF NEW YORK AND BICYCLE AND PEDESTRIAN ADVOCATES.

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

S 2. This act shall take effect on the ninetieth day after it shall have become a law.