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

8151

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to establishing the safe not suspended driver retraining pilot program; to amend the state finance law, in relation to establishing the safe not suspended driver retraining pilot program fund; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-D

SAFE NOT SUSPENDED DRIVER RETRAINING PILOT PROGRAM

SECTION 399-P. SAFE NOT SUSPENDED DRIVER RETRAINING PILOT PROGRAM.
399-Q. DEFINITIONS.
399-R. PILOT PROGRAM SCOPE AND DURATION.
399-S. REGULATIONS.
399-T. REPORT.

S 399-P. SAFE NOT SUSPENDED DRIVER RETRAINING PILOT PROGRAM. THE COMMISSIONER SHALL ESTABLISH AND IMPLEMENT A COMPREHENSIVE PILOT PROGRAM TO REQUIRE DRIVERS THAT ARE AT RISK OF DRIVER'S LICENSE SUSPENSION OR DRIVERS WHO ARE SEEKING REINSTATEMENT FOLLOWING A SUSPENSION COMPLETE A CLASSROOM BASED ADVANCED BEHAVIORAL BASED DRIVER RETRAINING PROGRAM, TITLED THE "SAFE NOT SUSPENDED DRIVER RETRAINING PILOT PROGRAM".

S 399-Q. DEFINITIONS. AS USED IN THIS ARTICLE:

1. THE TERM "AT RISK OF DRIVER'S LICENSE SUSPENSION" MEANS A DRIVER WHO HAS ACCUMULATED SEVEN OR MORE POINTS WITHIN AN EIGHTEEN MONTH PERIOD.

2. THE TERM "SEEKING DRIVER'S LICENSE REINSTATEMENT" MEANS A DRIVER WHO HAS HAD HIS OR HER DRIVER'S LICENSE SUSPENDED, HAS PAID THE REQUIRED FINE, AND SEEKS TO REINSTATE HIS OR HER DRIVER'S LICENSE.

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

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3. THE TERM "DRIVER RETRAINING PILOT PROGRAM" MEANS A COURSE ADMINISTERED BY THE VENDOR THAT IS CLASSROOM BASED, ADVANCED BEHAVIORAL BASED, AND PURSUANT TO REGULATIONS PROMULGATED BY THE DEPARTMENT AS A MEANS TO AVOID SUSPENSION OR A MEANINGFUL ALTERNATIVE TO SUSPENSION, TITLED THE "SAFE NOT SUSPENDED DRIVER RETRAINING PROGRAM".

4. THE TERM "VENDOR" MEANS THE ORGANIZATION THAT WILL ADMINISTER THE DRIVER RETRAINING PROGRAM AS DETERMINED BY PROCUREMENT AND APPROVED BY THE DEPARTMENT.

S 399-R. PILOT PROGRAM SCOPE AND DURATION. THE COMMISSIONER SHALL CONDUCT A DRIVER RETRAINING PILOT PROGRAM FOR A PERIOD OF FIVE YEARS TO REQUIRE DRIVERS THAT ARE AT RISK OF DRIVER'S LICENSE SUSPENSION OR DRIVERS WHO ARE SEEKING DRIVER'S LICENSE REINSTATEMENT TO COMPLETE THE DRIVER RETRAINING PILOT PROGRAM. THE DEPARTMENT SHALL SELECT A VENDOR TO ADMINISTER THE PROGRAM BY PROCUREMENT. DRIVERS CONVICTED OF AN ALCOHOL OR DRUGGED DRIVING-RELATED TRAFFIC OFFENSE WHILE DRIVING A MOTOR VEHICLE ARE NOT ELIGIBLE FOR THE DRIVER RETRAINING PILOT PROGRAM.

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.

2. THE COMMISSIONER IS AUTHORIZED TO IMPOSE A FEE FOR PARTICIPATION IN THE DRIVER RETRAINING PILOT PROGRAM NOT TO EXCEED ONE HUNDRED FIFTY DOLLARS. THE VENDOR OF THE DRIVER RETRAINING PILOT PROGRAM IS ENTITLED TO A FEE OF THREE-FIFTHS OF THE FEE IMPOSED FOR PARTICIPATION IN THE DRIVER RETRAINING PILOT PROGRAM.

3. THE COMMISSIONER IS AUTHORIZED TO GRANT POINT AND INSURANCE PREMIUM REDUCTION BENEFITS AS WELL AS EXEMPTION FROM THE DRIVER RESPONSIBILITY ASSESSMENT, THE SUSPENSION TERMINATION FEE, AND THE IMMEDIATE TERMINATION OF THE SUSPENSION OF A DRIVER'S LICENSE UPON COMPLETION OF THE DRIVER RETRAINING PILOT PROGRAM.

4. IN ADDITION TO ANY REQUIREMENTS EXPRESSLY AUTHORIZED BY THIS ARTICLE, SUCH REGULATIONS MAY INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS AND STANDARDS WITH RESPECT TO: DELIVERY AGENCIES AND INSTRUCTORS; CLASSROOM FACILITIES; SUSPENSION OR REVOCATION OF APPROVAL; APPEAL OF SUSPENSION OR REVOCATION; COURSE ADMINISTRATION AND ADVERTISING; AND MONITORING OF COURSES AND INSTRUCTORS.

S 399-T. REPORT. WITHIN FIVE YEARS OF THE ESTABLISHMENT AND IMPLEMENTATION OF THIS ARTICLE, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON THE DRIVER RETRAINING PILOT PROGRAM AND ITS RESULTS. SUCH REPORT SHALL INCLUDE RECOMMENDATIONS AS TO THE FUTURE OF THE PILOT PROGRAM.

S 2. The state finance law is amended by adding a new section 99-x to read as follows:

S 99-X. SAFE NOT SUSPENDED DRIVER RETRAINING PILOT PROGRAM 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 "SAFE NOT SUSPENDED DRIVER RETRAINING PILOT PROGRAM FUND".

2. SUCH FUND SHALL CONSIST OF ALL FEES RECEIVED BY THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO THE PROVISIONS OF ARTICLE TWELVE-D 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 SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES OF ADMINISTERING AND IMPLEMENTING THE PROVISIONS OF ARTICLE TWELVE-D OF THE VEHICLE AND TRAFFIC LAW BY THE DEPARTMENT OF MOTOR VEHICLES.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed five

years after the date that the driver retraining pilot program is established and implemented by the commissioner of motor vehicles pursuant to article 12-D of the vehicle and traffic law, as added by section one of this act; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date; and provided, further that the commissioner of motor vehicles shall notify the legislative bill drafting commission of the date he or she establishes and implements the driver retraining program pursuant to section one of this act, in order that such commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.