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

S. 5868 A. 8094

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

June 18, 2013

IN SENATE -- Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

AN ACT to amend the vehicle and traffic law, in relation to the creation of a linguistic and culturally compatible accident prevention course pilot program

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

Section 1. Subdivision 1 of section 399-e of the vehicle and traffic law is amended by adding a new paragraph (g) to read as follows:

(G) THE COMMISSIONER IS AUTHORIZED TO APPROVE ANY APPLICATION FROM A MINORITY OR WOMEN BUSINESS ENTERPRISE PARTICIPATING IN A PILOT PROGRAM AUTHORIZED UNDER ARTICLE TWELVE-D OF THIS TITLE, EVEN IF SUCH APPLICANT DOES NOT MEET ALL OF THE CRITERIA SET FORTH IN THIS SUBDIVISION, AND SHALL NOT REQUIRE THE PRIOR COMPLIANCE BY SUCH APPLICANT WITH SECTION THREE HUNDRED NINETY-NINE-F OF THIS TITLE IN ORDER TO APPROVE PARTICIPATION IN THE PILOT PROGRAM AUTHORIZED UNDER ARTICLE TWELVE-D OF THIS TITLE PROVIDED THE APPLICANT CAN DEMONSTRATE A CAPACITY TO GENERATE AND MAINTAIN THE EFFICACY DATA REQUIRED UNDER SECTION THREE HUNDRED NINETY-NINE-F OF THIS TITLE DURING THE PERIOD OF TIME WHILE IN THE PILOT PROGRAM.

S 2. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-D

LINGUISTIC AND CULTURALLY COMPATIBLE ACCIDENT PREVENTION COURSE PILOT PROGRAM

SECTION 399-P. LINGUISTIC AND CULTURALLY COMPATIBLE ACCIDENT PREVENTION COURSE PILOT PROGRAM.

399-Q. APPLICATION.

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

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399-R. PILOT PROGRAM SCOPE AND DURATION.
399-S. REGULATIONS.

S 399-P. LINGUISTIC AND CULTURALLY COMPATIBLE ACCIDENT PREVENTION COURSE PILOT PROGRAM. THE COMMISSIONER SHALL ESTABLISH AND IMPLEMENT A COMPREHENSIVE PILOT PROGRAM UTILIZING BUSINESS ENTITIES CERTIFIED AS MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW TO ADMINISTER AN APPROVED ACCIDENT PREVENTION COURSE FOR THE PURPOSES OF GRANTING POINT AND INSURANCE PREMIUM REDUCTION BENEFITS.

S 399-Q. APPLICATION. APPLICANTS FOR PARTICIPATION IN THE PILOT PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE SHALL BE CERTIFIED AS A MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISE UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW FOR AT LEAST THE THREE YEARS PRECEDING THE EFFECTIVE DATE OF THIS SECTION, HAVE SOME EXPERIENCE IN TEACHING DRIVER SAFETY AND/OR DRIVER LICENSE PREPARATORY COURSES AND DEMONSTRATE A PROFICIENCY IN DELIVERING INSTRUCTION IN AT LEAST FOUR OR MORE LANGUAGES OTHER THAN ENGLISH WHICH THE COMMISSIONER DESIGNATES AS A PREVALENT LANGUAGE WITHIN THE STATE. IN ORDER TO BE APPROVED FOR PARTICIPATION IN SUCH PILOT PROGRAM, THE COURSE MUST COMPLY WITH THE PROVISIONS OF LAW, RULES AND REGULATIONS APPLICABLE THERETO. THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, IMPOSE A REASONABLE FEE FOR THE SUBMISSION OF EACH APPLICATION TO PARTICIPATE IN THE PILOT PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE. SUCH A FEE SHALL NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS.

S 399-R. PILOT PROGRAM SCOPE AND DURATION. THE COMMISSIONER SHALL CONDUCT A PILOT PROGRAM DESIGNED TO EXPAND THE CULTURAL COMPETENCY OF PROVIDERS OF ACCIDENT PREVENTION COURSES BY REQUIRING PROVIDERS UNDER THE PROGRAM TO BE CERTIFIED MINORITY OR WOMEN-OWNED ENTERPRISES UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND WHO HAVE THE CAPABILITY OF DELIVERING INSTRUCTION IN AT LEAST FIVE LANGUAGES DESIGNATED AS PREDOMINANT LANGUAGES USED IN THE STATE BY THE COMMISSIONER, INCLUSIVE OF ENGLISH, TO STUDENTS PARTICIPATING IN AN ACCIDENT PREVENTION COURSE FOR POINT AND INSURANCE PREMIUM REDUCTION BENEFITS. APPLICANT PARTICIPATION IN THE PILOT PROGRAM SHALL BE LIMITED TO FIVE YEARS.

S 399-S. REGULATIONS. 1. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE TO ENSURE THE COMPETENT DELIVERY OF INSTRUCTION TO STUDENTS ENROLLED IN ACCIDENT PREVENTION COURSES OPERATED BY ENTITIES PARTICIPATING IN THE PILOT PROGRAM AUTHORIZED UNDER THIS ARTICLE, AND TO REQUIRE SAFEGUARDS TO ENSURE THAT ENROLLEES ACTUALLY RECEIVED SUCH INSTRUCTION, IN A CLASSROOM SETTING OR VIA THE INTERNET, PRIOR TO ANY CERTIFICATION THAT AN ENROLLEE HAD SUCCESSFULLY COMPLETED THE NECESSARY TRAINING, AND ANY OTHER AND FURTHER RULES OR REGULATIONS THE COMMISSIONER MAY DEEM NECESSARY AND PROPER.

2. THE COMMISSIONER IS AUTHORIZED TO IMPOSE A FEE UPON EACH ACCIDENT PREVENTION COURSE SPONSORING AGENCY APPROVED FOR PARTICIPATION IN THE PILOT PROGRAM, WHICH SHALL NOT EXCEED TEN DOLLARS FOR EACH STUDENT WHO COMPLETES AN ACCIDENT PREVENTION COURSE UNDER THIS PILOT PROGRAM.

S 3. This act shall take effect immediately.